

Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Monday, June 1, 2026 1:25 PM

To: Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Correct – within 10 days after that meeting, you need to either (1) change the rule to satisfy the Commission's objection and submit the revised rule to me, or (2) submit a response indicating that the agency has decided not to change the rule.

Thanks,
Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Tackett, Sarah <stackett@ncdoj.gov>

Sent: Monday, June 1, 2026 12:36 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

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Thanks Chris, we will share this with the Child Care Commission for consideration at their next regularly scheduled meeting on August 3rd. As I read NCGS 150B-21.12(b), the Commission is required to inform RRC within 10 days after that meeting of its intent to either change and revise the proposed rule or not. Am I understanding that timeline correctly?



Sarah N. Tackett
Assistant Attorney General
North Carolina Department of Justice
c/o Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, NC 27699
Phone: 919-814-6378
stackett@ncdoj.gov

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Sent: Friday, May 29, 2026 2:26 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>

Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: Re: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you Mr. Miller

We will follow up with a response shortly.

Thanks,
CJ

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Friday, May 29, 2026 1:25:21 PM

To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>

Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon,

Following up on yesterday's meeting – please see attached an Objection Letter regarding rule 10A NCAC 09 .2102.

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Tuesday, May 26, 2026 1:04 PM

To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you for this, Cheryl.

I raised your response and the updated rule with the Commissioner, and he had the following thoughts and concerns:

- On line 14, what is meant by a “swat”? Does this term have a special definition or meaning?
- On line 14, what is meant by “normal mode of dress”? This language is potentially unclear and vague.
- For statutory authority, the Commissioner still has concerns over how narrow the new definition is for “corporal punishment” and questions whether the CCC has the authority to define the term in this manner. It seems as if the statute may give some discretion to the facilities to set their own policies.

If the CCC wants to, you can provide me with additional responses and/or rule edits before Thursday’s meeting to address these comments. Otherwise, please be prepared to discuss on Thursday.

Let me know if you have any questions.

Regards,
Chris

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Rule 10A NCAC .2102 - Statutory Authority.docx

From: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Sent: Friday, May 22, 2026 10:46 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Subject: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good morning Mr. Miller

Please find attached a written response that addresses the Commissioner's question.

Thanks,
CJ

Cheryl Johnson, MPA
Rulemaking and Title VI Coordinator
Division of Child Development and Early Education, Office of the Director
[NC Department of Health and Human Services](http://www.ncchildcare.ncdhhs.gov)
Cheryl.Johnson@dhhs.nc.gov

DCDEE Office
1915 Health Services Way
Raleigh, NC 27607

Mailing Address
2201 Mail Service Center
Raleigh, NC 27699-2200

<http://ncchildcare.ncdhhs.gov>

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To: All RRC Commissioners

From: Sarah N. Tackett, Counsel for the Division of Child Development and Early Education

In Re: 10A NCAC 09 .2102

Date: May 22, 2026

As set forth in Chapter 10 of Article 7 of the North Carolina General Statutes, our General Assembly has established the State's overarching purpose in regulating child care, that is, to protect the health, safety, and developmental well-being of children in care, and has specifically authorized the North Carolina Child Care Commission ("Commission") to adopt rules necessary to carry out and enforce the child care statutes. *See* N.C.G.S. §§ 110-85; 110-88. Together, these statutes vest the Commission with broad authority to adopt rules that ensure clarity, safety, and consistent regulation across all child care settings.

Pursuant to N.C.G.S. § 110-106, a "religious-sponsored child care facility" may operate pursuant to a notice of intent, instead of a child care license issued by the Division of Child Development and Early Education ("Division"), but must comply with some of the minimum licensing standards established by N.C.G.S. § 110-91. While otherwise prohibited as a form of discipline in licensed child care, corporal punishment may be used in a religious sponsored facility if the facility notifies the Division and states in its written policy that corporal punishment is a part of its religious training. *See* N.C.G.S. § 110-91(10).

While recognizing and respecting the authority of religious-sponsored facilities to use corporal punishment as a form of discipline, the Commission is proposing amendments to 10A NCAC 09 .2102 that directly implement N.C.G.S. §§ 110-85 and 110-88 by defining what constitutes permissible corporal punishment, clarifying who may administer it, and identifying the required elements of written discipline policies for these programs. These revisions are necessary and reasonable to ensure compliance with those statutory requirements and to establish clear procedural safeguards. Adding these clarifications reduces ambiguity, promotes consistent enforcement, and strengthens child safety—especially where physical discipline is permitted under statute. The amendments also support consistent application of related statutory requirements, including investigations into inappropriate discipline or child maltreatment.

As required by N.C.G.S. § 150B-21.9(a), this amendment is within the authority delegated by the General Assembly, is clear and unambiguous, reasonably necessary to implement or interpret other State laws, and has been adopted in accordance with the North Carolina Administrative Procedures Act. For these reasons, the Commission and the Division respectfully request that the Rules Review Commission approve its adoption.

Sincerely,

Sarah Tackett

Assistant Attorney General

North Carolina Department of Justice

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>

Sent: Monday, May 18, 2026 4:20 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>;

Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you and we will either send you a written response by EOD this Friday or let you know the agency intends to wait and address in person to the Commission.

Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](#)

julie.peck@dhhs.nc.gov

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>

Sent: Sunday, May 17, 2026 12:55 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>;

Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you for the good wishes!

And I also appreciate the additional information about the option to submit information in written response to you in advance of the meeting and will follow up with others about providing this. How far in advance of the May 28 meeting would you need the written response to provide sufficient time for review and to determine if adequate to address the Commissioner's question?

Thank you,

Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](#)

julie.peck@dhhs.nc.gov

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, May 15, 2026 1:59 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Julie! Good luck with the new position.

As an FYI, you all are welcome to submit a written response to me that addresses the Commissioner's question. This type of back-and-forth is pretty common before our meetings, and if your response is deemed to be sufficient, then the Commissioner may not raise anything at the meeting regarding your rule. But you're also welcome to wait and address the question in-person at the meeting on the 28th if that is your preference. Totally up to you.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Friday, May 15, 2026 1:32 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good Afternoon, Mr. Miller,

Thank you for reaching out about this and my apologies that I had not yet notified you. Cheryl Johnson will be the new rulemaking coordinator for the Child Care Commission due to my resignation to transition to a position with county government. She is copied on this email (cheryl.johnson@dhhs.nc.gov) and her phone number is 919-814-6392. I am also copying our supervisor, Kimberly Mallady, and Child Care Commission Counsel Ashley Council and Division of Child Development and Early Education Counsel Sarah Tackett for awareness.

We have met and discussed further and will be prepared to address the additional questions from the Rules Review Commission at the May 28 meeting. Ms. Tackett and Commissioner Beth Messersmith will speak on behalf of the Child Care Commission and an expert who spoke to the Child Care Commission concerning the amendments to this rule under consideration, Tom Vitaglione, has indicated he plans to request in advance to

speak to the Rules Review Commission in support of the proposed amended rule. Ms. Messersmith and Mr. Vitaglione should be contacting you about their requests to speak at the May 28 meeting if they have not already done so.

Please let us know if you have any questions or if there is any additional information helpful for you to have in advance.

Thank you,

Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](#)

julie.peck@dhhs.nc.gov

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Sent: Friday, May 15, 2026 11:36 AM

To: Peck, Julie C <julie.peck@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good morning, Julie,

Brian informed me that there may soon be a new rulemaking coordinator for the Child Care Commission. If so, is there someone else that I should be coordinating with on this request and the rules for the May 28th meeting?

Thanks in advance.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Monday, April 27, 2026 1:42 PM

To: Peck, Julie C <julie.peck@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Hi Julie,

I am fine with recommending an extension if you need more time to consider and respond to the Commissioner's question.

Thanks,
Chris

From: Peck, Julie C <julie.peck@dhhs.nc.gov>

Sent: Monday, April 27, 2026 12:48 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Mr. Miller,

Following further agency consultation with counsel, we wanted to ask if you would be willing to (re)consider recommending the initially requested extension for this rule until the May 2026 RRC meeting. Having been made aware of questions concerning the proposed amendments from a Rules Review Commissioner, a Commissioner from the Child Care Commission would like the opportunity to speak to the Rules Review Commission to address questions and an extension would also be beneficial to allow more time to thoroughly address the questions received on Friday in consultation with Child Care Commission Counsel from DOJ.

Thank you in advance for your consideration,

Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](https://www.ncdhhs.gov/nc-department-of-health-and-human-services)

julie.peck@dhhs.nc.gov

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Sent: Monday, April 27, 2026 1:42 PM

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Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

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Thanks,
Chris

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Sent: Monday, April 27, 2026 12:48 PM

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Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

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Thank you in advance for your consideration,

Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](https://www.ncdhhs.gov/nc-department-of-health-and-human-services)

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>

Sent: Friday, April 24, 2026 2:42 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Mr. Miller,

Thank you for notifying us of the preliminary question received and the possibility of questions on this at next week's Rules Review Commission meeting. The agency will consult with Child Care Commission Counsel and we will provide further follow up response to you on Monday.

Best,
Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](#)

julie.peck@dhhs.nc.gov

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Friday, April 24, 2026 2:00 PM

To: Peck, Julie C <julie.peck@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Julie,

I did receive a preliminary question from one of the Commissioners on rule 10A NCAC 09 .2102. To summarize, he wanted to know which statute(s) give the Commission authority to define and limit the term “corporal punishment” as proposed in the rule. He also wanted to know where the Commission’s proposed definition comes from.

If possible, please provide me with a response before Tuesday’s meeting. You may also receive questions on this at the meeting.

Best,
Chris

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102_v2.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, April 22, 2026 9:41 AM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you! Looks good. The attached version will be used for RRC review next week (I added “with changes” to the introductory statement), and I will be recommending approval.

Let me know if you have any questions before the meeting.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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

2
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 ~~facility's~~ discipline policy shall state when corporal punishment is used, what type of punishment is used,
11 ~~and~~ who will be administering the punishment, ~~[The discipline policy shall state]~~ and that parents will be informed
12 before and by the end of the day after their child has received corporal punishment ~~[and who will be administering the~~
13 ~~punishment]~~. The facility shall comply with their written discipline policy. If administered ~~[by facility staff]~~, corporal
14 punishment shall be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress
15 that does not result in any mark ~~on the skin~~ that lasts more than two hours or bruising. ~~[A]~~ ~~An additional staff member~~
16 ~~[witness]~~ shall be present when corporal punishment is administered. ~~[and]~~ Corporal punishment shall be administered
17 by the administrator or other designated staff member. A facility shall not administer corporal punishment more than
18 once a day per child. The facility's administrator shall complete an incident report whenever corporal punishment is
19 administered at the facility.

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

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

25 (e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint ~~by~~
26 ~~the Department of Health and Human Services, Division of Child Development and Early Education,~~ alleging
27 inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

28
29 *History Note:* Authority G.S. 110-91(10); 110-106; ~~110-88; 110-85;~~

30 *Eff. October 1, 2017.*

31 *Amended Eff. May 1, 2026.*

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102.docx

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Tuesday, April 21, 2026 3:44 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Great, and thank you for the additional review, feedback, and suggestion. The attached rule has been revised to include this recommendation.

Thanks,
Julie

Julie Peck
Lead Policy Advisor
Division of Child Development and Early Education, Office of the Director
[NC Department of Health and Human Services](#)
julie.peck@dhhs.nc.gov

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Our mailing address will not change: **2201 Mail Service Center | Raleigh, NC 27699-2200.**

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

2
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 ~~facility's~~ discipline policy shall state when corporal punishment is used, what type of punishment is used,
11 ~~[and] who will be administering the punishment [.]~~, ~~[The discipline policy shall state]~~ and that parents will be informed
12 before and by the end of the day after their child has received corporal punishment ~~[and who will be administering the~~
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26 ~~the Department of Health and Human Services, Division of Child Development and Early Education,~~ alleging
27 inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

28
29 *History Note:* Authority G.S. 110-91(10); 110-106; ~~110-88; 110-85;~~
30 *Eff. October 1, 2017.*
31 *Amended Eff. May 1, 2026.*
32
33

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, April 21, 2026 3:14 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thanks for the responses and revisions. One last suggestion – for (b), line 10, consider adding “facility’s” before “discipline policy”. Otherwise, I think the rule looks to be in good shape.

Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102 - 4.21.2026.docx; 10A NCAC 09 .2102.docx

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Tuesday, April 21, 2026 10:58 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Mr. Miller, for your willingness to recommend approval of an extension until May. The agency was fortunately able to consult with counsel this morning and complete responses and revisions to the rule.

The updated Request for Changes document and revised Rule are attached. The agency defers to whether you would recommend continuing with the extension approval recommendation at this time or proceeding with the rule for RRC's consideration at the April 28, 2026 meeting next week.

Please let us know if you have additional questions or concerns.

Thank you,

Julie

Julie Peck
Lead Policy Advisor
Division of Child Development and Early Education, Office of the Director
[NC Department of Health and Human Services](#)
julie.peck@dhhs.nc.gov

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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).

Thank you for this correction. The agency agrees that this is unnecessary and the rule language has been revised to address.

(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.

The Commission is relying on its general rulemaking authority in §110-88 and in §110-85, and these have been added to the rule History Note, Authority.

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

Thank you for this correction. The agency agrees this language is redundant and the rule language has been revised to address.

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

Thank you for this suggestion. The rule language has been revised to include "on the skin."

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

Thank you for this clarifying question. The Commission intended for witnesses to be limited to staff members. The rule language has been revised to address.

Christopher S. Miller
Commission Counsel

Date submitted to agency: April 15, 2026

(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?

Thank you for this clarifying question. There are several potential situations in which a facility could change their policy and would not be in violation of the rule, including: specifying who informs the parent, who administers the punishment, and under what circumstances the punishment is administered. A facility could also have an existing policy to update or have no existing policy and decide to develop and implement one in accordance with this rule.

(e): An investigation by whom?

Thank you for this clarifying question. The investigation would be conducted by the Department of Health and Human Services, Division of Child Development and Early Education. The rule language has been revised to include this information.

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

Thank you for this guidance. This reference, along with § 110-85, has been added to the History Note, Authority.

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

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

2
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
11 will be administering the punishment, ~~].~~ ~~[The discipline policy shall state]~~ and that parents will be informed before and
12 by the end of the day after their child has received corporal punishment ~~[and who will be administering the~~
13 ~~punishment]~~. The facility shall comply with their written discipline policy. If administered ~~[by facility staff]~~, corporal
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16 ~~[witness]~~ shall be present when corporal punishment is administered. ~~[and]~~ Corporal punishment shall be administered
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28
29 *History Note:* Authority G.S. 110-91(10); 110-106; ~~110-88; 110-85;~~

30 *Eff. October 1, 2017.*

31 *Amended Eff. May 1, 2026.*

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102 - 4.21.2026.docx; 10A NCAC 09 .2102.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, April 21, 2026 10:31 AM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Julie. Your request has been noted. I will be recommending approval of an extension until May at the meeting next week to provide the Commission with sufficient time to respond to our questions/requests.

Let me know if you have any questions in the meantime.

Regards,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Monday, April 20, 2026 4:51 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Hello Mr. Miller,

Thank you for your review and the Request for Changes for this rule submitted by the Child Care Commission for the April 28, 2026 RRC meeting.

I wanted to see if you would possibly be amenable to recommending the RRC grant an extension on the consideration of this rule. Given the need to consult further with Division and Agency Counsel to provide a

complete and thorough response and the available time, it would be beneficial to the agency if an extension could be granted and this rule rescheduled for the May 2026 RRC meeting.

Please let me know if you have any questions or if any additional information would be helpful related to this request. Thank you in advance for your consideration.

Best,
Julie

Julie Peck

Lead Policy Advisor

Division of Child Development and Early Education, Office of the Director

[NC Department of Health and Human Services](#)

julie.peck@dhhs.nc.gov

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Burgos, Alexander N

From: Miller, Christopher S
Sent: Wednesday, April 15, 2026 3:47 PM
To: Peck, Julie C
Cc: Burgos, Alexander N; Miller, Christopher S; Johnson, Cheryl L
Subject: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102.docx

Hello,

I'm the staff attorney who reviewed the rule submitted by the Child Care Commission for the April 2026 RRC meeting. The RRC will formally review the rule at its meeting on Tuesday, April 28, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes Pursuant to G.S. 150B-21.10. Please submit the response and revised rule to me via email, no later than **5 p.m. on April 21, 2026**.

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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