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August 13, 2026

Via email submission: oah.rules@oah.nc.gov

Rules Review Commission
North Carolina Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, North Carolina 27609

Re: Response to RRC's May 29, 2026 Objection to 10A NCAC 09 .2102

Dear Chair Parker and Commission Members:

At its August 3, 2026 meeting, the Child Care Commission ("CCC") reviewed the RRC's May 29, 2026 Objection to Rule 10A NCAC 09 .2102 for lack of statutory authority, ambiguity, and lack of necessity. Pursuant to N.C. Gen. Stat. § 150B-21.12, please find enclosed revisions to Rule 10A NCAC 09 .2102 which the CCC believes addresses RRC's objections.

Sincerely,

Sarah N. Tackett

Sarah N. Tackett
Assistant Attorney General/Counsel for the
Division of Child Development and Early
Education

Enclosure

cc: Christopher S. Miller, Rules Review Commission Counsel
Cheryl Johnson, DCDEE Rulemaking and Title VI Coordinator
Ashley Council, Counsel for the Child Care Commission

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

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: 110-91 (10).~~

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

23 (c) The facility's administrator shall maintain a corporal punishment log anytime corporal punishment is administered
24 at the facility. This log shall be maintained for a period of three years and shall be made available for review by
25 Division staff. ~~[This log shall be maintained for a period of three years and shall be made available for review by a~~
26 ~~representative of the Division.]~~ This log shall include the following:

27 ~~(1) the [name of the child:] child's name;~~

28 ~~(2) the date and time corporal punishment was administered;~~

29 ~~(3) the type of corporal punishment administered; and~~

30 ~~(4) the name of the person administering the corporal punishment.~~

31 ~~(d)~~ The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility
32 shall provide parents a copy of the policy for their records.

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

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

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History Note: *Authority G.S. 110-91(10); 110-106;*
Eff. October 1, 2017.

Amended Eff. ~~[May 1, 2026]~~ September 1, 2026.