MEMORANDUM

TO: Interested Parties

FROM: Dedra Alston
Rule-making Coordinator

Subject: Notice of the NC Child Care Commission’s Third Quarter Meeting and Public Hearing
10A NCAC 09 Rated License and Minimum Standards, Administrative Actions, Civil Penalties, and Criminal Records Check

The NC Child Care Commission proposes to readopt rules in 10A NCAC 09 in accordance with G.S. 150B-21.3A as part of the periodic review of rules process. The proposed rules are as follows: Rated License and Minimum Standards - .0513-.0516, .1101, .1715, .1729, .2801-.2802, .2804-.2809, and .2817-.2831. Rules in 10A NCAC 09 .2800 promote the quality of child care for children enrolled in child care facilities that choose to participate in the two through five star rated license process. The most important substantive changes involved applying rules previously required only of 2-5 star facilities to minimum requirements required of all child care centers as was requested by the North Carolina Child Care Commission. All family child care homes will now be required to develop and implement written operational policies and procedures and complete a self-study and self-assessment of the Family Child Care Rating Scale. All child care centers will now be required to develop administrative policies, operational/personnel policies, and parent participation policies currently required for centers that hold a 2-5 star rated license. Also during its review of rules, the Commission proposes to reorganize the rules so that they are sequential and user friendly to the provider and the public. Please note the following rules will be transferred to a new rule number: .2804 to .0513, .2805 to .0514, .2807 to .0515, .2808 to .0516. To review the fiscal analysis for these rules click here: Impact Analysis for Rated License Rules

Administrative Actions, Civil Penalties, and Criminal Records Check - .0401, .1904, .2201-.2209, .2213, .2216-.2217, .2701-.2704 and .4001. The rules in Section .2200 pertain to the implementation of administrative actions and civil penalties that a facility could be penalized for if the regulations aren’t practiced. These changes add clarification to the existing rules. Rules .0401, .1904, and .2208 are proposed for repeal. Rules in Section .2700 Criminal Records Check sets the standards for obtaining background checks for potential owners and employees that choose to work in child care. The proposed rules promote the quality of child care for children enrolled in child care facilities that choose to participate in the two through five star rated license process. The proposed amendment to Rule .2703 includes a type of facility that operates in a personal residence. This amendment will align with the rule that specifies the grounds for issuance of a summary suspension of a child care license if the provider living in the Family Child Care Home is disqualified. The following rules will be transferred to a new rule number: .2204 to .2205, .2205 to 2206, .2206 to .2209, .2209 to .2213, .2209 to .2216, and .2213 to .2217. To review the fiscal analysis for these rules click here: Impact Analysis for Administrative Actions, Civil Penalties and Criminal Records Check

The Commission will hold its Third Quarter Meeting on February 12, 2018, beginning at 9:00 a.m., at the Dix Grill, Employee Center, 1101 Cafeteria Drive, Raleigh, NC. The public hearing for the above-named rules will begin at 1:00 p.m. A copy of the proposed rules and impact analysis as published in the January 16, 2018 NC Register is attached and will also be available on the Division’s website at www.ncchildcare.nc.gov under the “What’s New” and “Child Care Rules, Law and Public Information” tabs.
In accordance with G.S. 150B-21.4 the Office of State Budget and Management (OSBM) has determined that the above-named rules would have an economic impact on facilities, state and local government. The impact analysis is also available on OSBM’s website at https://www.osbm.nc.gov/management/rules-health-human-services

The Child Care Commission encourages and welcomes feedback from you. This is an opportunity for the public to provide input on the proposed rules and impact analysis. Comments may be submitted in writing or via electronic mail through April 3, 2018, to Dedra Alston, Rule-making Coordinator, NC Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2200 or Dedra.Alston@dhhs.nc.gov. Please feel free to visit the Division of Child Development and Early Education’s website at www.ncchildcare.gov as a source of information about child care and for any updates.

Attachment
Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .1715, .2204, .2207, .4001, amend the rules cited as 10A NCAC 09 .1101, .1729, readopt with substantive changes the rules cited as 10A NCAC 09 .0401, .0513-.0515, .1904, .2201-.2203, .2205, .2206, .2208, .2209, .2213, .2216, .2217, .2703, .2801, .2802, .2804-.2809, .2817-2826, .2827-2830, and readopt without substantive changes the rules cited as 10A NCAC 09 .0516, .2701, .2702, .2704, and .2831.

Link to agency website pursuant to G.S. 150B-19.1(c): http://ncchildcare.dhhs.state.nc.us/general/whatsnew.asp

Proposed Effective Date: June 1, 2018

Public Hearing:
Date: February 12, 2018
Time: 1:00 p.m.
Location: Dix Grill, Employee Center, 1101 Cafeteria Drive, Raleigh, NC 27603

Reason for Proposed Action: The NC Child Care Commission proposes rulemaking to rules in 10A NCAC 09 and to readopt rules in accordance with G.S. 150B-21.3A as part of the periodic review of rules process as follows: Rated License and Minimum Standards rules - .0513, .0514, .0515, .0516, .1101, .1715, .1729, .2801, .2802, .2804, .2805, .2806, .2807, .2808, .2809, .2817, .2818, .2819, .2820, .2821, .2822, .2823, .2824, .2825, .2826, .2827, .2828, .2829, .2830, and 2831. Rules in 10A NCAC 09 .2800 promote the quality of child care for children enrolled in child care facilities that choose to participate in the two through five star rated license process. The most important substantive changes involved applying rules previously required only of 2-5 star facilities to minimum requirements required of all child care centers as was requested by the North Carolina Child Care Commission. All family child care homes will now be required to develop and implement written operational policies and procedures and complete a self-study and self-assessment of the Family Child Care Rating Scale. All child care centers will now be required to develop administrative policies, operational/personnel policies, and parent participation policies currently required for centers that hold a 2-5 star rated license. Also during its review of rules, the Commission proposes to reorganize the rules so that they are sequential and user friendly to the provider and the public. Please note the following rules will be transferred to a new rule number: .2804 to .0513, .2805 to .0514, .2807 to .0515, .2808 to .0516. To review the fiscal analysis for these rules click here: Impact Analysis for Rated License Rules

Administrative Actions, Civil Penalties and Criminal Records Check rules - .0401, .1904, .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2208, .2209, .2213, .2216, .2217, .2701, .2702, .2703, .2704 and .4001. The rules in Section .2200 pertain to the implementation of administrative actions and civil penalties that a facility could be penalized for if the regulations aren’t practiced. These changes add clarification to the existing rules. Rules .0401, .1904, and .2208 are proposed for repeal. Rules in Section .2700 Criminal Records Check sets the standards for obtaining background checks for potential owners and employees that choose to work in child care. The proposed rules promote the quality of child care for children enrolled in child care facilities that choose to participate in the two through five star rated license process. The proposed amendment to Rule .2703 includes a type of facility that operates in a personal residence. This amendment will align with the rule that specifies the grounds for issuance of a summary suspension of a child care license if the provider living in the Family Child Care Home is disqualified. The following rules will be transferred to a new rule number: .2204 to .2205, .2205 to .2206, .2206 to .2209, .2207 to .2213, .2209 to .2216, and .2213 to .2217. To review the fiscal analysis for these rules click here: Impact Analysis for Administrative Actions, Civil Penalties and Criminal Records Check

Comments may be submitted to: Dedra Alston, 2201 Mail Service Center, Raleigh, NC 27699-2200; phone (919) 527-6502; fax (919) 715-0970; email Dedra.Alston@dhhs.nc.gov

Comment period ends: April 3, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.
Fiscal impact (check all that apply).
☒ State funds affected 10A NCAC 09 .2201, .2203, .2204, .2205, .2206, .2207, .2209, .2217, .2703, and .4001
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☒ Local funds affected 10A NCAC 09 .0513, .0514, .0515, .1715, .2809, .2828, and .2830
☒ Substantial economic impact (≥$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required by G.S. 150B-21.4 10A NCAC 09 .1101, .1729
☒ No fiscal note required by G.S. 150B-21.3A(d)(2) 10A NCAC 09 .0401, .0516, .1904, .2202, .2208, .2213, .2216, .2701, .2702, .2704, .2801, .2802, .2804, .2805, .2806, .2807, .2808, .2817, .2818, .2819, .2820, .2821, .2822, .2823, .2824, .2825, .2826, .2827, .2829, and .2831

CHAPTER 09 - CHILD CARE RULES

MINIMUM STANDARDS AND RATED LICENSE RULES

SECTION .0500 – SCHEDULES AND ACTIVITIES AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS

10A NCAC 09 .2804 .0513 ADMINISTRATIVE POLICIES

Centers seeking two or more points for program standards shall have administrative policies and practices which provide for selection and training of staff; communication with and opportunities for participation by parents; operational and fiscal management; and objective evaluation of the program, management and staff in accordance with the rules of this Section.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2805 .0514 OPERATIONAL AND PERSONNEL POLICIES

(a) Each center shall have written policies which describe the operation of the center and the services which are available to parents and their children. The operational policies shall include at least the following information:

(1) the days and hours the center operates;
(2) the age range of children served;
(3) admission requirements and enrollment procedures;
(4) parent fees and payment plan;
(5) information about services provided by the center, i.e. number of meals served, before/after school care, transportation;
(6) items, if any, to be provided by parents;
(7) a schedule of daily, weekly, and monthly cleaning duties;
(8) written procedures for reporting suspected child abuse and neglect;
(9) the center's discipline policy for behavior management;
(10) a description of opportunities for parent participation; and
(11) nutrition policies.

(b) Operational policies shall be discussed with parents at the time they inquire about enrolling their child prior to enrollment in the center. A copy of the policies shall be given to the parents when their child is enrolled and they shall be notified in writing of any changes.

(c) Copies of operational policies and any subsequent changes to those policies shall be distributed to the staff.

(d) Each center in which more than two staff are required to meet the enhanced standards for staff/child ratios shall have written personnel policy which includes at least the following information:

(1) job descriptions for each position;
(2) minimum qualifications for each position including reference checks;
(3) health and medical requirements;
(4) requirements and provisions for in-service training;
(5) provisions for leave time and other absence;
(6) procedures for on-going supervision and regular evaluation of work performance; and
(7) resignation and termination procedures.

(e) Personnel policies shall be discussed with each employee at the time of employment and a copy of the policies shall be available to all staff. Staff shall be notified in writing of any changes in personnel policies.
(f) In addition to all records required in Rule .0302(d) of this Chapter, each employee's personnel file shall contain an annual staff evaluation and staff development plan.

(g) All personnel files of employees hired after April 1, 1999 shall also contain a signed and dated statement verifying that the employee received a copy of his/her job description(s) and has reviewed the personnel and operational policies, and documentation that information concerning the enhanced standards was included during the employee's orientation.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09.2807 .0515 PARENT PARTICIPATION

(a) Each center shall have a plan which will encourage parent participation and inform parents about the program and its services. The plan shall be discussed with parents at the time the child is enrolled prior to enrollment and shall be posted in the center or a copy shall be given to parents at the time of enrollment.

(b) The plan shall include the following:

1. a procedure for registering a child for child care which involves both parents when possible and which encourages a visit to the center by the child and the child's parents before the child begins attending the center;
2. opportunities for caregiving staff to meet with parents on a regular basis to discuss their child's needs and progress and to exchange information about the program;
3. activities which provide parents opportunities to participate in the center's program on an individual basis and as a group;
4. a procedure for parents who need information or have complaints about the child care program.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09.2808 .0516 NIGHT CARE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

(a) A variety of activities and experiences shall be available for children during the evening hours. Quiet activities shall be planned just before bedtime. Children shall have opportunities to develop good personal care and health habits through routines.

(b) Schedules for the children receiving nighttime care must be flexible and individually planned.

(c) When possible, children shall be left for care and picked up before and after their normal sleeping period so that there is minimal disturbance of the child during sleep.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09.1101 NEW STAFF ORIENTATION REQUIREMENTS

(a) Each center shall ensure that each new employee who is expected to have contact with children receives 16 clock hours of on-site orientation within the first six weeks of employment. As part of this orientation, each new employee shall complete six clock hours of orientation within the first two weeks of employment.

(b) New staff orientation shall include an overview of the following topics, focusing on the operation of the center:

<table>
<thead>
<tr>
<th>Within first two (2) weeks of employment</th>
<th>Within first six (6) weeks of employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301</td>
<td>Firsthand observation of the center's daily operations</td>
</tr>
<tr>
<td>Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan</td>
<td>Instruction in the employee's assigned duties</td>
</tr>
<tr>
<td>Adequate supervision of children in accordance with 10A NCAC 09 .1801</td>
<td>Instruction in the maintenance of a safe and healthy environment</td>
</tr>
<tr>
<td>Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment</td>
<td>Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803</td>
</tr>
</tbody>
</table>
Prevention and control of infectious diseases, including immunization

Review of the center's purposes and goals

Review of the child care licensing law and rules

Review of Section .2800 of this Chapter if the center has a two- through five-star license at the time of employment

An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource

An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations

Prevention of and response to emergencies due to food and allergic reactions

Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants

History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;

SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS

10A NCAC 09 .1715 OPERATIONAL POLICIES

(a) Each operator shall have written operational policies that include at least the following information:

(1) the days and hours of operation;
(2) age range of children served;
(3) admission requirements and enrollment procedures;
(4) parent fees and payment plan;
(5) information about services provided by the operator, i.e. number of meals served, before/after school care, transportation;
(6) items, if any, to be provided by parents;
(7) a schedule of daily, weekly, and monthly cleaning duties;
(8) written procedures for reporting suspected child abuse and neglect;
(9) the operator's discipline policy for behavior management;
(10) a description of opportunities for parent participation; and
(11) nutrition policies.

(b) Operational policies shall be discussed with parents prior to enrollment in the home. A copy of the policies shall be given to the parents when their child is enrolled and they shall be notified in writing of any changes.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;

10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

(1) be 21 years old;
(2) have a high school diploma or GED;
(3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course as described in Rule .1708(b)(3) and (4) of this Section;
(4) have completed a health questionnaire;
(5) have proof of negative results of a tuberculosis test completed within 12 months prior to the first day of providing care;
(6) have submitted criminal records check forms as required in Rule .2703 of this Chapter;
(7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
(8) have completed ITS-SIDS training, if licensed to care for infants;
(9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
(10) have documentation that the operator reviewed requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of required information in Subparagraphs (1) through (10) of this Paragraph shall be on file in the home available for review by the Division.
(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule, except the requirements for annual training and a high school diploma or GED.

(c) The operator shall conduct 16 hours of orientation with any caregivers, including substitute providers, and volunteers who are providing care prior to the individual caring for children. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

1. Recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
2. Review of the home's operational policies, including the written plan of care, safe sleep policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan and the Emergency Preparedness and Response Plan;
3. Adequate supervision of children in accordance with Rule .1711(a) of this Section;
4. Information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
5. Prevention and control of infectious diseases, including immunization;
6. Firsthand observation of the home's daily operations;
7. Instruction regarding assigned duties;
8. Instruction in the maintenance of a safe and healthy environment;
9. Instruction in the administration of medication to children in accordance with Rule .1720(b) of this Section;
10. Review of the home's purposes and goals;
11. Review of G.S. 110, Article 7 and 10A NCAC 09;
12. Review of Section .2800 of this Chapter if the operator has a two- through five- star license at the time of employment;
13. An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource;
14. An explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations; and
15. Prevention of and response to emergencies due to food and allergic reactions.

The operator and individual providing care shall sign and date a statement that attests that this review was completed. This statement shall be kept on file in the home available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;

SECTION .2800 - VOLUNTARY RATED LICENSES

SECTION .2800 - VOLUNTARY TWO THROUGH FIVE STAR RATED LICENSES

10A NCAC 09 .2801 SCOPE

(a) This Section applies to all child care facilities that have achieved or wish to achieve a voluntary rated license of two stars or higher;
(b) A child care facility is eligible for a voluntary rated license of two through five stars upon application and assessment of compliance with the requirements of this Section;
(c) A one-star rated license shall be issued to a child care facility when compliance with G.S. 110-91 and this Chapter is determined.
(d) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all requirements in G.S. 110-91 and this Chapter must be in compliance at the time the program is assessed. The requirements for a voluntary rated license of two stars or higher are in addition to the standards found in G.S. 110-91 and this Chapter.
(e) Nothing in this Section precludes or interferes with issuance of an administrative action as allowed by G.S. 140 110, Article 7 and this Chapter.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
APPLICATION FOR A VOLUNTARY TWO THROUGH FIVE STAR RATED LICENSE

(a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the procedures in this Rule apply to request an initial two- through five-star rated license or to request that a rating be changed to a two- through five-star rated license.

(b) The operator shall submit a completed application to the Division for a voluntary two- through five-star rated license on the form provided by the Division.

(c) An operator may apply for a star rating based on the total number of points achieved for each component of the voluntary two- through five-star rated license. In order to achieve a two- through five-star rating, for a two component license the minimum score achieved must be a least four points as follows:

<table>
<thead>
<tr>
<th>Total Number of Points</th>
<th>Star Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 through 6</td>
<td>Two Stars</td>
</tr>
<tr>
<td>7 through 9</td>
<td>Three Stars</td>
</tr>
<tr>
<td>10 through 12</td>
<td>Four Stars</td>
</tr>
<tr>
<td>13 through 15</td>
<td>Five Stars</td>
</tr>
</tbody>
</table>

(d) Facilities with a four or five-star rated license that are licensed to serve four-year-old children must implement a curriculum as defined in 10A NCAC 09 .0102 with their four year olds. The requirement must be met in any licensed child care facility.

(e) A Division representative shall assess the facility requesting a voluntary two- through five-star rated license to determine if all applicable requirements have been met to achieve the score for the requested star rating. The assessment may include a review of Division records and site visits.

(f) The Division shall provide for Infant/Toddler Environment Rating Scale Revised Edition, Early Childhood Environment Rating Scale - Revised Edition, School-Age Care Environment Rating Scale, or Family Child Care Environment Rating Scale - Revised Edition assessments to be completed, as appropriate for the program, free of charge to operators requesting an initial three or more points for program standards. For centers with a licensed capacity of 3 to 12 children located in a residence, a Family Child Care Rating Scale- Revised Edition assessment shall be completed.

(g) Upon completion of the Division's assessment:

(1) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have been met, the Division shall issue the rating.

(2) If the assessment indicates all the applicable requirements to achieve the score for the requested rating are not met, the Division shall notify the operator of the requirements that were not met and the requested voluntary two- through five-star rating shall not be issued. The operator may:

(A) Accept the rating for which the Division has found the operator to be eligible;

(B) Withdraw the request and reapply when the identified requirements to achieve the score for the requested rating have been met; or

(C) Appeal the denial of the requested rating as provided in G.S. 110-94.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b);

10A NCAC 09 .2804 ADMINISTRATIVE POLICIES (REPEALED THROUGH READOPTION)

Centers seeking two or more points for program standards shall have administrative policies and practices which provide for selection and training of staff, communication with and opportunities for participation by parents, operational and fiscal management, and objective evaluation of the program, management and staff in accordance with the rules of this Section.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2805 OPERATIONAL AND PERSONNEL POLICIES (REPEAL)

(a) Each center shall have written policies which describe the operation of the center and the services which are available to parents and their children. The operational policies shall include at least the following information:

(1) the days and hours the center operates;

(2) age range of children served;

(3) admission requirements and enrollment procedures;

(4) parent fees and payment plan;

(5) information about services provided by the center, i.e. number of meals served, before/after school care, transportation;
(6) items, if any, to be provided by parents;
(7) a schedule of daily, weekly, and monthly cleaning duties;
(8) written procedures for reporting suspected child abuse and neglect;
(9) the center's discipline policy for behavior management;
(10) a description of opportunities for parent participation; and
(11) nutrition policies.

(b) Operational policies shall be discussed with parents at the time they inquire about enrolling their child in the center. A copy of the policies shall be given to the parents when their child is enrolled and they shall be notified in writing of any changes.

c) Copies of operational policies and any subsequent changes to those policies shall be distributed to the staff.

d) Each center in which more than two staff are required to meet the enhanced standards for staff/child ratios shall have written personnel policy which includes at least the following information:

  (1) job descriptions for each position;
  (2) minimum qualifications for each position including reference checks;
  (3) health and medical requirements;
  (4) requirements and provisions for in-service training;
  (5) provisions for leave time and other absence;
  (6) procedures for ongoing supervision and regular evaluation of work performance; and
  (7) resignation and termination procedures.

e) Personnel policies shall be discussed with each employee at the time of employment and a copy of the policies shall be available to all staff. Staff shall be notified in writing of any changes in personnel policies.

(f) In addition to all records required in Rule .0302(d) of this Chapter, each employee's personnel file shall contain an annual staff evaluation and staff development plan.

(g) All personnel files of employees hired after April 1, 1999 shall also contain:

  (1) a signed and dated statement verifying that the employee received a copy of his/her job description(s) and has reviewed the personnel and operational policies; and
  (2) documentation that information concerning the enhanced standards was included during the employee's orientation.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

(a) Each center shall comply with the requirements in Rule .0508 of this Chapter for written activity schedules and plans, and in Rule .0509 of this Chapter for general activity requirements.

(b) Each center providing care to preschool-age children aged two three years old or older shall comply with the requirements for activity areas for preschool-age children in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(6) of this Chapter shall be offered for each group of children at least once per week.

(c) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under two three years of age.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2807 PARENT PARTICIPATION (REPEAL THROUGH READOPTION)

(a) Each center shall have a plan which will encourage parent participation and inform parents about the program and its services. The plan shall be discussed with parents at the time the child is enrolled and shall be posted in the center or a copy shall be given to parents at the time of enrollment.

(b) The plan shall include the following:

  (1) a procedure for registering a child for child care which involves both parents when possible and which encourages a visit to the center by the child and the child's parents before the child begins attending the center;
  (2) opportunities for caregiving staff to meet with parents on a regular basis to discuss their child's needs and progress and to exchange information about the program;
  (3) activities which provide parents opportunities to participate in the center's program on an individual basis and as a group;
  (4) a procedure for parents who need information or have complaints about the child care program.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
10A NCAC 09.2808 NIGHT CARE (REPEAL THROUGH READOPTION)

(a) A variety of activities and experiences shall be available for children during the evening hours. Quiet activities shall be planned just before bedtime. Children shall have opportunities to develop good personal care and health habits through routines.

(b) Schedules for the children receiving nighttime care must be flexible and individually planned.

(c) When possible, children shall be left for care and picked up before and after their normal sleeping period so that there is minimal disturbance of the child during sleep.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09.2809 ENHANCED SPACE REQUIREMENTS

(a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 75 square feet outside space per the total licensed capacity, for each child using the outdoor learning environment at any one time. Or, there shall be at least 35 square feet inside space per child per the total licensed capacity and 100 75 square feet outside space per child for at least 50 percent of the total licensed capacity.

(b) There must be an area which can be arranged for administrative and private conference activities.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09.2817 ENHANCED PROGRAM STANDARDS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the program standards for a two component rated license for child care centers. To achieve one point for program standards, the center shall be in compliance with all applicable requirements in Rules .0513-.0516 of this Chapter.

(b) To achieve two through seven points for program standards, the center shall meet all the applicable requirements in Rule .2806 of this Section and the criteria listed in the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>Meets Enhanced Staff/Child Ratio in Rule .2818(b)</th>
<th>Meets Enhanced Staff/Child Ratio in Rule .2818(c)</th>
<th>Meets Enhanced Space in Rule .2809</th>
<th>Environment Rating Scale (ERS) Requirements (as referenced in Rule .2802(f) of this Section)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>✓ OR</td>
<td>✓</td>
<td>✓</td>
<td>Each classroom has at least a score of 4.0 or higher</td>
</tr>
<tr>
<td>3 Points</td>
<td>✓ OR</td>
<td>✓</td>
<td>✓ AND</td>
<td>Have an average combined score of 4.5, with no one classroom score lower than 4.0 in each classroom evaluated</td>
</tr>
<tr>
<td>4 Points</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>Center may choose to meet this requirement, AND</td>
<td>Have an average combined score of 4.75, with no one classroom score lower than 4.0 in each classroom evaluated</td>
</tr>
<tr>
<td>5 Points</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>Center may choose to meet this requirement, AND</td>
<td>Have an average combined score of 5.0, with no one classroom score lower than 4.0 in each classroom evaluated</td>
</tr>
<tr>
<td>6 Points</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>Have a score of 5.0 in each classroom evaluated</td>
</tr>
<tr>
<td>7 Points</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>✓ AND</td>
<td>Have a score of 5.0 in each classroom evaluated</td>
</tr>
</tbody>
</table>

To achieve two points for program standards, the center shall meet all the applicable requirements in Rules .2804-.2808 of this Section, and either the staff/child ratio requirements in Rule .2818(b) or the space requirements in Rule .2809 of this Section shall be met.

(c) To achieve three points for program standards, the center shall meet all the applicable requirements in Rules .2804-.2808 and either the staff/child ratio requirements in Rule .2818(b) or the space requirements in Rule .2809 of this Section shall be met, and have an average score of 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.

(d) To achieve four points for program standards, the center shall meet all the applicable requirements in Rules .2804-.2808 and .2818(b) of this Section, and have an average combined score of 4.5, with no one classroom score lower than 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.

8
(e) To achieve five points for program standards, the center shall meet all the applicable requirements in Rules .2804—.2808 and .2818(b) of this Section, and have an average combined score of 4.75, with no one classroom score lower than 4.0, on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.

(f) To achieve six points for program standards, the center shall meet all the applicable requirements in Rules .2804—.2809 and .2818(b) of this Section, and have an average combined score of 5.0, with no one classroom score lower than 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.

(g) To achieve seven points for program standards, the center shall meet all the applicable requirements in Rules .2804—.2809 and .2818(c) of this Section, and have an average score of 5.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.

(h) For centers with a licensed capacity of 3 to 12 children located in a residence, a Family Day Care Rating Scale shall be the rating scale used in Paragraphs (c), (d), (e), (f) and (g) of this Rule.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2818 ENHANCED STAFF/CHILD RATIOS FOR A TWO-COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the staff/child ratios and maximum group sizes for a two component rated license for child care centers.

(b) The center shall comply with the following staff/child ratios and maximum group sizes.

<table>
<thead>
<tr>
<th>Age</th>
<th>Ratio Staff/Children</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 12 Months</td>
<td>1/5</td>
<td>10</td>
</tr>
<tr>
<td>1 to 2 Years</td>
<td>1/6</td>
<td>12</td>
</tr>
<tr>
<td>2 to 3 Years</td>
<td>1/9</td>
<td>18</td>
</tr>
<tr>
<td>3 to 4 Years</td>
<td>1/10</td>
<td>20</td>
</tr>
<tr>
<td>4 to 5 Years</td>
<td>1/13</td>
<td>25</td>
</tr>
<tr>
<td>5 to 6 Years</td>
<td>1/15</td>
<td>25</td>
</tr>
<tr>
<td>6 Years and Older</td>
<td>1/20</td>
<td>25</td>
</tr>
</tbody>
</table>

MAXIMUM AGE RATIO STAFF/CHILDREN GROUP SIZE

<table>
<thead>
<tr>
<th>Age</th>
<th>Ratio Staff/Children</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 12 Months</td>
<td>1/4</td>
<td>8</td>
</tr>
<tr>
<td>1 to 2 Years</td>
<td>1/5</td>
<td>10</td>
</tr>
<tr>
<td>2 to 3 Years</td>
<td>1/8</td>
<td>16</td>
</tr>
<tr>
<td>3 to 4 Years</td>
<td>1/9</td>
<td>18</td>
</tr>
<tr>
<td>4 to 5 Years</td>
<td>1/12</td>
<td>24</td>
</tr>
<tr>
<td>5 to 6 Years</td>
<td>1/14</td>
<td>25</td>
</tr>
<tr>
<td>6 Years and Older</td>
<td>1/19</td>
<td>25</td>
</tr>
</tbody>
</table>

(c) To earn seven points for program standards, the center shall comply with the following staff/child ratios and maximum group sizes.

<table>
<thead>
<tr>
<th>Age</th>
<th>Ratio Staff/Children</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 12 Months</td>
<td>1/4</td>
<td>8</td>
</tr>
<tr>
<td>1 to 2 Years</td>
<td>1/5</td>
<td>10</td>
</tr>
<tr>
<td>2 to 3 Years</td>
<td>1/8</td>
<td>16</td>
</tr>
<tr>
<td>3 to 4 Years</td>
<td>1/9</td>
<td>18</td>
</tr>
<tr>
<td>4 to 5 Years</td>
<td>1/12</td>
<td>24</td>
</tr>
<tr>
<td>5 to 6 Years</td>
<td>1/14</td>
<td>25</td>
</tr>
<tr>
<td>6 Years and Older</td>
<td>1/19</td>
<td>25</td>
</tr>
</tbody>
</table>

MAXIMUM AGE RATIO STAFF/CHILDREN GROUP SIZE
(d) The provisions of rules 10A NCAC 09 .0712(a)(1), (2) .0713(a)(1) through (8), (d), and (e) and .0713(b) through (i) shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.

(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-88(7); 143B-168.3;

10A NCAC 09 .2819 ENHANCED EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the education standards for an on-site administrator for child care centers. The points for education standards are determined by applying this Rule along with Rules .2820, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the on-site administrator shall meet the applicable requirements in the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>NC Early Childhood Administration Credential or its equivalent</th>
<th>Semester Hours and Type of Work Experience</th>
<th>If providing school-age care,</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>Level I; and</td>
<td>2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and</td>
<td>150 hours of verifiable time in a licensed child care program; or 300 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Points</td>
<td>Level I; and</td>
<td>6 hours in early childhood education or child development; and either 2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and</td>
<td>300 hours of verifiable time in a licensed child care program; or 450 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Points</td>
<td>Level I; and</td>
<td>18 hours in early childhood education or child development; and 1 year of child care administration experience; or 6 hours in early childhood education or child development and 10 years of child care administration experience; and</td>
<td>450 hours of verifiable time in a licensed child care program; or 600 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Points</td>
<td>Level II; and</td>
<td>2 years of full-time, verifiable early childhood experience; and</td>
<td>600 hours of verifiable time in a licensed child care program; or 900 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training or its equivalent.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Points</td>
<td>Level II; and</td>
<td>18 hours in early childhood education or child development; and either 3 years of full-time verifiable early childhood experience in an early childhood center teaching young children; or</td>
<td>750 hours of verifiable time in a licensed child care program; or 1150 hours of verifiable time in an unlicensed school-age care or camp setting; or</td>
</tr>
<tr>
<td>7 Points</td>
<td>Level III; and either</td>
<td>3 years of child care administration experience; or 3 years of a combination of both types of experience; and BSAC training.</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>4 years of full-time verifiable early childhood experience in an early childhood center teaching young children; or 4 years of child care administration experience; or 4 years of a combination of both types of experience; and</td>
<td>900 hours of verifiable time in a licensed child care program; or 1350 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Administration Credential (NCECAC).

d) Completion of school-age experience requirements shall count toward meeting work experience requirements.

(b) To achieve two points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Two years of full-time verifiable early childhood work experience, or one year experience in child care administration; and

(3) If providing school-age care, 150 hours of verifiable experience working with school-aged children in a licensed child care program; or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall complete the BSAC Training or its equivalent. Completion of these requirements shall count toward meeting experience requirements in Subparagraph (2) of this Paragraph.

e) To achieve three points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework); and either

(A) Two years of full-time verifiable early childhood work experience; or

(B) One year of experience in child care administration; and

(3) If providing school-age care, 300 hours of verifiable experience working with school-aged children in a licensed child care program; or 450 hours of verifiable experience working with school aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A) and (B) of this Paragraph.

d) To achieve four points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and either

(A) 18 semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework) and one year of experience in child care administration; or

(B) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework), and 10 years of experience in child care administration; and

(2) If providing school-age care, 450 hours of verifiable experience working with school aged children in licensed child care program; or 600 hours of verifiable experience working with school aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (1)(A) and (B) of this Paragraph.

e) To achieve five points, the on-site administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Two years of full-time verifiable early childhood work experience; and

(3) If providing school age care, 600 hours of verifiable experience working with school aged children in a licensed child care program; or 900 hours of verifiable experience working with school aged children in an unlicensed school-age care or camp setting, or shall have completed the BSAC Training or its equivalent.
Completion of these requirements may count toward meeting experience requirements in Subparagraph (2) of this Paragraph.

(f) To achieve six points, the on-site administrator shall have:

1. A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
2. 18 semester hours in early childhood education or child development (not including the North Carolina Early Childhood Administration Credential coursework or hours earned during the completion of the A.A.S degree); and either
   (A) Three years of full-time verifiable work experience in an early childhood center teaching young children; or
   (B) Three years of administrative experience; or
   (C) Three years of a combination of both; and
3. If providing school-age care, 750 hours of verifiable experience working with school-aged children in a licensed child care program; or 1150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A) and (B) of this Paragraph.

(g) To achieve seven points, the on-site administrator shall:

1. Have a Level III North Carolina Early Childhood Administration Credential or its equivalent; and
2. Either:
   (A) Four years of full-time verifiable work experience in an early childhood center teaching young children; or
   (B) Four years of administrative experience; or
   (C) Four years of a combination of both; and
3. If providing school-age care, 900 hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or 1350 hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A), (B) and (C) of this Paragraph.

(h)(e) For centers with a licensed capacity of 3 to 12 children located in a residence, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in Rule .2820 of this Section shall apply. All other teachers shall follow the educational requirements for teachers in this Section.

(i)(f) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; 10A NCAC 09 .2820 ENHANCED EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS
(a) This Rule applies to evaluating child care centers with regards to all lead teachers. The points for education standards are determined by applying this Rule along with Rules .2819, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.
(b) To achieve two through seven points for education standards, the lead teachers shall meet the applicable requirements in the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>NC Early Childhood Credential or its equivalent</th>
<th>Certification on the NC Early Care and Education Professional Scale</th>
<th>Other Education and Experience Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>75 percent of lead teachers; or</td>
<td>75 percent of lead teachers at Level I or higher; and</td>
<td>75 percent of lead teachers have completed or are enrolled in 3 semester hours in early childhood education or child development.</td>
</tr>
<tr>
<td>3 Points</td>
<td>All lead teachers; or</td>
<td>All lead teachers at a Level I or higher; and either</td>
<td>75 percent of the lead teachers shall have:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) completed 3 semester hours in early childhood education and have completed or are enrolled in 3 additional semester hours in early childhood education or child development; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) completed 1 year full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td>Points</td>
<td>Requirement</td>
<td>Requirement Details</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>---------------------</td>
<td></td>
</tr>
<tr>
<td>4 Points</td>
<td>All lead teachers; or All lead teachers at a Level I or higher; and either 75 percent of the lead teachers shall have:</td>
<td>(1) completed 6 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; or (2) completed 3 semester hours of early childhood education and have 3 years of full-time verifiable early childhood work experience; or (3) completed 5 years of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2), and (3) of this requirement.</td>
<td></td>
</tr>
<tr>
<td>OR 50 percent of the lead teachers shall have a Level III or higher certification on the ECE scale.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Points</td>
<td>All lead teachers; or All lead teachers at a Level I or higher; and 75 percent of the lead teachers shall have:</td>
<td>(1) completed 9 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; and have 1 year of full-time verifiable early childhood work experience; or (2) have a Level IV or higher certification on the ECE scale and have 1 year of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.</td>
<td></td>
</tr>
<tr>
<td>6 Points</td>
<td>All lead teachers; or All lead teachers at a Level I or higher; and 50 percent of the lead teachers shall have either:</td>
<td>(1) An A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development and 1 year of full-time verifiable early childhood work experience; or (2) Completed 60 semester hours towards a BA/BS degree program with 12 semester hours in early childhood education and 1 year of full-time verifiable early childhood work experience; or (3) A Level VI certification on the ECE scale and 1 year of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2) and (3) of this requirement.</td>
<td></td>
</tr>
<tr>
<td>OR 50 percent of the lead teachers shall have a Level III or higher certification on the ECE scale.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Points</td>
<td>All lead teachers; or All lead teachers at a Level I or higher; and 75 percent of the lead teachers shall have either:</td>
<td>(1) An A.A.S. degree in early childhood education or child development or an</td>
<td></td>
</tr>
</tbody>
</table>
To achieve two points, 75% of the lead teachers shall:

1. Have the North Carolina Early Childhood Credential, its equivalent or a Level I or higher Early Educator Certification on the Early Care and Education Professional Scale (ECE scale); and

2. Have completed or enrolled in three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework).

To achieve three points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent or a Level I or higher certification on the ECE scale, and either:

1. 75% of the lead teachers shall have:
   
   a. Completed three semester hours in early childhood education and completed or are enrolled in three additional semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
   
   b. Completed one year full-time verifiable early childhood work experience; or
   
   c. A Level II or higher certification on the ECE scale; or
   
   d. Any combination of Parts (a) through (c) of this Subparagraph; or

2. 50% of the lead teachers shall have a Level II or higher certification on the ECE scale.

To achieve four points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or Level I or higher certification on the ECE scale, and either:

1. Either 75% of the lead teachers shall have:
   
   a. Completed six semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework), and have completed or are enrolled in three additional semester hours in early childhood education; or
   
   b. Completed three semester hours of early childhood education and have three years of full-time verifiable early childhood work experience; or
   
   c. Five years of full-time verifiable early childhood work experience; or
   
   d. Any combination of Parts (a) through (c) of this Subparagraph; or

2. 50% of the lead teachers shall have a Level III or higher certification on the ECE scale.

To achieve five points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or have a Level I or higher certification on the ECE scale, and 75% of the lead teachers shall have:

1. Completed nine semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework), and have completed or are enrolled in three additional semester hours in early childhood education, and have one year of full-time verifiable early childhood work experience; or

2. A Level IV or higher certification on the ECE scale and have one year of full-time verifiable early childhood work experience; or

3. Any combination of Subparagraphs (1) and (2) of this Paragraph.

To achieve six points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or a Level I or higher certification on the ECE scale, and 50% of the lead teachers shall have either:

1. An A.A.S degree in early childhood education or child development or an A.A.S degree in any major with 12 semester hours in early childhood education or child development and one year of full-time verifiable early childhood work experience; or

2. Completed 60 semester hours towards a BA/BS degree program with 12 semester hours in early childhood education and one year of full-time verifiable early childhood work experience; or

3. A Level VI certification on the ECE scale and one year of full-time verifiable early childhood work experience; or

4. Any combination of Subparagraphs (1) through (3) of this Paragraph.

To achieve seven points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or a Level I or higher certification on the ECE scale, and 75% of the lead teachers shall have either:
An A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development and two years of full-time verifiable early childhood work experience; or

(2) A Level VI certification on the ECE scale and two years of full-time verifiable early childhood work experience; or

(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

### History Note:
Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

#### 10A NCAC 09.2821 ENHANCED EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to all teachers. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, .2822, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, teachers counted in staff/child ratios shall meet the applicable requirements in the following chart.

<table>
<thead>
<tr>
<th>Point Level</th>
<th>NC Early Childhood Credential or its equivalent</th>
<th>Certification on the NC Early Care and Education Professional Scale</th>
<th>Other Education and Experience Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level I or higher.</td>
<td>50 percent of the teachers shall:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) Have 1 year of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) Be enrolled in 3 semester hours in early childhood education or child development; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3) Have any combination of (1) and (2) of this requirement.</td>
</tr>
<tr>
<td>3 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level I or higher; and</td>
<td>50 percent of the teachers shall have:</td>
</tr>
<tr>
<td></td>
<td>50 percent of teachers at a Level II or higher;</td>
<td></td>
<td>(1) 3 semester hours in early childhood education or child development; or</td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td>(2) 2 years of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3) Any combination of (1) and (2) of this requirement.</td>
</tr>
<tr>
<td>4 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level II or higher; or</td>
<td>3 semester hours in early childhood education or child development; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any combination of the two options.</td>
<td></td>
</tr>
<tr>
<td>5 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level I or higher; and</td>
<td>3 semester hours in early childhood education or child development; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any combination of the two options.</td>
<td></td>
</tr>
<tr>
<td>6 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level I or higher; and either</td>
<td>3 semester hours in early childhood education or child development and 1 year of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A Level II or higher certification on the ECE scale and 1 year of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(3) Any combination of (1) and (2) of this requirement.</td>
</tr>
<tr>
<td>7 Points</td>
<td>50 percent of teachers; or</td>
<td>50 percent of teachers at a Level I or higher; and either</td>
<td>6 semester hours in early childhood education or child development and 2 years of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td>50 percent of teachers at a Level II or higher;</td>
<td></td>
<td>A Level III or higher certification on the ECE scale and 2 years of full-time verifiable early childhood work experience; or</td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td>(3) Any combination of (1) and (2) of this requirement.</td>
</tr>
</tbody>
</table>
(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Credential.

(b) To achieve two points, 50 percent of the teachers counted in staff/child ratios shall:

1. Have one year of full-time verifiable early childhood work experience; or
2. Be enrolled in three semester hours in early childhood education or child development; or
3. Have any combination of Subparagraphs (1) and (2) of this Paragraph.

(c) To achieve three points, 50 percent of the teachers counted in staff/child ratios shall have:

1. Three semester hours in early childhood education or child development; or
2. Two years of full-time verifiable early childhood work experience; or
3. Any combination of Subparagraphs (1) and (2) of this Paragraph.

(d) To achieve four points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale.

(e) To achieve five points, 50 percent of the teachers counted in staff/child ratios shall have either:

1. The North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale and three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
2. A Level II or higher certification on the ECE scale; or
3. Any combination of Subparagraphs (1) and (2) of this Paragraph.

(f) To achieve six points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale and either:

1. Three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and one year of full-time verifiable early childhood work experience; or
2. A Level II or higher certification on the ECE scale and one year of full-time early childhood work experience; or
3. Any combination of Subparagraphs (1) and (2) of this Paragraph.

(g) To achieve seven points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale and either:

1. Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and two years of full-time verifiable early childhood work experience; or
2. A Level III or higher certification on the ECE scale and two years of full-time verifiable early childhood work experience; or
3. Any combination of Subparagraphs (1) and (2) of this Paragraph.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2822 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to program coordinators. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, .2821, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>Type of Degree</th>
<th>Certification on the NC School Age Professional Scale</th>
<th>Semester Hours of school-age care related coursework</th>
<th>Hours of verifiable experience working with school-aged children in a licensed child care program</th>
<th>Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td></td>
<td></td>
<td>Enrolled in 3 additional hours; or</td>
<td>200; or</td>
<td>300.</td>
</tr>
<tr>
<td>Points</td>
<td>Level</td>
<td>Additional Hours</td>
<td>Hours 1</td>
<td>Hours 2</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-------</td>
<td>------------------</td>
<td>---------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Level I or higher; or</td>
<td>Completed 3 additional hours; or</td>
<td>300; or</td>
<td>450; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Completed 3 additional hours; and</td>
<td>200; or</td>
<td>300; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Level I or higher; and</td>
<td>450; or</td>
<td>600; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Level II or higher; or</td>
<td>Completed 3 additional semester hours and be enrolled in 3 additional semester hours; or</td>
<td>600; or</td>
<td>750; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Completed 3 additional hours; or</td>
<td>300; or</td>
<td>450; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Level IV or higher; or</td>
<td>450; or</td>
<td>600; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Completed 6 additional hours; or</td>
<td>900; or</td>
<td>1350; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>BA/BS; and</td>
<td>Completed 3 additional hours; or</td>
<td>300; or</td>
<td>450; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Level IV or higher; or</td>
<td>600; or</td>
<td>900; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Completed 6 additional hours; and</td>
<td>900; or</td>
<td>1350; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>BA/BS; and</td>
<td>Completed 6 additional hours; and</td>
<td>300; or</td>
<td>450; or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Level IV or higher; and</td>
<td>600; or</td>
<td>900; or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) To achieve two points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall:

1. Be enrolled in three additional semester hours of school-age care related coursework; or
2. Have 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. Have 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(c) To achieve three points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework; or
2. 300 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. At least a Level I or higher certification on the SA scale.

(d) To achieve four points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework and have either 200 hours of verifiable experience working with school-aged children in a licensed child care program, or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
2. A Level I or higher certification on the SA scale and have either 200 hours of verifiable experience working with school-aged children in a licensed child care program, or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
3. 450 hours of verifiable experience working with school-aged children in a licensed child care program; or
4. 600 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(e) To achieve five points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework; and be enrolled in three additional semester hours of school-age care related coursework; or
2. 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 750 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. A Level II or higher certification on the SA scale.
To achieve six points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed six additional semester hours of school-age care related coursework and either 750 hours of verifiable experience working with school-aged children in a licensed child care program or 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting;

or

2. A BA/BS degree with three additional semester hours of school-age care related coursework;

3. A Level IV or higher certification on the SA scale.

To achieve seven points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed six additional semester hours of school-age care related coursework and either 900 hours of verifiable experience working with school-aged children in a licensed child care program or 1350 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting;

or

2. Nine additional semester hours of school-age related coursework and either 600 hours of verifiable experience working with school-aged children in a licensed child care program or 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting;

or

3. A BA/BS degree or higher with six additional semester hours of school-age related coursework and either 300 hours of verifiable experience working with school-aged children in a licensed school-age care program or 450 hours of working with school-aged children in an unlicensed school-age care or camp setting;

or

4. A Level IV or higher certification on the SA scale and either 300 hours of verifiable experience working with school-aged children in a licensed school-age care program or 450 hours of working with school-aged children in an unlicensed school-age care or camp setting.

For centers providing school-age care with 200 or more school-aged children enrolled, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

**History Note:** Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

### 10A NCAC 09 .2823 ENHANCED EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS AND FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule applies to evaluating child care centers with regards to group leaders and assistant group leaders. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, .2821, and .2822, .2824, and .2825 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, all group leaders and assistant group leaders shall meet the applicable requirements in the following chart.

<table>
<thead>
<tr>
<th>Point Level</th>
<th>Age of Assistant Group Leaders</th>
<th>BSAC</th>
<th>Semester hours of school-age care related coursework</th>
<th>Hours of verifiable experience working with school-aged children in a licensed child care program</th>
<th>Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>All group leaders</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Points</td>
<td>All group leaders; and</td>
<td></td>
<td>25 percent of group leaders enrolled in or completed 2 additional hours.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Points</td>
<td>All at least 16 years of age; and</td>
<td>All group leaders; and</td>
<td>25 percent of group leaders completed 2 additional hours; or</td>
<td>100; or</td>
<td>150.</td>
</tr>
<tr>
<td>5 Points</td>
<td>All group leaders; and</td>
<td></td>
<td>50 percent of group leaders completed 2</td>
<td>300; or</td>
<td>450; and</td>
</tr>
</tbody>
</table>
(b) To achieve two points, all group leaders shall have completed the BSAC training or its equivalent.

(e) To achieve three points, all group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the group leaders shall be enrolled in or have completed two semester hours of school-age care related coursework.

(d) To achieve four points, all assistant group leaders shall be at least 16 years of age and all group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the group leaders shall have either:

1. Completed two semester hours of school-age care related coursework; or
2. 100 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. Any combination of Subparagraphs (1) through (3) of this Paragraph.

(e) To achieve five points, all group leaders shall have completed the BSAC training or its equivalent, and

1. 50 percent of group leaders shall have either:
   A. Completed two semester hours of school-age care related coursework and have completed or be enrolled in two additional semester hours of school-age related coursework; or
   B. 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
   C. 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
   D. Any combination of Subparagraphs (A) through (C) of this Paragraph; and
2. All assistant group leaders shall be at least 16 years of age and shall have either:
   A. Completed the BSAC training or its equivalent; or
   B. 250 hours of verifiable experience working with school-aged children in a licensed child care program; or
   C. 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
   D. Any combination of Subparagraphs (A) through (C) of this Paragraph.

(f) To achieve six points, all group leaders shall have completed the BSAC training or its equivalent, and

1. 50 percent of group leaders shall have:
   A. Completed two semester hours of school-age care related coursework and have completed or be enrolled in two additional semester hours of school-age related coursework; or
   B. 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
   C. 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(2) All assistant group leaders shall be 17 years of age and shall have either:

(A) Completed the BSAC training or its equivalent; or
(B) 250 hours of verifiable experience working with school-aged children in a licensed child care program; or
(C) 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(D) Any combination of Subparagraphs (A) through (C) of this Paragraph.

To achieve seven points, all assistant group leaders shall be 18 years of age and shall have completed the BSAC training or its equivalent and all group leaders shall have completed the BSAC training or its equivalent, and 75 percent of the group leaders shall have:

(1) Completed two semester hours of school-age care related coursework and have completed, or are enrolled in two additional semester hours of school-age related coursework; or
(2) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(4) Any combination of Subparagraphs (1) through (3) of this Paragraph.

**History Note:** Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

### 10A NCAC 09 .2824 ENHANCED EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED SCHOOL-AGE CHILDREN

(a) This Rule applies to evaluating the education standards for administrators for centers that provide care only to school-aged school-age children. The points for education standards are determined by applying this Rule along with Rules .2825 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the administrator of a school-age only program shall meet the applicable requirements in the following chart.

<table>
<thead>
<tr>
<th>Point Level</th>
<th>NC Early Childhood Administration Credential, its equivalent,</th>
<th>Hours of verifiable experience performing administrative duties in a licensed child care program</th>
<th>Hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>Level I or have enrolled in coursework as required in G.S. 110-91(8); and</td>
<td>1600.</td>
<td>1600.</td>
</tr>
<tr>
<td>3 Points</td>
<td>Level I; and either</td>
<td>300; or</td>
<td>450.</td>
</tr>
<tr>
<td>4 Points</td>
<td>Level I; and either</td>
<td>450; or</td>
<td>600.</td>
</tr>
<tr>
<td>5 Points</td>
<td>Level II; and either</td>
<td>600; or</td>
<td>750.</td>
</tr>
<tr>
<td>6 Points</td>
<td>Level II; and either</td>
<td>750; or</td>
<td>1150.</td>
</tr>
<tr>
<td>7 Points</td>
<td>Level III; and either</td>
<td>900; or</td>
<td>1350.</td>
</tr>
</tbody>
</table>

(b) To achieve two points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent or have enrolled in coursework as required in G.S. 110-91(8); and
(2) 1600 hours of verifiable experience performing administrative duties in a licensed school-aged program.

c) To achieve three points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
(2) Either:

(A) 300 additional hours of verifiable experience performing administrative duties in a licensed child care program; or
To achieve four points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:
   (A) 450 additional hours of verifiable experience performing administrative duties in a licensed child care program; or
   (B) 600 additional hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting.

To achieve five points, the administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:
   (A) 600 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or
   (B) 750 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

To achieve six points, the administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:
   (A) 750 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or
   (B) 1150 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

To achieve seven points, the administrator shall have:

(1) A Level III North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:
   (A) 900 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or
   (B) 1350 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2825 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED SCHOOL-AGE CHILDREN

(a) This Rule applies to evaluating the education standards for program coordinators for centers that provide care only to school-aged school-age children. The points for education standards are determined by applying this Rule along with Rules .2824 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart.

<table>
<thead>
<tr>
<th>Point</th>
<th>Type of Degree</th>
<th>Certification on the NC School Age Professional Certification Scale</th>
<th>Semester Hours of school-age care related coursework</th>
<th>Hours of verifiable experience working with school-age children in a licensed child care program</th>
<th>Hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td>Level I or higher; or</td>
<td>Enrolled in 3 additional hours; or</td>
<td>200; or 300.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Points</td>
<td>Level I or higher; or</td>
<td>Completed 3 additional hours; or</td>
<td>300; or 450.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Points</td>
<td>Level I or higher; and</td>
<td>Completed 3 additional hours; and</td>
<td>200; or 300; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>200; or 300; or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(b) To achieve two points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall:

1. Be enrolled in three additional semester hours of school-age care related coursework; or
2. Have 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. Have 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(c) To achieve three points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework; or
2. 300 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. A Level I certification or higher on the SA scale.

(d) To achieve four points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework and 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
2. 450 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 600 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. A Level I certification or higher on the SA scale, and either:
   (A) 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (B) 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(e) To achieve five points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. Completed three additional semester hours of school-age care related coursework and is enrolled in three additional semester hours of school-age care related coursework; or
2. 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
3. 750 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
4. A Level II certification or higher on the SA scale.

(f) To achieve six points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

1. 750 hours of verifiable experience working with school-aged children in a licensed child care program; or
2. 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; and
(2) Either:
   (A) Completed six additional semester hours of school-aged care related coursework; or
   (B) Shall have a BA/BS degree with three additional semester hours of school-aged care related coursework; or
   (C) Level III certification or higher on the SA scale.

(g) To achieve seven points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed six additional semester hours of school-aged care related coursework and either:
   (A) 900 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (B) 1350 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; or

(2) Completed nine additional semester hours of school-aged care related coursework and either:
   (A) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (B) 900 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; or

(3) A BA/BS degree or higher with six additional semester hours of school-aged related coursework and either:
   (A) 300 hours of verifiable experience working with school-aged children in a licensed school-aged care program; or
   (B) 450 hours of working with school-aged children in an unlicensed school-aged care or camp setting; or

(4) A Level IV certification or higher on the SA scale and either:
   (A) 300 hours of verifiable experience working with school-aged children in a licensed school-aged care program; or
   (B) 450 hours of working with school-aged children in an unlicensed school-aged care or camp setting.

(b)(c) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

(d) For programs with a licensed capacity of 200 or more school-aged children, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed the applicable staff requirements in Rule .2510(b) of this Chapter.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
(B) 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(C) Completed two semester hours of school-age care related coursework; and
(2) All assistant group leaders shall be at least 16 years of age and shall have:
(A) 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(B) Completed the BSAC training or its equivalent; or
(C) 250 hours of verifiable experience working with school-aged children in a licensed child care program.

(f) To achieve six points:
(1) All group leaders shall have completed the BSAC training or its equivalent, and 50 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:
   (A) Completed two semester hours of school-aged care related coursework and have completed or are enrolled in two additional semester hours of school-aged related coursework; or
   (B) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (C) 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; and
(2) All assistant group leaders shall be at least 17 years of age and shall have:
   (A) Completed the BSAC training or its equivalent; or
   (B) 250 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (C) 400 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting.

(h) To achieve seven points:
(1) All group leaders shall have completed the BSAC training or its equivalent, and 75 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:
   (A) Completed two semester hours of school-aged care related coursework and have completed or are enrolled in two additional semester hours of school-aged related coursework; or
   (B) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
   (C) 900 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; and
(2) All assistant group leaders shall be at least 18 years of age and shall have completed the BSAC training or its equivalent.

(j) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

10A NCAC 09 .2827 ENHANCED EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES
(a) This Rule applies to evaluating family child care homes with regards to the operator.
(b) To achieve two through seven points for education standards, the operator shall meet the applicable requirements in the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>Degree</th>
<th>NC Family Child Care Credential or its equivalent</th>
<th>Certification on the NC Early Care and Education Professional Scale</th>
<th>Semester Hours</th>
<th>Verifiable Early Childhood Work Experience</th>
<th>Additional Clock Hours of On-going Training</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Points</td>
<td></td>
<td></td>
<td></td>
<td>4 hours in early childhood education or child development; or</td>
<td>5 years; and</td>
<td>8 annually.</td>
</tr>
<tr>
<td>Points</td>
<td>Points</td>
<td>Points</td>
<td>Points</td>
<td>Notes</td>
<td></td>
<td></td>
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<td>-------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>✓</td>
<td>or</td>
<td>Level I or higher; or</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Points</td>
<td>Level II or higher; or</td>
<td>6 hours in early childhood education or child development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; or</td>
<td>1 year; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>1 year; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Level I or higher; and</td>
<td>2 years; or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Family Child Care Credential.

(b) To achieve two points, the operator shall have completed:

1. Four semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); or

2. A minimum of 12 hours in early childhood education or child development; and

3. A Level VI; and

4. 18 months; or

5. A.A.S. degree in early childhood education or child development; and

6. 2 years.
Five years of verifiable early childhood work experience and eight additional clock hours annually of in-service training.

To achieve three points, the operator shall have completed the North Carolina Family Child Care Credential, its equivalent or a Level I or higher certification on the ECE scale.

To achieve four points, the operator shall have completed a Level II or higher certification on the ECE scale; or

(1) Have six semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); and

(2) Have the North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale.

To achieve five points, the operator shall have completed a Level IV certification on the ECE scale and have one year verifiable early childhood work experience; or have

(1) The North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale; and

(2) 12 semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); and

(3) Either:
   (A) Two of 12 semester hours in early childhood education in child care administration; or
   (B) One year of verifiable early childhood work experience.

To achieve six points, the operator shall have completed a Level VI certification on the ECE scale and have one year verifiable early childhood work experience; or have

(1) The North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale; and

(2) 18 semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); and

(3) Either:
   (A) Five of the 18 semester hours in early childhood education are in child care administration; or
   (B) Two years of verifiable early childhood work experience.

To achieve seven points, the operator shall have completed:

(1) An A.A.S. degree in any major with a minimum of 12 semester credit hours in early childhood education/child development coursework and two years of full-time verifiable early childhood work experience; or

(2) An A.A.S. in early childhood education/child development and 18 months of full time verifiable early childhood work experience; or

(3) A Level VI certification on the ECE scale and two years of experience.

**History Note:** Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;

**10A NCAC 09.2828 ENHANCED PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES**

(a) This Rule applies to evaluating the program standards for a two component rated license for family child care homes.

(b) To achieve two points for program standards, the operator shall have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill-child exclusion/inclusion, and business practice. To achieve two through seven points for program standards, the operator shall meet the criteria listed in the following chart:

<table>
<thead>
<tr>
<th>Point Level</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 points</td>
<td>Operator provides documentation of self-study and self-assessment using the Family Child Care Rating Scale over a 3-month time period. Documentation such as an ERS book with score sheets, self-assessments and program adjustments shall be reviewed by the Division as part of the rated license assessment.</td>
</tr>
<tr>
<td>3 points</td>
<td>Have a score of 4.0 or higher on the Family Child Care Rating Scale</td>
</tr>
<tr>
<td>4 points</td>
<td>Have a score of 4.25 or higher on the Family Child Care Rating Scale</td>
</tr>
<tr>
<td>5 points</td>
<td>Have a score of 4.5 or higher on the Family Child Care Rating Scale</td>
</tr>
<tr>
<td>6 points</td>
<td>Have a score of 4.75 or higher on the Family Child Care Rating Scale AND of the five preschoolers allowed to be enrolled, no more than four children shall be under one year of age</td>
</tr>
</tbody>
</table>
7 points | Have a score of 5.0 or higher on the Family Child Care Rating Scale AND of the five preschoolers allowed to be enrolled, no more than three children shall be under one year of age

(e) To achieve three points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.0 or higher on the Family Day Care Rating Scale.

(d) To achieve four points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.25 or higher on the Family Day Care Rating Scale.

(e) To achieve five points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.5 or higher on the Family Day Care Rating Scale.

(f) To achieve six points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule;

(2) Have an average score of 4.75 or higher on the Family Day Care Rating Scale; and

(3) Of the five preschoolers allowed to be enrolled, no more than four children shall be under one year of age.

(g) To achieve seven points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule;

(2) Have an average score of 5.0 or higher on the Family Day Care Rating Scale; and

(3) Of the five preschoolers allowed to be enrolled, no more than three children shall be under one year of age.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
75 percent of lead teachers have a BA/BS or higher in early childhood education or child development; OR
All lead teachers have an AAS or higher in early childhood education or child development; OR
75 percent of group leaders have a North Carolina School-Age Care Credential or 6 semester hours in school-age coursework; OR
A Family Child Care Home operator has an Infant and Toddler Certificate or a BA/BS or higher in early childhood education or child development; OR
Completing 20 additional annual on-going training hours for full-time lead teachers and teachers, and staff working part-time; OR
Completing 20 additional annual on-going training hours for family child care home operators; OR
75 percent of lead teachers and teachers have at least 10 years of documented early childhood work experience that can be verified by the Division; OR
All lead teachers and teachers have at least 5 years of documented early childhood work experience that can be verified by the Division and have been employed by no more than 2 different employers; OR
When the program has earned at least 4 points in education and the program has a combined turnover rate of 20 percent or less for the administrator, program coordinator, lead teacher, teacher, and group leader positions over the last 12 months; OR
In a stand-alone school age program, 75 percent of group leaders have at least 5 years of documented school-age work experience that can be verified by the Division and have been employed by no more than 2 different employers.

(2) Programmatic options:
(a) Using a curriculum as defined in Rule .0102(7) of this Chapter. This programmatic option is not available to facilities that are required to use an approved curriculum in accordance with Rule .2802(d) of this Section;
(b) Having group sizes decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section;
(c) Having staff/child ratios decreased by at least one child per age group from the seven point level as described in Rule .2818(e) of this Section;
(d) Meeting at least two of the following three program standards:
   (i) Having enhanced policies which include the following topics: field trip policy, staff development plan, medication administration, enhanced discipline policy, and health rules for attendance;
   (ii) Having a staff benefits package that offers at least four of the following six benefits: paid leave for professional development, paid planning time, vacation, sick time, retirement or health insurance; or
   (iii) Having evidence of an infrastructure of parent involvement that includes at least two of the following: parent newsletters offered at least quarterly, parent advisory board, periodic conferences for all children, or parent information meetings offered at least quarterly;
(e) Completing a 30 hour or longer business training course by a family child care home provider;
(f) Completing a business training course and a wage and hour training by the center administrator that is at least 30 hours total;
(g) Restricting enrollment to four preschool children in a family child care home; or
(h) Reducing infant capacity by at least one child from the seven point level for a family child care home as described in Rule .2828(g)(3) of this Section.

Using a curriculum as defined in Rule .0102(10) of this Chapter. This programmatic option is not available to facilities that are required to use an approved curriculum in accordance with Rule .2802(d) of this Section; OR
Having reduced group sizes decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section; OR
Having staff/child ratios decreased by at least one child per age group from the seven point level as described in Rule .2818(e) of this Section; OR
Meeting the following program standards:
(1) Having a staff benefits package that offers at least four of the following benefits: paid leave for professional development, paid planning time, vacation, sick time, retirement, or health insurance; and
(2) Having evidence of an infrastructure of parent involvement that includes at least two of the following: parent newsletters offered at least quarterly, parent advisory board, periodic conferences for all children, or parent information meetings offered at least quarterly.
A Family Child Care Home operator has completed a 30 hour or longer business training course; OR
A center administrator has completed a business training course and a wage and hour training course that is at least 30 hours of total training time; OR
Restricting enrollment to four preschool children in a Family Child Care Home; OR
Reducing infant capacity by at least one child from the seven point level for a Family Child Care Home as described in Rule .2828(g)(3) of this Section.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s. 10.7(b);

10A NCAC 09 .2830 MAINTAINING THE STAR RATING
(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with the requirements of a star rating after it has been issued. When the Division representative documents violations with the standards that determine a rating, the representative may take one or more of the following actions:

(1) Advise the operator to submit written verification that the violation(s) have been corrected;
(2) Return to the facility for an unannounced visit at a later date to determine if compliance has been achieved;
(3) Recommend an Environmental Rating Scale assessment be conducted;
(4) Recommend a complete reassessment of requirements of the star rating issued to the facility;
(5) Recommend that the star rating be reduced; or
(6) Recommend administrative action in accordance with G.S. 110-110, Article 7 and this Subchapter.

(b) If changes unrelated to employment occur at a facility which result in the operator not complying with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division may take any of the actions described in Paragraph (a) of this Rule.

(c) If employment related changes occur at a facility which results in the operator not complying with the standards in the Section for the star rating issued, the operator shall correct the noncompliance within 90 days. If the operator does not correct the noncompliance within 90 days, the operator shall notify the Division. Based upon the information obtained, the Division may take any of the actions described in Paragraph (a) of this Rule.

(c)(d) A complete assessment of requirements for a voluntary rated license of two stars or higher shall be conducted at least once every three years. The Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) of this Section during each three year period thereafter at no cost to the operator. An operator may have extra rating scale assessments as referenced in Rule .2802(e) of this Section performed at his or her own expense in addition to the free one performed by the Division. The additional rating scale assessments shall be completed by individuals approved by the Division to perform them. Approval shall be based upon the individual's successful completion of training designated or authorized by the authors of the environment rating scales.

(c) An operator may appeal the reduction of a star rating as provided in G.S. 110-94.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
10A NCAC 09 .0401  PROVISIONAL LICENSES FOR FACILITIES (REPEAL THROUGH READOPTION)

(a) A provisional license may be issued in accordance with the provisions of G.S. 110-88(6) for any period of time not to exceed twelve consecutive months for any of the following reasons:

(1) To allow a specific time period for correcting a violation of the building, fire, or sanitation requirements, provided that the appropriate inspector documents that the violation is not hazardous to the health or safety of the children but nevertheless necessitates a provisional classification until corrected.

(2) To allow a specific time period for the facility to comply fully with all licensing requirements other than building, fire, or sanitation, and to demonstrate that compliance will be maintained, provided that conditions at the facility are not hazardous to the health or safety of the children or staff.

(3) To allow time for the applicant or licensee to obtain a declaratory ruling pursuant to Section .2000 of this Subchapter.

(4) As a possible administrative action for substantiation of child abuse or neglect.

(b) The provisional license may be issued upon the Division's determination that the applicant or licensee is making a reasonable effort to conform to such requirements.

(c) The provisional license and the document describing the reasons for its issuance shall be posted in a prominent place in the facility that parents are able to view daily.

(d) A licensee may obtain an administrative hearing on the issuance of a provisional license in accordance with Section .2200 of this Chapter.

History Note: Authority G.S. 110-88(6); 110-99; 143B-168.3;

10A NCAC 09 .1904  ADMINISTRATIVE SANCTIONS (REPEAL THROUGH READOPTION)

(a) A special provisional license may be issued for a six-month period when the Division determines that abuse or neglect occurred in a child care center or home. The following provisions shall apply:

(1) the special provisional license and the reasons for its issuance shall be posted in a prominent place in the center or home as soon as they are received by the operator;

(2) the special provisional license and reasons for issuance shall remain posted for the entire six months covered by the license, and also during the time of any administrative proceedings;

(3) no new children shall be enrolled in the center or home until the Division is satisfied that the abusive or neglectful situation no longer exists and gives the operator written permission to accept new children; and

(4) an operator may obtain an administrative hearing on the issuance of a special provisional license in accordance with the provisions of G.S. 150B-23.

(b) A written warning specifying corrective action to be taken by the operator of the child care center or home may be issued when the investigation is concluded and the Division determines that abuse or neglect occurred in a center or home and the situation does not warrant issuance of a special provisional license.

(c) A civil penalty, in accordance with the schedules listed in Rule .1716 and Section .2200 of this Subchapter, may be levied against the operator of a child care home or center when the Division determines that child abuse or neglect has occurred while the child was in the care of the home or center. In addition, any violation of the terms of a special provisional license may result in the assessment of a civil penalty as provided in Rule .1716 and Section .2200 of this Subchapter.

(d) Failure to implement the corrective action plan required by a written warning pursuant to G.S. 110-88(6a) may result in either the assessment of a civil penalty as provided in Section .2200 of this Subchapter or the issuance of a special provisional license or may result in both actions being taken.

(e) The type of sanction imposed by the Secretary shall be determined by one or more of the following criteria:

(1) severity of the incident;

(2) probability of recurrence;

(3) prior incidents of abuse or neglect in the center or home;

(4) history of compliance with child care requirements; or

(5) the Division's assessment of the operator's response to the incident.

(f) Nothing in this Rule shall restrict the Secretary from using any other statutory or administrative penalty available pursuant to G.S. 110-102.2 and Section .2200 of this Subchapter, or the provisions in 150B-3(c) to summarily suspend a license if the health, safety or welfare of any child is in jeopardy.

History Note: Authority G.S. 110-88(5); 110-88(6a); 110-102.2; 110-103.1; 143B-168.3; 150B-3; 150B-23;
10A NCAC 09 .2201 ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES: GENERAL PROVISIONS

(a) Pursuant to G.S. 110-102.2, the secretary or their designee may order one or more administrative actions, civil penalties, or both, against any owner of a child care facility who violates any provision of Article 7 of Chapter 110 of the General Statutes or this Chapter, G.S. 110, Article 7, or rules in this Chapter or 10A NCAC 10. The administrative actions and civil penalties include:

1. A written reprimand as set forth in Rule .2202 of this Section;
2. A written warning as set forth in Rule .2203 of this Section;
3. A provisional child care facility license or provisional notice of compliance not to exceed 12 months as set forth in Rule .2204 of this Section;
4. A special provisional child care facility license or special provisional notice of compliance not to exceed six months and may include a limited enrollment restriction as set forth in Rule .2207 of this Section;
5. A probationary child care facility license or probationary notice of compliance not to exceed 12 months as set forth in Rule .2205 of this Section;
6. Revocation of the child care facility license, an order to cease operation to operate a child care facility as set forth in Rule .2209 of this Section;
7. Summary suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility that results in immediate closure of the facility as set forth in Rule .2213 of this Section;
8. Denial of an application or child care facility license as set forth in Rule .2215 of this Section;
9. Suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility not to exceed 12 months and results in closure of the facility on the date of the order as set forth in Rule .2206 of this Section; and
10. The assessment of civil penalties as set forth in Rules .2208, .2214 - .2216 and .2217 of this Section.

(b) The Division shall consider the following factors when determining the type of administrative action and civil penalty to be issued:

1. The severity of the violation or incident;
2. The probability of recurrence of the violation or incident;
3. All prior incidents of where the Division has determined that abuse, neglect, or child maltreatment occurred at the facility;
4. The operator's response to the violation or incident, including actions taken to prevent recurrence such as revision to facility policies and procedures or additional staff training;
5. A self-report of the violation or incident to the Division by the operator; and
6. Information or records received from local, State, or federal agencies relevant to the violation or incident. Nothing shall prevent the issuance of an administrative action or civil penalty for a situation that does not fit the specified criteria set forth in this Section so long as these factors are considered by the Division.

(c) For purposes of this Section, the following definitions shall apply:

1. "Pattern of noncompliance" means documented violations of G.S. 110, Article 7, this Chapter, or 10A NCAC 10 during a time period of 18 months or less involving similar situations or incidents.
2. "History of noncompliance" means documented violations of G.S. 110, Article 7, this Chapter, or 10A NCAC 10 documented over the duration of the child care facility license and includes any previous administrative actions.
3. "Serious harm" means:
   A. Physical, psychological, or emotional injury to a child by a caregiver;
   B. An act of omission or commission to a child by a caregiver that is likely to result in or that results in permanent limitations or disability;
   C. Sexual abuse; or
   D. The death of a child.

(d) The Division may levy a civil penalty against any owner who violates any provision of G.S. 110, Article 7, this Chapter, or 10A NCAC 10, or who fails to take corrective action after being provided written notice by the Division.

(e) Nothing in this Section shall restrict the Secretary from using any other statutory or civil penalty available. A civil penalty in accordance with G.S. 110-103.1 and Section .2200 of this Chapter may be imposed in conjunction with any other administrative activity.

(f) The Division shall issue a prior notice of administrative action to the owner or prospective owner regarding the determination to issue a provisional child care facility license or notice of compliance, special provisional child care facility license or notice of compliance, probationary child care facility license or notice of compliance, revocation of the child care facility license, order to cease operation, suspension of the child care facility license or notice of compliance, or denial of a child care facility license or notice of compliance. The owner or prospective owner shall be given an opportunity to respond in writing as to why the administrative action should not be taken. The written response shall be submitted to the Division within
15 days of receiving the prior notice of administrative action. The Division shall grant an extension of time not to exceed an
additional 15 days, so long as the request is received before the initial response time has ended.

(f) The Division may issue a less stringent administrative action based upon the owner’s or prospective owner’s written response
or the factors in Paragraph (b) of this Rule.

(g) The Division shall issue a final notice of administrative action to the owner or prospective owner. The final notice of
administrative action shall describe the reasons for its issuance including identification of the statutes or rules violated.

(h) When a corrective action plan is included in the notice of administrative action, it shall describe those actions necessary
for the operator to be in full compliance with requirements of G.S. 110, Article 7, this Chapter, or 10A NCAC 10, and shall
specify a time period for completion of additional requirements that may prevent recurrence such as training or policy
implementation. Corrective action plans may be issued only with a written warning, provisional child care facility license or
notice of compliance, special provisional child care facility license or notice of compliance, and probationary child care facility
license or notice of compliance. Subject to the exceptions in Paragraph (i) of this Rule, corrective action plans are stayed during
the pendency of an appeal.

(i) Immediate corrective action plans resulting from an investigation or determination of child maltreatment as set forth in G.S.
110-105.3(f) and restrictions that prohibit new enrollment as set forth in G.S. 110-105.6(f) shall not be stayed during the
pendency of an appeal.

(j) The issuance of an administrative action or civil penalty may be appealed pursuant to G.S. 150B-23.

(k) Following the substantiation of any abuse or neglect complaint or the issuance of any administrative action against a
child care facility, owner, the operator shall: shall post the administrative action, cover letter, and corrective action plan, if
applicable, received from the Division in a prominent location near the entrance of the child care facility as follows:

(1) an administrative action shall remain posted during the pendency of an appeal and throughout the effective
time period of an administrative action.

(2) the effective time period shall end:

(A) three months from receipt of a final notice of administrative action containing a written reprimand;

(B) three months and upon receipt of a closure letter from the Division stating that the corrective action
plan has been completed for a final notice of administrative action containing a written warning;

(C) upon issuance of a star rated license following a final notice of administrative action containing a
special provisional child care facility license, a provisional child care facility license, or a
probationary child care facility license; or

(D) upon re-issuance of a notice of compliance following a final notice of administrative action
containing a special provisional notice of compliance, a provisional notice of compliance, or a
probationary notice of compliance.

(1) maintain copies of documentation of the substantiated complaint investigation or of the administrative action
issued against the facility for the past three years in a binder, which is accessible to parents;

(2) within 30 days, notify the parents of the children currently enrolled that a complaint was substantiated or that
an administrative action was taken against the facility, including administrative actions that may be stayed
pending appeal. The notice shall:

(A) be in writing;

(B) include information on the nature of the substantiated complaint or the type of administrative action
taken; and

(C) state where the binder containing copies of the substantiated complaint investigation or
administrative action may be found on site for review by the parents; and

(2) document the date that the written notice was given to all parents and have parents sign an acknowledgement
that they have received said notice.

(l) Following the issuance of an administrative action, the Division shall:

(1) monitor the child care facility for compliance with health and safety requirements, and license restrictions
during the time period of the administrative action, including administrative actions that may be stayed
pending appeal; and

(2) monitor the child care facility for compliance with the terms of the administrative action, including license
restrictions and completion of the corrective action plan, except for administrative actions that are stayed
pending appeal.

(m) If the operator fails to achieve compliance during the specified time period of an administrative action, the Division may
assess a civil penalty and take more restrictive action to achieve compliance, including or up to issuing a revocation of the child
care facility license, notice of compliance or other permit to operate a child care facility, or an order to cease operation.

History Note: Authority G.S. 110-85; 110-88; 110-90; 110-102.2; 110-103.1; 110-105.3; 110-105.5; 110-105.6; 143B-
168.3; 1450B-23.
10A NCAC 09 .2202  WRITTEN REPRIMANDS
A written reprimand may be issued in accordance with 10A NCAC 09 .2201 for any violation related to a brief event that will not recur in the ordinary operation of the child care facility and the Division has determined that no corrective action plan is required.
(a) A written reprimand may be issued to censure any violation which the Division determines to have been a brief uncustomary event which is unlikely to recur in the ordinary operation of the center or home.
(b) The reprimand shall describe the reasons for its issuance including identification of the specific section of the statutes or rules violated.

History Note:  Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;

10A NCAC 09 .2203  WRITTEN WARNINGS
(a) A written warning and a corrective action plan may be issued to a child care facility licensee in accordance with the provisions of 10A NCAC 09 .2201(a) and (h) and G.S. 110-88(6a) in regard to any violation to allow the operator an opportunity to demonstrate compliance with all requirements.

(1) substantiated violations as a result of a complaint that meets criteria for an administrative action set forth in this Rule;
(2) citation of eight or more rule violations in a single visit where the operator does not meet the of other administrative actions set forth in this Section and has not been subject to an administrative action within the last three years;
(3) citation of one of the following rules on two consecutive visits as set forth in this Paragraph of this Rule:
   (a) supervision of children;
   (b) discipline, nurture, or care of children;
   (c) staff/child ratio;
   (d) group size;
   (e) licensed capacity; or
   (f) permit restriction;
(4) receipt of two provisional sanitation classifications within one year or a disapproved sanitation that was corrected prior to the Division being notified of the disapproved status;
(5) receipt of documentation regarding lead hazards with remediation as provided by the health inspector; or
(6) two citations of a violation of the provisions of G.S. 110-90.2 regarding criminal history record check requirements within an 18-month time period.

(b) The written warning and corrective action plan shall describe the reasons for its inclusion identifying identification of the specific section of the statutes or rules violated. It shall also describe those actions necessary for the operator to be in full compliance with requirements and shall specify a time period for compliance to be achieved.
(c) If the operator fails to achieve compliance during the specified time period, the Division shall employ more restrictive action to achieve compliance or shall revoke the permit.

History Note:  Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;

10A NCAC 09 .2204  PROVISIONAL CHILD CARE FACILITY LICENSE OR PROVISIONAL NOTICE OF COMPLIANCE
A provisional child care facility license or provisional notice of compliance may be issued to a child care facility licensee in accordance with the provisions of 10A NCAC 09 .2201(a) and (h) and G.S. 110-88(6) for any period of time not to exceed 12 consecutive months for the following reasons:

(1) substantiated violations as a result of a complaint that meets criteria for an administrative action set forth in this Rule;
(2) to allow a time period for correcting a violation of the building, fire, or sanitation requirements, provided that the inspector documents that the violation is not hazardous to the health or safety of the children;
(3) receipt of more than two provisional sanitation classifications within 12 months, regardless of the approved sanitation classifications that may follow;
(4) receipt of two or more disapproved sanitation classifications within 12 months, regardless of the approved sanitation classifications that may follow;
(5) receipt of a disapproved sanitation classification followed by a provisional sanitation classification at any time, regardless of the approved sanitation classifications that may follow;
(6) when the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90;
(7) citation of one of the following rules on two consecutive visits:
   (a) Supervision of children;
   (b) Discipline, nurture, or care of children;
   (c) Staff/child ratio;
(d) Group size;
(e) Licensed capacity;
(f) CPR training;
(g) First Aid training;
(h) ITS-SIDS training; and
(i) Health and Safety Training;

(8) citation of 16 or more rule violations in a single visit where the operator does not meet the criteria of other
administrative actions as set forth in this Section;
(9) more than two citations of a violation of the provisions of G.S. 110-90.2 regarding criminal history record
check requirements within an 18-month time period; or
(10) pattern of noncompliance.

History Note: Authority G.S. 110-88(6); 110-90; 110-99; 143B-168.3;

10A NCAC 09.2204 .2205 PROBATIONARY LICENSE OR PROBATIONARY NOTICE OF
COMPLIANCE

A probationary license or probationary notice of compliance may be issued in accordance with the provisions of 10A NCAC
09.2201 for any period of time not to exceed 12 consecutive months for the following reasons:
(1) a violation of any section of the G.S. 110. Article 7 of this Chapter that has been willful, continual, or
hazardous to the health or safety of children;
(2) the operator has failed to comply with the terms of a corrective action plan issued with a written warning or
provisional license or notice of compliance;
(3) there is a history of noncompliance with child care requirements; or
(4) when, in accordance with G.S. 110-105.3, the Division determines that child maltreatment occurred in a child
care facility, and there is a pattern or history of noncompliance.

(a) A permit may be placed in probationary status for a period of time not to exceed one year when, in the Division's
determination, violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety.
(b) The document ordering probation shall describe the reasons for its issuance including identification of the specific section
of the statutes or rules violated and shall specify the period of probation. It shall also specify terms of probation with which the
operator must comply to retain the permit.
(c) The order of probation shall be posted in a prominent place in the center or home during the probationary period. If
probation is stayed pending appeal, the probation order shall remain posted in the center or home pending final action.
(d) Failure of the operator to comply with the terms of probation shall result in the commencement of proceedings to suspend
or revoke the permit.

History Note: Authority G.S. 110-88; 110-90; 110-99; 143B-168.3;

10A NCAC 09 .2205 .2206 SUSPENSION

Suspension of a child care facility license or suspension of a notice of compliance may be ordered to a child care facility
licensee in accordance with the provisions of 10A NCAC 09 .2201 and for a time period not to exceed 12 consecutive months
for the following reasons:
(1) the owner of the child care facility is a corporate entity that has been placed under revenue suspension by the
North Carolina Secretary of State;
(2) when the Division has issued a provisional child care facility license or notice of compliance related to
building, fire, or sanitation requirements and the operator has failed to comply; or
(3) allowance of a specific time period for correcting a violation of building, fire, or sanitation requirements,
provided that the appropriate inspector documents that closure of the child care facility is necessary to protect
health or safety of children during correction.

The suspension of a child care facility license or suspension of a notice of compliance shall not be stayed during the pendency
of an appeal.
(a) Suspension of a permit for a period of time not to exceed 45 days may be ordered when violation of any section of the
statutes or rules has been willful, continual, or hazardous to health or safety, and/or the operator has not made reasonable efforts
to conform to standards.
(b) The operator shall be notified in advance of the determination to suspend the permit and the reasons for such action. The
operator may request an agency review of the situation and shall be given an opportunity to show compliance with all
requirements for retention of the permit.
(c) The suspension order shall specify the period of suspension and the reasons for its issuance. The operator shall surrender
the permit to the Division on the effective date of the suspension order and shall refrain from operating a center or home during
the suspension period.
(d) If suspension is stayed pending appeal, the suspension order shall be posted in a prominent place in the center or home pending final action.

(e) Failure to comply with the suspension order shall result in civil action in accordance with G.S. 110-103.1 and/or criminal penalty in accordance with G.S. 110-103. The Division may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3.

10A NCAC 09 .2207 SPECIAL PROVISIONAL CHILD CARE FACILITY LICENSE OR SPECIAL PROVISIONAL NOTICE OF COMPLIANCE

A special provisional child care facility license or special provisional notice of compliance may be issued to a child care facility licensee in accordance with the provisions of 10A NCAC 09 .2201(a) and (h). A special provisional child care facility license or special provisional notice of compliance may be issued for a six-month period when the Division determines that child maltreatment occurred in a child care facility. A limited enrollment restriction may be included on the special provisional child care facility license or special provisional notice of compliance that prevents new children from being enrolled during the special provisional time period until the Division is satisfied that unsafe conditions no longer exist.

History Note: Authority G.S. 110-88; 110-90; 110-105.3; 110-105.6; 143B-168.3.

10A NCAC 09 .2208 CIVIL PENALTIES: SCOPE AND PURPOSE (REPEAL THROUGH READOPATION)

Any operator who violates any provision of G.S. 110, Article 7 or of this Subchapter, or who fails to take corrective action after being provided adequate written notice by the Division, shall be considered to be in willful violation of the licensing law and a civil penalty may be levied against the operator by the secretary or designee pursuant to rules and schedules of penalties adopted by the Commission.

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;

10A NCAC 09 .2206 .2209 REVOCATION OF A CHILD CARE FACILITY LICENSE OR AN ORDER TO CEASE OPERATION

(a) Revocation of a permit child care facility license or an order to cease operation may be ordered issued to a child care facility licensee in accordance with the provisions of 10A NCAC 09 .2201 for the following reasons: when violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety, or the operator has not made reasonable efforts to conform to standards or is unable to comply.

(1) child maltreatment has occurred in a child care facility and serious harm occurred as set forth in Rule .2201(c)(3) of this Section;

(2) when one or more prior determinations of child maltreatment have occurred at a child care facility within three years;

(3) violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety of children;

(4) the operator fails to comply with an implemented protection plan as set forth in G.S. 110-105.3(e);

(5) the operator fails to comply with immediate corrective action required pursuant to an investigation or determination of child maltreatment as set forth in G.S. 110-105.3(f);

(6) the operator falsifies information in violation of G.S. 110-91(14);

(7) the operator fails to comply with the terms of an administrative action or corrective action plan issued with a special provisional or probationary child care facility license or notice of compliance;

(8) the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90, and the conditions at the facility are hazardous to the health and safety of the children or staff;

(9) history of noncompliance;

(10) receipt of a disapproved sanitation classification that is not corrected with a provisional or approved classification;

(11) change of ownership of a child care facility without proper notification to the Division as specified in Rules 10A NCAC 09 .0204(a), .0403(a), and .1702(g);

(12) change of location of a child care facility without proper notification to the Division as specified in Rules 10A NCAC 09 .0204(b), .0403(a), and .1702(d); or

(13) the owner of the child care facility is a corporate entity that has been administratively dissolved from the North Carolina Secretary of State.

(b) The operator shall be notified in advance of the determination to revoke the permit and the reasons for such action. The operator may request an agency review of the situation and shall be given an opportunity to show compliance with all requirements for retention of the permit.
(c) The revocation order shall specify the reasons for its issuance and the effective date of revocation and shall be posted prominently in the center or home immediately upon receipt. The operator shall surrender the permit on the effective date of the revocation order and shall refrain from operating the center or home thereafter.

(d) Failure to comply with the revocation order shall result in civil action in accordance with G.S. 110-103.1 or a criminal penalty in accordance with G.S. 110-103, or both. The Secretary may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3;

10A NCAC 09 .2207 .2213 SUMMARY SUSPENSION
Summary suspension of a child care facility may be ordered to a child care facility licensee in accordance with the provisions of 10A NCAC 09 .2201 and G.S. 150B-3(c) when, in the Division's determination, immediate action is required to protect the health and safety of children in a child care facility regulated by the Division. The order shall be effective on the date specified in the order. The order shall be effective during proceedings to suspend or revoke the child care facility license or during proceedings to cease operation of a facility with a notice of compliance. Administrative actions summarily suspending a child care facility license, notice of compliance, other permit to operate a child care facility shall not be stayed during the pendency of an appeal pursuant to G.S. 150B-3(c).

(a) Summary suspension of a permit may be ordered in accordance with G.S. 150B-3(c) when, in the Division's determination, emergency action is required to protect the health, safety, or welfare of children in a child care facility regulated by the Division. The order shall be effective on the date specified in the order. The order shall be effective during proceedings to suspend or revoke the permit.

(b) The suspension order shall specify the reasons for its issuance including identification of the specific section of the statutes and rules violated and the determination of the need for emergency action. The order shall be effective on the date specified in the order. The order shall be effective during proceedings to suspend or revoke the permit.

(c) The operator shall surrender the permit on the effective date of the order and shall refrain from operating a center or home until final action is determined.

(d) Failure to comply with the summary suspension order shall result in civil action in accordance with G.S. 110-103.1, and/or criminal penalty in accordance with G.S. 110-103. The Division may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 110-105.6; 143B-168.3; 150B-3;

10A NCAC 09 .2209 .2216 AMOUNT OF PENALTY CIVIL PENALTIES FOR CHILD CARE FACILITIES
(a) The amount of the penalty assessed to a child care facility by the Secretary shall be based upon the following factors:

(1) willful or negligent non-compliance noncompliance by the operator, operator;
(2) history of non-compliance, noncompliance;
(3) extent of deviation from the regulation, rule or law;
(4) evidence of good faith effort to comply, comply; and
(5) any other factors relevant to the unique situation.

(b) The amount of the penalty, within the limitation established by G.S. 110-103.1, shall be in accordance with the following schedule and with consideration of the factors set forth in Paragraph (a) of this Rule:

(1) Where where a violation presents a clear and imminent danger to the safety of the children, a civil penalty up to one thousand dollars ($1000) may be imposed;
(2) Where where a violation endangers, or has the potential to endanger the children's health, safety, or well-being, a civil penalty up to five hundred dollars ($500.00) may be imposed; or
(3) Where where a violation does not directly endanger the children, a civil penalty of up to two hundred and fifty dollars ($250.00) may be imposed.

(c) A separate penalty may be imposed for each violation.

History Note: Authority G.S. 110-88; 110-90; 110-103.1; 143B-168.3;

10A NCAC 09 .2213 .2217 SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS
(a) The following penalties may be assessed against child care centers by the Secretary as defined in G.S. 110-86(3) for each violation documented. The Division shall consider the factors set forth in Rule .2216(a) of this Section when determining the amount of civil penalties assessed.

(b) A civil penalty in an amount up to one thousand dollars ($1,000) may be imposed for the following violations:

(1) Non-compliance Noncompliance with the standards rules and laws for:
(A) Staff-child staff-child ratios;
(B) Adequate adequate supervision of children;
(C) Transportation transportation of children; or
(D) Use use of swimming pools and other swim areas;
(E) administration of medication;
(F) discipline, nurture, or care of children; or
(G) medical action plan requirements;
(2) Disapproved fire safety, building or sanitation inspection reports;
(3) Exceeding licensed capacity of center, or use of unauthorized space;
(4) Change of ownership or relocation of center without prior notification to the Division;
(5) Determination of child maltreatment at the center as set forth in G.S. 110-105.3; Substantiation that a child
(or children) was abused or neglected while in the care of the center; or
(6) Willful, repeated pattern of non-compliance with any requirement over extended period of
time; or
(7) Denial of entry to an authorized representative of the Department or Division.

(c) A civil penalty in an amount up to five hundred dollars ($500.00) may be imposed for the following violations:
(1) Non-compliance with the standards rules and laws for:
(A) Staff health requirements;
(B) Staff qualifications;
(C) Children's health requirements;
(D) Proper nutrition;
(E) Sanitation and personal hygiene practices;
(F) Discipline of children;
(G) Indoor or outdoor space; or
(H) Emergency medical plan; or
(2) Failure to comply with a corrective action plan.
(3) Denial of entry to an authorized representative of the Department or Division.

(d) A civil penalty in an amount up to two hundred and fifty dollars ($250.00) may be imposed for the following violations:
(1) Non-compliance with the standards rules and laws for:
(A) safe environment;
(B) Age-appropriate activities; or
(C) Staff development;
(2) Failure to post provisional permit, current child care license, notice of compliance or other permit to operate
a child care facility; or
(3) Failure to maintain accurate records as set forth in Rule .2318 of this Chapter.

(e) Violation of other standards may result in the assessment of a penalty according to the effect or potential effect of the
violation on the safety and well-being of the child.

History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
SECTION .2700 - CRIMINAL RECORDS CHECKS

10A NCAC 09 .2701 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
The rules in this Section apply to all child care providers as defined in G.S.110-90.2. The Division, in accordance with G.S.110-90.2, shall determine if an individual is a qualified child care provider. An individual may work or be present in any child care facility during the time the individual holds a valid qualification letter after the Division's determination that the individual is a qualified child care provider.

History Note: Authority G.S. 110-85; 110-90.2;

10A NCAC 09 .2702 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
For purposes of this Section:
(1) a "qualified child care provider" means an individual who the Division has determined is fit to have responsibility for the safety and well-being of children based on the criminal history as set forth in G.S. 110-90.2.
(2) a "disqualified child care provider" means an individual who:
(a) the Division has determined is not fit to have responsibility for the safety and well-being of children based on the criminal history in accordance with G.S. 110-90.2(a)(3);
(b) is classified within the prohibited list provided in G.S. 110-90.2(a1);
(c) the Division determines to be an habitually excessive user of alcohol, who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children;
(d) refuses to consent to a criminal history record check; or
(e) intentionally falsifies any information required to conduct a criminal history record check.
(3) a "qualification letter" or "qualifying letter" means the letter issued by the Division notifying an individual that he or she is a qualified child care provider;
(4) a "conviction" includes when a plea of guilty or no contest is accepted by the trial court, or entry of an order granting a prayer for judgment continued; and
(5) a "pending criminal charge" includes, but is not limited to, a charge that has been deferred pursuant to G.S. 15A-1341(a1).

History Note: Authority G.S. 110-85; 110-90.2; 110-90.2(a)(3); 114-19.5; 143B-168.3; S.L. 1995, c. 507, s. 23.25;

10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS
(a) In addition to the requirements in Rules .0302 and .1702 of this Chapter, a child care provider shall submit the following to the Division prior to the issuance of a license or prior to beginning employment:
(1) a signed and completed Authority for Release of Information form;
(2) fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation; and
(3) if a child care provider is an out-of-state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence.
All required forms can be found on the Division's website at http://ncchildcare.dhhs.state.nc.us/general/dhhscrc_childcare.asp.
(b) If the child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, he or she may submit to the Division additional information concerning the conviction or charges that the Division shall use in making the determination of the child care provider's qualification. The Division shall also consider the following in making its decision:
(1) length of time since conviction;
(2) whether the child care provider is currently on probation;
(3) nature of the offense;
(4) circumstances surrounding the commission of the offense or offenses;
(5) evidence of rehabilitation;
(6) number and type of prior offenses; and
(7) age of the child care provider at the time of occurrence.
(c) If the child care provider is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity or a person designated by the chief executive officer as responsible for the operation of the facility, shall complete the criminal history record check as specified in Paragraph (a) of this Rule.

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(d) If a Letter of Intent to Operate pursuant to G.S. 110-106 is submitted to the Division, the person signing the Letter of Intent shall submit all forms as required in Paragraph (a) of this Rule.

(e) Child care providers must have a valid qualification letter prior to employment or living in the family child care home and the qualification letter must be kept on file at the facility for review by representatives of the Division.

(f) Child care providers found to be disqualified are not eligible for employment in child care until a qualification letter has been issued by the Division.

(g) Child care providers determined by the Division to be disqualified shall be terminated by the center or family child care home immediately upon receipt of the disqualification notice.

(h) Disqualification of a child care provider living in a family child care home shall be grounds for issuance of a summary suspension of the family child care home or center in a residence license in accordance with 10A NCAC 09.2207, 2213.

(i) Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the license or any other administrative action or civil penalty permitted by law or rule.

(j) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. Mandatory reporting requires all child care providers and household members who have incurred any pending charges, indictments or convictions (other than minor traffic offenses) since the last qualification letter was issued by the Division to notify the operator of such charges within five business days or before returning to work, whichever comes first. The operator shall notify the Division of any such pending charges, indictments or convictions within one business day of being notified.

(k) The qualification letter is valid for a maximum of three years from the date of issuance.

(l) Prior to the expiration date of the qualification letter, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule.

(m) After a child care provider has been qualified, the Division may complete a new criminal history record check at any time when the Department of Social Services or the Division of Child Development and Early Education conducts an investigation that references the child care provider.

(n) Any individuals who live in the household who have had their 16th birthday after the initial approval, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence, shall submit all forms as required in Paragraph (a) of this Rule to the Division within five business days.

(o) Child care operators must notify the Division of any new child care providers who are hired or moved into the home within five business days by submitting the form provided by the Division.

History Note: Authority G.S. 110-85; 110-86(7); 110-90.2; 110-90.2(a); 110-106; 114-19.5; 143B-168.3; S.L. 2012-160, s.1;

10A NCAC 09.2704 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED CHILD CARE PROVIDERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

(a) A nonlicensed child care provider shall submit the following to the local purchasing agency prior to caring for children and receiving subsidy payments:

1. a signed Authority for Release of Information using the form provided by the Division;
2. fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation;
3. if a prospective child care provider is an out-of-state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence.

This Rule applies to any individuals over 15 years old who move into the household, or any individuals who live in the household who have had his or her 16th birthday after the initial approval, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence. The individual shall submit the items in this Paragraph to the local purchasing agency within five business days of moving into the home or their 16th birthday.

(b) New nonlicensed child care providers shall submit the complete and accurate packet no later than five business days after applying for enrollment as a nonlicensed child care provider of subsidized child care. If more than three years have elapsed since the criminal history record check has been completed and subsidy funds were not received, then a new criminal history record check must be submitted by the nonlicensed child care provider and any household member over 15 years old.

(c) Any individual over 15 years old, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence, shall submit all criminal history record check forms as required in Subparagraphs (a)(1) and (a)(2) of this Rule, within five business days of joining the household.

(d) If a nonlicensed child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, he or she may submit to the Division additional information concerning the conviction or charges that could be used by the Division in making the determination of the child care provider's qualification. The Division shall consider the following in making a decision:

1. length of time since conviction;
2. whether the nonlicensed child care provider is currently on probation;
3. nature of the offense;
(4) circumstances surrounding the commission of the offense or offenses;
(5) evidence of rehabilitation;
(6) number and type of prior offenses; and
(7) age of the nonlicensed child care provider at the time of occurrence.

(e) The local purchasing agency shall mail the Authority for Release of Information using the form provided by the Division, and fingerprint impressions to the Division no later than five business days after receipt. A copy of the submitted information shall be maintained in the nonlicensed child care provider's file until the notice of qualification is received by the nonlicensed child care provider. The notice of qualification shall be maintained in the nonlicensed child care provider's file. The local purchasing agency shall keep the child care provider's file.

(f) A nonlicensed child care provider shall not receive payment during the period in which the state and federal criminal history record check is being completed.

(g) Disqualification of a nonlicensed child care provider by the Division shall be reasonable cause for the local purchasing agency to deny payment.

(h) If a nonlicensed child care provider disagrees with the decision of disqualification and files a civil action in district court, the provider may continue to operate as a nonlicensed child care provider, but shall not receive payment during the proceedings. If the determination in the civil action is that the nonlicensed child care provider is qualified, the nonlicensed provider shall receive retroactive payment for the uncompensated care provided during the proceedings.

(i) After a nonlicensed child care provider is qualified, the Division may complete a new criminal history record check at any time when the Department of Social Services or the Division of Child Development and Early Education conducts an investigation that references the child care provider. If the Division requests a new criminal history record check, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days of the Division's request.

(j) The qualification letter is valid for a maximum of three years from the date of issuance.

(k) Prior to the expiration date of the qualification letter, the nonlicensed child care provider shall complete and submit the forms described in Paragraph (a) of this Rule.

(l) Nonlicensed child care providers and household members must have a valid qualification letter prior to receiving subsidy payments.

History Note: Authority G.S. 110-90.2; 114-19.5; 143B-168.3; S.L. 2012-160, s. 1;
10A NCAC 09 .4001  ADMINISTRATIVE PENALTIES FOR CHILD CARE TRAINERS

(a) For purposes of this Rule, "in-service trainer" and "training agent" means an individual, agency, or organization that submits training content to be approved for the award of contact hour credits to meet child care staff training requirements. When an approved in-service trainer or training agent fails to comply with requirements specified in Rules 10A NCAC 09 .1105 and .1715(h), the Division shall issue an administrative penalty.

(b) A written warning letter shall be issued when an in-service trainer or training agent fails to submit accurate training documentation. The written warning letter shall describe the reasons for its issuance including identification of the specific statutes or rules violated. The letter shall describe actions necessary for the operator to be in compliance and specify a time period for compliance to be achieved. The Division shall determine the need for corrective action on an individual basis.

(c) A Notice of Termination of Trainer Approval shall be issued to an approved in-service trainer or training agent when falsification of training documentation by an in-service trainer or training agent occurs. The Notice of Termination shall describe the reasons for its issuance including identification of the specific section of the statutes or rules violated.

(d) A Denial of Trainer Approval shall be issued to a person requesting to be an approved in-service trainer or training agent when the Division determines that:

1. an in-service trainer or training agent has previously received an administrative penalty from the Division;

2. if the Division has received information regarding inaccuracy of training by the in-service trainer or training agent and the Division determines that the inaccuracy would impact the care provided to children by the child care providers receiving the training.

The Denial of Trainer Approval shall describe the reasons for its issuance including identification of the specific statutes or rules violated.

(e) Failure to comply with the Notice of Termination or Denial may result in civil action in accordance with G.S. 110-103.1 and a criminal penalty in accordance with G.S. 110-103. The Secretary may also seek injunctive relief in accordance with G.S. 110-104.

Section History: Authority G.S. 110-88; 110-90; 110-91(8),(11); 143B-168.3.