

**CHAPTER 9 - CHILD CARE RULES**  
**Effective October 1, 2017**

**SECTION .3000 NC PRE-KINDERGARTEN SERVICES**

**10A NCAC 09 .3001 SCOPE**

The Rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten (NC Pre-K) Program. The NC Pre-Kindergarten Program Rules in G.S. 110, Article 7 and Chapter 9 shall apply except as provided in Section .3000. The NC Pre-K Program is intended to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a)-(f);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

**10A NCAC 09 .3002 FACILITY REQUIREMENTS**

(a) Programs serving NC Pre-K children shall maintain a four-or five-star rated license in accordance with G.S. 110-90 (4) and Section .2800 of this Chapter.

(b) All NC Pre-K licensed programs shall have an assessment completed every three years using the Early Childhood Environment Rating Scale-Revised Edition assessment tool as a part of the rated license reassessment process as defined in 10A NCAC 09 .0102(15), (25) and (40). Classrooms that score below 5.0, shall be reassessed the following year and a minimum score of 5.0 must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom shall be selected for an assessment during the reassessment process.

(c) During the NC Pre-K day, classrooms serving NC Pre-K children shall provide outdoor time, either as part of a small group, whole group, or individual activity, for no less than 45 minutes per day when weather conditions permit as defined in Rule .0102 of this Chapter.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a).  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

### **10A NCAC 09 .3003 PROGRAM ATTENDANCE POLICY**

When a child is absent for more than three consecutive days, the site-level administrator shall contact the child's parent to discuss the absences and determine whether the parent wishes the child to remain in the NC Pre-K Program. The site-level administrator shall document each attempt to contact the family and include decisions the child's parent makes regarding the child's continued participation in the program. The site-level administrator shall contact the local NC Pre-K contractor to share information related to the child's absence and to collaboratively determine what further actions may be necessary to maintain the child's attendance in the program. The site-level administrator shall not terminate a child's participation in the NC Pre-K program before determining if barriers to the child's attendance exist and can be remedied through assistance such as access to transportation or additional educational activities in the case of a child's illness or disability.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

### **10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS**

(a) A health assessment shall be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-K program and the assessment may be no more than 12 months old at the time of program entry. The health assessment shall include the following:

- (1) physical examination;
- (2) updated immunizations;
- (3) vision screening;
- (4) hearing screening; and
- (5) dental screening.

(b) Site-level administrators shall review all health assessment results at the time of the child's entry into the program to determine whether the assessment includes specific instructions for identified health needs that may require physical or occupational or other therapies to support the child's development and learning goals.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

## **10A NCAC 09 .3006 DEVELOPMENTAL SCREENING**

(a) All children enrolled in the NC Pre-K program shall receive a screening assessing the development of each child, across all domains, to ensure the child is growing and developing according to developmental milestones, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a health care, community or school professional trained in administering the screening. screening tool. Children shall be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used for the purpose of identifying children to be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Site-level administrators shall review all developmental screening results and shall share results with families when results indicate a need for further evaluation of the child in one of the domains of development: health and physical, emotional and social, cognitive, language/communication and approaches to play and learning. The site-level administrator will work with the family to contact the local school system's Exceptional Children Program or other qualified resources to determine if a child is eligible for special education, related services or other supports for modifications in the classroom.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

## **10A NCAC 09 .3007 EARLY LEARNING STANDARDS AND CURRICULA**

(a) NC Pre-K programs shall use North Carolina's Early Learning and Development Standards (and subsequent editions), as developed by a group of state and national early childhood experts. The Early Learning and Development Standards can be found on the Division of Child Development and Early Education's website at [http://ncchildcare.dhhs.state.nc.us/providers/pv\\_foundations.asp](http://ncchildcare.dhhs.state.nc.us/providers/pv_foundations.asp).

(b) Each NC Pre-K classroom shall use a curriculum as defined in 10A NCAC 09 .0102.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. January 1, 2013;  
Readopted Eff. October 1, 2017.*

### **10A NCAC 09 .3008 FORMATIVE ASSESSMENTS**

Classroom staff shall be required to conduct on-going formative assessments to gather information about each child's growth and skill development, and how each child processes information and solves problems during the learning process. Classroom staff shall use this information to plan and deliver instruction, and review each child's progress with his or her family, based on each child's development and learning needs. All formative assessments used by the NC Pre-K Program must be approved by the NC Child Care Commission.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a),(b);  
Eff. March 1, 2013;  
Readopted Eff. October 1, 2017.*

### **10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE**

The classroom shall not exceed a maximum staff-to-child ratio of one to nine with a maximum class size of 18 children, with at least one teacher and one teacher assistant per classroom. A classroom of nine children or less shall have at least one teacher.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

### **10A NCAC 09 .3010 FAMILY ENGAGEMENT**

NC Pre-K programs shall develop a plan for family engagement consisting of strategies designed to develop partnerships with families that promote shared decision-making opportunities. These opportunities include:

- (1) Allowing Pre-K program teachers the opportunity for home visits;
- (2) Formal and informal parent/teacher conferences;
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) Parent education;
- (5) Allowing family members the opportunity for involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular school day.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

## 10A NCAC 09 .3011 NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites shall have:

- (1) A NC Principal's License, or
- (2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III, or
- (3) hold a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration.
- (4) If the site-level administrator does not meet Subparagraphs (a)(1), (2), or (3) of this Rule, the following shall apply:
  - (A) provisional approval shall be given for four years from the time the site began participation with the NC Pre-K program for the administrator to attain a NC Principal's License, or a NCECAC III, or complete a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration; and
  - (B) progress toward this requirement shall be considered a minimum of six documented semester hours per year in early childhood education, child development, child care administration and business administration course work.

(b) When the site administrator is unable to work due to illness, other health related conditions, disability, death, or natural or man-made disasters, the interim site-level administrator shall be employed not to exceed 12 weeks and have the following:

- (1) NCECAC I Credential or;
- (2) the equivalent as follows:
  - (A) NC Early Childhood Credential plus three years of experience as a director, co-director, or assistant director; and
  - (B) Early Childhood Administration I (EDU 261) and Early Childhood Administration II (EDU 262); or
  - (C) six semester hours of child care administration coursework; or
  - (D) nine semester hours of business administration coursework; or
  - (E) a combination of Subparagraphs (B), (C), or (D) of this Paragraph that equals nine semester hours.
- (3) NC Principal's License.

(c) In determining whether to approve an extension request, the Division shall consider the following:

- (1) the number of children and families who may lose services if the classroom is not approved for the extension;
- (2) the effect upon children and families if children are relocated to another Pre-K site;
- (3) documentation of the Pre-K program's efforts to secure a permanent site-level administrator for the vacancy;
- (4) availability of funding sources other than Pre-K funds to support affected children;
- (5) reasons for the vacancy, including:
  - (A) maternity leave;
  - (B) death, disability, or illness; and
  - (C) natural or man-made disasters.

(d) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

History Note: *Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

#### **10A NCAC 09 .3012 NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS**

(a) All teachers shall hold, or be working toward a North Carolina (NC) Birth through Kindergarten (B-K) Continuing License or B-K or Preschool Add-on License issued by the North Carolina Department of Public Instruction. Teachers working toward the required education and license shall meet one of the following requirements:

- (1) a North Carolina B-K Initial License; or
- (2) a North Carolina K-6 license and a Provisional Preschool Add-on license;
- (3) another North Carolina or another state's license and a NC Provisional B-K license; or
- (4) a BA/BS degree in B-K, child development, early childhood education, or an early childhood education related field, and be eligible for a NC Lateral Entry B-K License.

(b) Pre-K teachers with a NC Lateral Entry B-K License as specified in Subparagraph (a)(4) of this Rule shall make progress toward the B-K Continuing License by:

- (1) obtaining a Plan of Study issued by an accredited college or university with a North Carolina Department of Public Instruction approved teacher education program;

- (2) submitting to the Division college or university transcripts verifying the completion of a minimum of six semester credit hours per year in accordance with Subparagraph (1) of this Rule;
- (3) Completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with NC GS 115C-296(e) and North Carolina State Board of Education Policy LICN-004; and
- (4) achieving the NC B-K Initial or Continuing License issued by the North Carolina Department of Public Instruction within three years.

(c) Pre-K teachers with a NC Provisional B-K or Preschool Add-on License shall make progress toward the B-K Continuing License by:

- (1) obtaining a Plan of Study issued by an accredited college or university with a North Carolina Department of Public Instruction approved teacher education program;
- (2) submitting to the Division college or university transcripts verifying the completion of a minimum of six semester credit hours per year in accordance with Subparagraph (1) of this Paragraph;
- (3) Completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with NCGS 115C-296(e) and North Carolina State Board of Education Policy LICN-004; and
- (4) achieving the NC B-K Initial or Continuing License issued by the North Carolina Department of Public Instruction within five years.

(d) Teachers not meeting the annual minimum semester hours as set forth in Subparagraphs (b)(2) and (b)(3) of this Rule shall submit a written request to the Division of Child Development and Early Education Early Educator Support, Licensure and Professional Development Unit requesting an extension to complete the requirement. Teachers shall submit a written request to the Division of Child Development and Early Education Early Educator Support, Licensure and Professional Development Unit. The written request shall include the reason for not meeting the provisions of this Rule, a list of the required coursework and semester hours to be completed as prescribed by the Plan of Study, a timeline for completing the required semester hours, and documentation supporting course enrollment and expected completion dates.

(e) In determining whether to approve less than the annual minimum required semester hours, the Division shall consider reasons, including:

- (1) maternity or family leave;
- (2) death, disability, or illness; and
- (3) natural or man-made disasters.

(f) Teachers shall maintain the B-K or Preschool Add-on Continuing License in accordance with NCGS 115C-296(b)(1)b(4) and NC State Board of Education Policy LICN-005. These policies can be found at

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_115C/GS\\_115C-296.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-296.html)

(g) Teachers with expired B-K Continuing licenses shall meet the provisions set forth in NCGS 115C-296(b)(1)b(4) which can be found at

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_115C/GS\\_115C-296.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-296.html) and North Carolina State Board of Education Policy LICN-005. These policies can be found at [https://stateboard.ncpublicschools.gov/policy-manual/licensure/copy2\\_of\\_licensure-renewal-requirements](https://stateboard.ncpublicschools.gov/policy-manual/licensure/copy2_of_licensure-renewal-requirements).

(h) The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard as specified in this Rule.

(i) All NC Pre-K lead teachers employed by nonpublic schools must be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the Division of Child Development and Early Education. Enrollment requirements may be found on the Division of Child Development and Early Education website at

[http://ncchildcare.dhhs.state.nc.us/general/mb\\_eeslpd.asp](http://ncchildcare.dhhs.state.nc.us/general/mb_eeslpd.asp).

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

## **10A NCAC 09 .3013 NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS**

All teacher assistants shall:

(1) have a high school diploma or GED and shall hold, or be working toward, an Associate Degree in birth-through-kindergarten, child development, early childhood education, or an early childhood education related field or a Child Development Associate (CDA) credential. Teacher assistants working toward the minimum of an Associate Degree or CDA shall make progress by completing a minimum of six documented semester hours per year; or

(2) meet the employment requirements outlined by the Every Student Succeeds Act (ESSA), Pub.L. 114-95, and have one of the following:

- (a) six documented semester hours of coursework in early childhood education, or
- (b) two years of work experience in an early childhood setting.



The site-level administrator shall maintain documentation available for review by the Division of the progress in accordance with this Rule.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

#### **10A NCAC 09 .3014 NC PRE-K SUBSTITUTE STAFF**

(a) When a member of the NC Pre-K teaching staff is unable to work, due to illness, other health related conditions, disability, death or natural or man-made disasters, a substitute staff person shall be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and shall be able to implement the curriculum and formative assessments in accordance with Rules .3007 and .3008 of this Section. Substitute staff shall be at least 18 years of age and meet the following minimum qualifications:

- (1) When teachers are absent from the Pre-K classroom for 15 or fewer days, substitute staff shall meet one of the following:
  - (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings shall have a high school diploma or a GED, and completed one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or
  - (B) Public School Settings: Substitutes shall meet the requirements of the substitute policy consistent with the local education agency (LEA).
- (2) when teachers are absent from the Pre-K classroom for 16 or more attendance days, substitute staff hold an Associate Degree in birth-through-kindergarten, child development, early childhood education or an early childhood education related field.

(b) Substitutes for teacher assistants shall be at least 18 years of age and have a high school diploma or a GED.

(c) Substitute staff shall not exceed 12 weeks without approval from the Division of Child Development and Early Education NC Pre-K Unit. Upon written request of the NC Pre-K Contract Administrator, the Division may grant an extension of the 12-week vacancy. The request shall include why an extension beyond 12 weeks is needed and a timeline for employing a permanent teacher or assistant teacher. In determining whether to approve substitute staff to work beyond 12 weeks, the Division shall consider the following:

- (1) the number of children and families who may lose services if the classroom is not approved for the extension;

- (2) the effect upon children and families if children are relocated to another Pre-K site;
- (3) documentation of the Pre-K program's efforts to secure a permanent teacher for the vacancy;
- (4) availability of funding sources other than Pre-K funds to support affected children;
- (5) reasons for the vacancy, including:
  - (A) maternity leave;
  - (B) death, disability, or illness; and
  - (C) natural or man-made disasters.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

#### **10A NCAC 09 .3015 NC PRE-K TEACHER AND TEACHER ASSISTANT STANDARDS**

NC Pre-K teachers and teacher assistants shall provide child-directed and teacher-directed instructional day-to-day learning activities for children enrolled in the NC Pre-K program for at least 32.5-hours a week. In addition to these day-to-day instructional experiences, the Pre-K program shall provide adequate additional time for the teacher and teacher assistant staff for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities as set forth in Rule .3016. These related activities shall take place outside of the 32.5-hour work week of direct teacher-child contact.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

#### **10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS**

North Carolina licensed administrators, teachers, and teacher assistants employed by public and nonpublic schools shall participate in professional development consistent with the level of education and type of educator licensure required for employment in accordance with 10A NCAC 09 .3011, .3012, and .3013. The policy can be found on the North Carolina Department of Public Instruction's website at <http://www.ncpublicschools.org/profdev/>.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. November 1, 2012;  
Readopted Eff. October 1, 2017.*

## **10A NCAC 09 .3017 CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS**

(a) For purposes of this Rule, “challenging behavior” shall mean any repeated pattern of behavior, or perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children’s learning, development, and success at play, is harmful to the child, other children, or adults, that put a child at high risk for later social problems or school failure (<http://challengingbehavior.fmhi.usf.edu/explore/glossary.htm>).

(b) When a child demonstrates challenging behaviors that prevent his or her progress in any developmental domain as referenced in the "North Carolina Foundations for Early Learning and Development" impeding the child's access to and participation in the assigned NC Pre-K classroom learning activities, the following shall apply:

- (1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system's Preschool Exceptional Children Program for assistance if a child's cognitive, language and communication, emotional, social, health and physical needs exceed the program's capacity to address as indicated by one or more of the following:
  - (A) developmental needs assessments;
  - (B) home visits;
  - (C) consultations with the family members;
  - (D) daily recorded classroom teacher observations; and
  - (E) modified instructional plans and differentiated lessons based on the child's individual goals.
- (2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and family members in consultation with the school system's Preschool Exceptional Children Program and other available community and state resources, such as Birth-through-Kindergarten licensed mentors, evaluators, Healthy Social Behavioral specialists, child care health consultants, mental health specialists, social workers, and other local child developmental experts, shall develop a coordinated support plan to support the NC Pre-K child's placement and participation in the NC Pre-K Program.
- (3) The Division of Child Development and Early Education shall be notified when support plans recommended by the local school system's Exceptional Children Program require an alternative placement and support services for a child.
- (4) A site administrator shall not suspend or expel a child from a NC Pre-K Program until the site administrator has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph.

- (5) Unless the operator determines the child poses a risk of harm to himself or herself or others, and has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph, no child shall receive less than the 6.5-hour NC Pre-K day. Risk of harm to oneself or others includes:
- (A) physical aggression such as hitting, kicking, punching, spitting, throwing objects pinching, pushing, and biting;
  - (B) destroying property;
  - (C) tantrum behaviors that might include behaviors such as kicking, screaming, pushing an object or person, stomping feet, or head banging;
  - (D) verbal aggression including yelling, threats, and screaming;
  - (E) persistent or prolonged crying that is loud or disruptive or crying that interferes with the child's engagement in activities; and
  - (F) touching other children's private areas, and removing clothing from themselves or others.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);  
Eff. October 1, 2017.*