Summary of the North Carolina Child Care Law and Rule for Child Care Centers

What Is Child Care?
The law defines child care as:

- three or more unrelated children under 13 years of age
- receiving care from a non-relative
- on a regular basis, at least once a week for more than four hours per day but less than 24 hours.

It is only when all of these conditions exist that regulation is required. The North Carolina Department of Health and Human Services is responsible for regulating child care. This is carried out through the Division of Child Development and Early Education. The purpose of regulation is to protect the health and well-being of children while they are away from their parents. The law defining child care is in the North Carolina General Statutes, Article 7, Chapter 110. The North Carolina Child Care Commission is responsible for adopting rules to carry out the law. Some counties and cities in North Carolina also have local zoning requirements for child care programs.

Child Care Centers

Licensing as a center is required when six or more children are cared for in a residence or when three or more children are in care in a building other than a residence. Religious-sponsored programs are exempt from some of the regulations described below if they choose not to be licensed. Child care centers may voluntarily meet higher standards and receive a license with a higher rating. Centers will be visited at least annually to make sure they are following the law and to receive technical assistance from child care consultants.

Two through Five Star Rated License

Centers that meet the minimum licensing requirements will receive a one-star license. Programs that choose to voluntarily meet higher standards can apply for a two through five-star rated license. The number of stars a program earns is based upon the education levels their staff meet, the program standards met by the program, and one quality point option.

Child Abuse, Neglect, or Maltreatment

Every citizen has a responsibility to report suspected child abuse, neglect or maltreatment. This involves calling the local police or social services. A child will generally be safe if the caregiver puts a child at risk of serious injury or allows another child to put a child at risk of serious injury. It also occurs when a child does not receive proper care, supervision, appropriate discipline, or when a child is not in a safe environment. North Carolina laws require any person who suspects child maltreatment at a child care facility to report the situation to the Intake Unit at Division of Child Development and Early Education at 919-859-4100 or 1-800-859-0829.

Staff/Child Ratios

Ratios are the number of staff required to supervise a certain number of children. Ratios are the number of children per licensed staff. Ratios and group sizes for licensure are shown below and must be posted in each classroom. A sample staff/child ratio chart can be found on the ODDEE website under “Provider Documents and Forms”.

<table>
<thead>
<tr>
<th>Age</th>
<th>Teacher:Child Ratio</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-12 months</td>
<td>1:5</td>
<td>10</td>
</tr>
<tr>
<td>12-24 months</td>
<td>1:6</td>
<td>12</td>
</tr>
<tr>
<td>2 to 3 years old</td>
<td>1:10</td>
<td>20</td>
</tr>
<tr>
<td>3 to 4 years old</td>
<td>1:15</td>
<td>25</td>
</tr>
<tr>
<td>4 to 5 years old</td>
<td>1:20</td>
<td>25</td>
</tr>
<tr>
<td>5 years old and Older</td>
<td>1:25</td>
<td>25</td>
</tr>
</tbody>
</table>

Centers located in a residence that are licensed for six to twelve children may care for up to three additional school-age children, depending on the other children in care. When the group has children of different ages, staff-child ratios and group size must be met for the youngest child in the group.

Space and Equipment

There are space requirements for indoor and outdoor environments that must be measured prior to licensure. Outdoor play space must be fenced. Indoor equipment must be clean, safe, well-maintained, and age appropriate. Outdoor equipment and indoor furnishings must be child size, sturdy, and free of hazards that could injure children.

Record Requirement

Centers must keep accurate records such as children’s, staff, and program. A record of monthly fire drills and quarterly shelter-in-place or lockdown drills practiced must also be maintained. A safe sleep policy must be developed and shared with parents if children younger than 12 months are in care. Prevention of shaken baby syndrome and abusive head trauma policies must be developed and shared with parent of children up to five year of age.

Curriculum and Activities

Four and five-star programs must use an approved curriculum in classrooms serving four year-old children. Other programs may choose to use an approved curriculum to earn a quality rating for the star-rated license. The Division website maintains a list of approved curriculums for four-year-old children. Activity plans must be available to parents and must show a balance of active and quiet activities. A written activity plan that includes activities intended to stimulate the developmental domains, in accordance with North Carolina Foundations for Early Learning and of proposed learning and developmental. It is required the administrator and any caregiver that works with infants 12 months of age or younger. Child Care Commission must complete the Emergency Preparedness and Response in Child Care training and plan.

Criminal Background Checks

Criminal background qualification is a pre-requisite requirement. All staff must undergo a criminal background check initially, and every three years thereafter.

Reviewing Facility Information

You can view a facility’s basic information on the Division of Child Development and Early Education Search Site, the facility, and visit documentation can be viewed at http://ncchildcaresearch.dhhs.state.nc.us/search.asp?lang=English.

A public file is maintained in the Division’s main office in Raleigh for every licensed center. These files can be viewed during business hours (8:30am-5pm) by contacting the Division at 919-859-4100 or 1-800-859-0829 or requested via the Division’s web site at www.nccldcare.ncdhhs.gov.

Child Care Commission

https://nccldcare.ncdhhs.gov/Home/ChildCareCommission

Division of Child Development and Early Education
NC Department of Health and Human Services
333 Six Forks Road, Raleigh, NC 27606
Child Care Commission
https://nccldcare.ncdhhs.gov/Home/ChildCareCommission

This summary shall be posted for the public to view in accordance with G.S. 110-102

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