



## **10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS**

(a) Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) Menus for nutritious meals and snacks shall be planned at least one week in advance. At least one dated copy of the current week's menu shall be posted where it can be seen easily by parents and food preparation staff when food is prepared or provided by the center, except in centers with a licensed capacity of 3 to 12 children located in a residence. A variety of food shall be included in meals and snacks. Any substitution shall be of comparable food value and shall be recorded on the menu

(c) When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the center must provide additional food necessary to meet those requirements unless the child's parent or guardian opts out of the supplemental food provided by the center as set forth in G.S.110-91(2)h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the center signed by the child's parent or guardian shall be kept on file at the center. Opting out means that the center will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the center's designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the center shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.

(d) Drinking water must be freely available to children of all ages. Drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it must be tested by and meet the requirements of the Commission for Public Health.

(e) The child care provider will provide only the following beverages:

- (1) breast milk;
- (2) formula;
- (3) water;
- (4) unflavored whole milk, for children ages 12-24 months;
- (5) unflavored skim or lowfat milk for children two years old and older; or
- (6) 100 percent fruit juice, limited to 6 ounces per day.

(f) Children's special diets or food allergies shall be posted in the food preparation area and in the child's eating area.

(g) The food required by special diets for medical, religious or cultural reasons, may be provided by the center or may be brought to the center by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the center and written instructions shall be provided by the child's parent, health care professional, or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the center.

(h) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts, etc., shall be available only for special occasions such as holidays, birthdays, and other celebrations.

(i) Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in Paragraph (a) of this Rule in the presence of children in care.

(j) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet in a place other than a bathroom that is shielded from view by staff and the public which may be used by mothers while they are breastfeeding or expressing milk.

*History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;*

*Eff. January 1, 1986;*

*Amended Eff. December 1, 2012; July 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989.*

**10A NCAC 09 .0902 GENERAL NUTRITION REQUIREMENTS FOR INFANTS**

- (a) The parent or health care provider of each child under 15 months of age shall provide the center an individual written feeding schedule for the child. This schedule must be followed at the center. This schedule must include the child's name, be signed by the parent or health care provider, and be dated when received by the center. Each infant's schedule shall be modified in consultation with the child's parent or health care provider to reflect changes in the child's needs as he or she develops. The feeding instructions for each infant shall be posted for quick reference by the caregivers, except in centers licensed for three to 12 children located in a residence.
- (b) Each infant will be held for bottle feeding until able to hold his or her own bottle. Bottles will not be propped. Each child will be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.
- (c) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.

*History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;*

*Eff. January 1, 1986;*

*Amended Eff. December 1, 2012; July 1, 1998; October 1, 1991; November 1, 1989.*

**10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME**

(a) Any person who plans to operate a family child care home shall apply for a license using a form provided by the Division. The applicant shall submit the completed application, which complies with the following, to the Division:

- (1) Only one licensed family child care home shall operate at the location address of any home.
  - (2) The applicant shall list each location address where a licensed family child care home will operate.
- (b) When a family child care home will operate at more than one location address by cooperative arrangement among two or more families, the following procedures apply:
- (1) One parent whose home is used as a location address shall be designated the coordinating parent and shall co-sign the application with the applicant.
  - (2) The coordinating parent shall know the current location address at all times and shall provide the information to the Division upon request.
- (c) The applicant shall assure that the structure in which the family child care home is located complies with the following requirements:
- (1) The structure complies with the North Carolina Building Code for family child care homes or has written approval for use as a family child care home by the local building inspector.
  - (2) The structure meets North Carolina Residential Building Code or is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations adopted by the NC Department of Insurance. Exception: Single wide manufactured homes are limited to a maximum of three preschool-age children (not more than two may be two years of age or less) and two school-age children.
  - (3) All children are kept on the ground level with an exit at grade.
  - (4) All homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
  - (5) All homes are provided with at least one five pound 2-A: 10-B: C type extinguisher for every 2,500 square feet of floor area.
  - (6) Heating appliances shall be installed and maintained according to NC Building Code Chapter 603.5.3.
  - (7) All indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees.
  - (8) Hot pipes or radiators which are hot enough to be capable of burning children and are accessible to the children are covered or insulated.

(d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:

- (1) a copy of the certified criminal history check from the Clerk of Superior Court's office in the county or counties where the applicant and any household member(s) over age 15, have resided during the previous 12 months;
- (2) a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course;
- (3) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;
- (4) a completed health questionnaire;
- (5) a copy of current pet vaccinations for any pet in the home;
- (6) a negative well water bacteriological analysis if the home has a private well;
- (7) copies of any inspections required by local ordinances; and
- (8) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(e) Upon receipt of a complete application and supporting documentation, a Division representative shall make an announced visit to each home unless the applicant meets the criteria in Paragraph (g) of this Rule to determine compliance with the requirements, to offer technical assistance when needed, and to provide information about local resources. The issuance of a license applies as follows:

- (1) If all applicable requirements of G.S. 110 and this Section are met, a license shall be issued;
- (2) If the applicable requirements are not met but the applicant has the potential to comply, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements are met within the established time period, a license shall be issued; or
- (3) If all applicable requirements are not met or cannot be met within the established time, the Division shall deny the application.

(f) The Division shall allow the applicant to temporarily operate prior to the Division representative's visit described in Paragraph (e) of this Rule when the applicant is currently licensed as a family child care home operator, needs to relocate and notifies the Division of the relocation, and the Division representative is unable to visit before the relocation occurs. A person shall not operate until he or she has received from the Division either temporary permission to operate or a license.

(g) When a person applies for a family child care home license, the Secretary may deny the application for the license under the following circumstances:

- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
- (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
- (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
- (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
  - (A) would participate in the administration or operation of the facility;
  - (B) has a financial interest in the operation of the facility;
  - (C) provides care to the children at the facility;
  - (D) resides in the facility; or
  - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
- (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this Chapter; or
- (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was substantiated against a household member.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

- (1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues which led to any prior administrative action taken against a license previously held by the applicant;
  - (2) training certificates or original transcripts from a nationally recognized regionally accredited institution of higher learning related to providing quality child care for any coursework, and which were taken subsequent to any prior administrative action taken against a license previously held by the applicant. Nationally recognized means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the six regional accrediting bodies;
  - (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
  - (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and
  - (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.
- (i) The license shall not be bought, sold, or transferred from one individual to another.
- (j) The license is valid only for the location address listed on it.
- (k) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.
- (l) The license shall be displayed in a prominent place that parents are able to view daily and shall be shown to each child's parent when the child is enrolled.
- (m) A licensee shall notify the Division whenever a change occurs which affects the information shown on the license.

*History Note: Authority G.S. 110-85; 110-88(5); 110-91; 110-93; 110-99; 143B-168.3;  
Eff. January 1, 1986;*

*Amended Eff. December 1, 2012; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1991; November 1, 1989; January 1, 1987.*

#### **10A NCAC 09 .1706 NUTRITION STANDARDS**

(a) Meals and snacks served to children in a Family Child Care Home shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) When children bring their own food for meals and snacks to the program, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the operator must provide the additional food necessary to meet those requirements unless the child's parent or guardian opts out of the supplemental food provided by the operator as set forth in G.S. 110-91(2) h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the operator signed by the child's parent or guardian shall be on file at the home. Opting out means that the operator will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the program's designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the program shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.

(c) The food required by special diets for medical, religious or cultural reasons, may be provided by the operator or may be brought to the program by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the program and written instructions must be provided by the child's parent, health care professional or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the program.

- (d) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts; etc. shall be available only for special occasions such as holidays, birthdays and other celebrations.
- (e) For children ages 24 months and older a meal or snack must be provided at least every four hours.
- (f) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops.
- (g) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.
- (h) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.
- (i) Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.
- (j) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.
- (k) Drinking water must be freely available and offered to children on a frequent basis.
- (l) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used.
- (m) The operator will provide only the following beverages:
  - (1) breast milk;
  - (2) formula;
  - (3) water;
  - (4) unflavored whole milk, for children ages 12-24 months;
  - (5) unflavored skim or lowfat milk for children two years old and older; or
  - (6) 100 percent fruit juice, limited to 6 ounces per day.

*History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3; Eff. December 1, 2012.*

#### **10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS**

- (a) The operator shall provide the following on a daily basis for all children in care:
  - (1) Developmentally appropriate equipment and materials for a variety of outdoor activities which allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors;
  - (2) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens for each pre-school aged child in care for four hours or more, or for all children if overnight care is provided, to rest comfortably. Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet;
  - (3) A quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care;
  - (4) Adequate supervision as described below:
    - (A) For children who are awake, staff shall interact with the children while moving about the indoor or outdoor area, and shall be able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time; and
    - (B) For children who are sleeping or napping, the staff are not required to visually supervise them, but shall be able to hear and respond quickly to them. Children shall not sleep or nap in a room with a closed door between the children and the supervising staff. The staff shall be on the same level of the home where children are sleeping or napping.

- (5) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face;
- (6) The opportunity each day for each child under the age of 12 months to play while awake while positioned on his or her stomach;
- (7) Developmentally appropriate activities as planned on a written schedule. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule. The written schedule shall:
  - (A) Show blocks of time usually assigned to types of activities and include periods of time for both active play and quiet play or rest;
  - (B) Be displayed in a place where parents are able to view;
  - (C) Reflect daily opportunities for both free choice and guided activities;
  - (D) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit; and
  - (E) Include a daily gross motor activity which may occur indoors or outdoors; and
- (8) When screen time, including videos, video games, and computer usage, is provided, it shall be:
  - (A) Offered only as a free choice activity,
  - (B) Used to meet a developmental goal, and
  - (C) Limited to no more than two and a half hours per week for each child two years of age and older.

Usage time periods may be extended for specific special events, projects, occasions such as a current event, homework, on-site computer classes, holiday; and birthday celebration. Screen time is prohibited for children under the age of two years. The operator shall offer alternate activities for children under the age of two years.

*History Note: Authority G.S. 110-85; 110-88; 110-91(2),(12);  
Eff. July 1, 1998;  
Amended Eff. December 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004.*

**10A NCAC 09 .1702          APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME**

(a) Any person who plans to operate a family child care home shall apply for a license using a form provided by the Division. The applicant shall submit the completed application, which complies with the following, to the Division:

- (1) Only one licensed family child care home shall operate at the location address of any home.
- (2) The applicant shall list each location address where a licensed family child care home will operate.

(b) When a family child care home will operate at more than one location address by cooperative arrangement among two or more families, the following procedures apply:

- (1) One parent whose home is used as a location address shall be designated the coordinating parent and shall co-sign the application with the applicant.
- (2) The coordinating parent shall know the current location address at all times and shall provide the information to the Division upon request.

(c) The applicant shall assure that the structure in which the family child care home is located complies with the following requirements:

- (1) The structure complies with the North Carolina Building Code for family child care homes or has written approval for use as a family child care home by the local building inspector.
- (2) The structure meets North Carolina Residential Building Code or is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations adopted by the NC Department of Insurance.  
Exception: Single wide manufactured homes are limited to a maximum of three preschool-age children (not more than two may be two years of age or less) and two school-age children.
- (3) All children are kept on the ground level with an exit at grade.
- (4) All homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
- (5) All homes are provided with at least one five pound 2-A: 10-B: C type extinguisher for every 2,500 square feet of floor area.
- (6) Heating appliances shall be installed and maintained according to NC Building Code Chapter 603.5.3.
- (7) All indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees.
- (8) Hot pipes or radiators which are hot enough to be capable of burning children and are accessible to the children are covered or insulated.

(d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:

- (1) a copy of the certified criminal history check from the Clerk of Superior Court's office in the county or counties where the applicant and any household member(s) over age 15, have resided during the previous 12 months;
- (2) a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course;
- (3) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;
- (4) a completed health questionnaire;

- (5) a copy of current pet vaccinations for any pet in the home;
- (6) a negative well water bacteriological analysis if the home has a private well;
- (7) copies of any inspections required by local ordinances; and
- (8) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(e) Upon receipt of a complete application and supporting documentation, a Division representative shall make an announced visit to each home unless the applicant meets the criteria in Paragraph (g) of this Rule to determine compliance with the requirements, to offer technical assistance when needed, and to provide information about local resources. The issuance of a license applies as follows:

- (1) If all applicable requirements of G.S. 110 and this Section are met, a license shall be issued;
- (2) If the applicable requirements are not met but the applicant has the potential to comply, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements are met within the established time period, a license shall be issued; or
- (3) If all applicable requirements are not met or cannot be met within the established time, the Division shall deny the application.

(f) The Division shall allow the applicant to temporarily operate prior to the Division representative's visit described in Paragraph (e) of this Rule when the applicant is currently licensed as a family child care home operator, needs to relocate and notifies the Division of the relocation, and the Division representative is unable to visit before the relocation occurs. A person shall not operate until he or she has received from the Division either temporary permission to operate or a license.

(g) When a person applies for a family child care home license, the Secretary may deny the application for the license under the following circumstances:

- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
- (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
- (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
- (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
  - (A) would participate in the administration or operation of the facility;
  - (B) has a financial interest in the operation of the facility;
  - (C) provides care to the children at the facility;
  - (D) resides in the facility; or
  - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
- (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this Chapter; or
- (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was substantiated against a household member.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

- (1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues which led to any prior administrative action taken against a license previously held by the applicant;



- (2) training certificates or original transcripts from a nationally recognized regionally accredited institution of higher learning related to providing quality child care for any coursework, and which were taken subsequent to any prior administrative action taken against a license previously held by the applicant. Nationally recognized means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the six regional accrediting bodies;
  - (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
  - (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and
  - (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.
- (i) The license shall not be bought, sold, or transferred from one individual to another.
  - (j) The license is valid only for the location address listed on it.
  - (k) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.
  - (l) The license shall be displayed in a prominent place that parents are able to view daily and shall be shown to each child's parent when the child is enrolled.
  - (m) A licensee shall notify the Division whenever a change occurs which affects the information shown on the license.

*History Note: Authority G.S. 110-85; 110-88(5); 110-91; 110-93; 110-99; 143B-168.3; Eff. January 1, 1986; Amended Eff. December 1, 2012; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1991; November 1, 1989; January 1, 1987.*

## **10A NCAC 09 .1706 NUTRITION STANDARDS**

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- (b) When children bring their own food for meals and snacks to the program, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the operator must provide the additional food necessary to meet those requirements unless the child's parent or guardian opts out of the supplemental food provided by the operator as set forth in G.S. 110-91(2) h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the operator signed by the child's parent or guardian shall be on file at the home. Opting out means that the operator will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the program's designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the program shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.
- (c) The food required by special diets for medical, religious or cultural reasons, may be provided by the operator or may be brought to the program by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the program and written instructions must be provided by the child's parent, health care professional or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the program.
- (d) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts; etc. shall be available only for special occasions such as holidays, birthdays and other celebrations.
- (e) For children ages 24 months and older a meal or snack must be provided at least every four hours.
- (f) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops.
- (g) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.
- (h) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.
- (i) Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.
- (j) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.
- (k) Drinking water must be freely available and offered to children on a frequent basis.
- (l) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used.
- (m) The operator will provide only the following beverages:
- (1) breast milk;
  - (2) formula;

- (3) water;
- (4) unflavored whole milk, for children ages 12-24 months;
- (5) unflavored skim or lowfat milk for children two years old and older; or
- (6) 100 percent fruit juice, limited to 6 ounces per day.

*History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;  
Eff. December 1, 2012.*

**10A NCAC 09 .1718      REQUIREMENTS FOR DAILY OPERATIONS**

(a) The operator shall provide the following on a daily basis for all children in care:

- (1) Developmentally appropriate equipment and materials for a variety of outdoor activities which allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors;
- (2) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens for each pre-school aged child in care for four hours or more, or for all children if overnight care is provided, to rest comfortably. Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet;
- (3) A quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care;
- (4) Adequate supervision as described below:
  - (A) For children who are awake, staff shall interact with the children while moving about the indoor or outdoor area, and shall be able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time; and
  - (B) For children who are sleeping or napping, the staff are not required to visually supervise them, but shall be able to hear and respond quickly to them. Children shall not sleep or nap in a room with a closed door between the children and the supervising staff. The staff shall be on the same level of the home where children are sleeping or napping.
- (5) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face;
- (6) The opportunity each day for each child under the age of 12 months to play while awake while positioned on his or her stomach;
- (7) Developmentally appropriate activities as planned on a written schedule. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule. The written schedule shall:
  - (A) Show blocks of time usually assigned to types of activities and include periods of time for both active play and quiet play or rest;
  - (B) Be displayed in a place where parents are able to view;
  - (C) Reflect daily opportunities for both free choice and guided activities;
  - (D) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit; and
  - (E) Include a daily gross motor activity which may occur indoors or outdoors; and
- (8) When screen time, including videos, video games, and computer usage, is provided, it shall be:
  - (A) Offered only as a free choice activity,
  - (B) Used to meet a developmental goal, and
  - (C) Limited to no more than two and a half hours per week for each child two years of age and older.

Usage time periods may be extended for specific special events, projects, occasions such as a current event, homework, on-site computer classes, holiday; and birthday celebration. Screen time is prohibited for children under the age of two years. The operator shall offer alternate activities for children under the age of two years.

*History Note: Authority G.S. 110-85; 110-88; 110-91(2),(12);*

*Eff. July 1, 1998;*  
*Amended Eff. December 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004.*

## **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-K program is intended to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds. All rules in this Chapter shall apply except as provided in this Section.

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

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

(a) Programs serving NC Pre-K children shall maintain a four or five star rated license.  
(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. Classrooms that score below the "good level," as defined by the tool, shall be reassessed the following year and a minimum "good level" must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom will be chosen for an assessment during the reassessment process.

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

### **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 family and determine the child's participation status. The site-level administrator must document attempts to contact the family and any specified decisions 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 determine what further actions may be necessary to maintain the child's attendance in the program.

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

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

(a) A health assessment is required to 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 must 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 and shall share results with families.

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

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

(a) All children enrolled in the NC Pre-K program must receive a developmental screening, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a person trained in administering the screening. Children must 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 solely for the purpose of identifying children who should 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.

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

#### **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 assistant teacher per classroom.

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

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

NC Pre-Kindergarten programs shall develop a comprehensive plan for family engagement consisting of strategies designed to develop partnerships with families and build reciprocal relationships that promote shared decision-making. Examples of meaningful opportunities for families to be engaged in their child's education include, but are not limited to:

- (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 service day.

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

*Eff. November 1, 2012.*

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

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

- (1) A NC Principal License, or
- (2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III. If the site-level administrator has not yet earned the NCECAC Level III, 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 with NCECAC I or II to obtain the NCECAC Level III; and
  - (B) Progress toward NCECAC Level III shall be considered a minimum of six documented semester hours per year.

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

(c) Long term vacancies shall not exceed 12 weeks.

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

**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) Standard Professional II or Preschool Add-on licensures. Teachers working toward the required education and license shall hold a minimum of a BA/BS degree and the following requirements:

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

(b) All Pre-K teachers must be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the Division of Child Development and Early Education.

(c) Pre-K teachers with a BA/BS degree shall make progress toward B-K licensure by completing a minimum of six documented semester hours per year, and achieve the B-K license within three years. The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard.

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

**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, a minimum of an Associate Degree in early childhood education or child development (ECE/CD) or a Child Development Associate (CDA) credential. Teacher assistants working toward the 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 federal "No Child Left Behind" (NCLB) legislation, 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 toward the required standard.

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

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

(a) When a member of the NC Pre-K teaching staff is unable to work, a substitute staff person must be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and must be able to implement the program in accordance with this Section. Substitute staff must be at least 18 years of age and meet the following minimum qualifications:

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

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

(c) Long term vacancies shall not exceed 12 weeks.

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

#### **10A NCAC 09 .3015 INSTRUCTIONAL STAFF STANDARDS**

Instructional staff shall work in direct contact with children in the Pre-K program for at least a 32.5 hour work week. In addition to these direct, day-to-day instructional experiences, the Pre-K program

must provide adequate additional time for the instructional staff for related instructional activities, including time for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities. These related activities shall take place outside of the six and a half hour day 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.*

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

(a) Licensed Administrators, Teachers, and Teacher Assistants in non-public and public schools shall participate in professional development consistent with the NC State Board of Education policy. The policy can be found on the Department of Public Instruction's website at <http://www.ncpublicschools.org/licensure>.

(b) Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications shall participate in a minimum of six documented semester hours per year.

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