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## Rules .0508 and .0509 – Outdoor Play Requirements and “Weather Permitting”

**TOP  
PRIORITY**

### Background

These rule changes add minimum times for outdoor play each day and require at least one outside activity daily.

In addition, NCLCCA is using these rules to draw attention to the need for clarification of the term “weather permitting” even though no proposal exists to address the definition. Currently there are 5 *different sources* where providers get feedback on the term “weather permitting.”

- 1) licensing (references “as weather conditions permit” without further clarification)
- 2) sanitation (see page 3, references six color coded levels from “daily air quality forecast”)
- 3) environment rating scales (see page 4, references three color-coded levels based on wind chill and heat index, as well as the presence of “active precipitation”)
- 4) media weather reports or advisories, originating from “weather centers” and visual observation of the weather at the local level
- 5) preferences communicated by parents and physicians (we understand the education opportunity here, but parents often have VERY strong opinions about what is appropriate!)

### Our position on the INTENT of the rule:

- We believe outdoor play is healthy for children and more attention should be given to outside time.
- If obesity is the issue this rule is trying to address, more emphasis should be given to active movement and gross motor activities.

### Our feedback from providers has been:

- **This rule is ambiguous** as to whether the minimum time applies to the classroom schedule or to each individual child.
- It is *very difficult to give infants 30 minutes of outside time* daily, given the flexible schedules required to meet the unique needs of individual infants.
- It will be very difficult to provide 60 minutes of daily outdoor time in most *More at Four* programs that only operate a six-hour program and include naptime.
- Monitoring will be difficult because although we can incorporate it into the daily schedule, the nature of working with children in group settings means that schedules are only a guideline.
- This rule will result in *higher costs* through more frequent replacement of materials and equipment used outside in order to comply with the environment rating scales “substantial portion of the day free play” indicators.
- **This rule is a duplication** of indicators already monitored through the environment rating scales.

**Our feedback from providers has been: (continued from page 1)**

- With teachers focusing on making sure they meet yet another time-sensitive rule, they will have less attention to focus on the children.
- Centers should be able to make individual decisions about outside play schedules based on a number of factors, including the needs of children, availability of coats and gloves, typical departure times for children, amount of daylight, parent requests for homework time, time of year, etc. (*For example, school-age children are often only in our care for 1-1 ½ hours each day.*)

**Questions that have been posed are:**

- If it rains in the morning and we have a field trip planned in the afternoon, when will we be expected to go outside?
- Will the time requirements follow the classroom or the child?
- Will this rule require a separate form for documentation, potentially diverting the teacher's attention away from the children?
- Does the rule take into consideration school year vs. summer routines?
- Do we have to have a *separate group of toys* for outside play or can our existing toys be moved outdoors as needed?
- How do we "*schedule*" *individualized caregiving routines*?
- We are told we must have appropriate clothing to be able to take children out, but how can we possibly have enough coats, hats and gloves for all our children?
- Some counties have air quality forecasts and some do not.
- This rule cannot be enforced without defining "weather permitting."

**NCLCCA Position:** We believe one universal definition of "weather permitting" should be established that would allow the provider to consider all variables, including precipitation, weather advisories, air quality warnings, program policies, classroom schedules AND individual needs of the children, when making decisions about the appropriateness of outdoor play. This universal definition should be consistent across all agencies having oversight over child care programs.

Additionally, the "best practice" recommendations for more outdoor time should be incorporated into child care programs in other ways, such as the Child Care Handbook, community college coursework, technical assistance opportunities, and addressed in DCD trainings such as pre-licensing workshops and Director's Meetings.

However, more specific requirements for outdoor play time should not be added to rule. As written, these rules are ambiguous, lead to many unanswered questions, and are a duplication of items already monitored in the environment rating scales.

**10A NCAC 09 .0508 is proposed for amendment as follows:**

**10A NCAC 09 .0508      ACTIVITY SCHEDULES AND PLANS FOR CENTERS**

(a) All centers shall have a schedule for each group of children posted for easy reference by parents and by caregivers.

(1) When children two years old or older are in care, the schedule shall:

~~(1)(A) The schedule shall show~~ Show blocks of time usually assigned to types of activities and shall include periods of time for both active play and quiet play or rest.

~~(2)(B) Blocks~~ Show blocks of time ~~shall show activities~~ that are scheduled for activities for indoor and outdoor areas.

~~(3)(C) The activities and allotted times reflected in the schedule shall be~~ Reflect times and activities that are developmentally appropriate for the children in care.

~~(4) When children two years old or older are in care, the schedule shall also reflect daily opportunities for both free choice and teacher directed activities.~~

(D) Reflect daily opportunities indoors and outdoors for:

(i) Free-choice activities;

(ii) Teacher-directed activities; and

(iii) A minimum total of one hour of outdoor time throughout the day, if weather conditions permit. Centers that operate for four hours per day or less shall provide a minimum total of 30 minutes of outdoor time daily, if weather conditions permit.

(2) When children under two years old are in care, the schedule shall include regular daily events such as arrival and departure, free choice times, outside time and teacher-directed activities. Interspersed among the daily events shall be individualized caregiving routines such as eating, napping and toileting. There shall be a minimum of 30 minutes of outdoor time throughout the day either as part of a small group, whole group, or individual activity, if weather conditions permit.

(b) All centers shall develop a written plan of developmentally appropriate activities designed to stimulate social, emotional, intellectual and physical development for each group of children in care.

(1) The activity plan shall always be current and accessible for easy reference by parents and caregivers.

(2) The activity plan shall include at least one daily activity for each developmental goal specified in Paragraph (b) of this Rule. Activities which allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have at least four different activities ~~in which they may choose to participate on a daily basis.~~ daily, at least one of which is outdoors, if weather conditions permit.

(3) The activity plan shall also include a daily gross motor activity which may occur indoors or outdoors.

(c) The schedule and activity plan may be combined as one document that shall always be current and posted for easy reference by parents and caregivers.

*History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;*

*Eff. July 1, 1988;*

*Amended Eff. April 1, 2010; July 1, 1998.*

10A NCAC 09 .0509 is proposed for amendment as follows:

**10A NCAC 09 .0509      ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS**

The learning environment consists of the indoor and outdoor area which encourages child initiated and teacher supported activities as follows:

- (a) (1) Each center shall have developmentally appropriate equipment and materials accessible on a daily basis.
- (b) (2) The materials and equipment indoors and outdoors shall be sufficient to provide a variety of play experiences which promote the children's social, emotional, intellectual and physical development.
- (c) (3) Teacher-made and home-made equipment and materials may be used if they are safe and functional. Materials and equipment that are accessible to children shall not be coated or treated with, nor shall they contain, toxic materials such as creosote, pentachlorophenol, tributyl tin oxide, dislodgeable arsenic and any finishes which contain pesticides.
- (d) (4) Developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities which allow for vigorous play and large muscle development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The center shall provide space and time for vigorous indoor activities when children cannot play outdoors.

*History Note:      Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. April 1, 2010; July 1, 1998; January 1, 1996.*

**From Sanitation Rule .2832 Outdoor Learning Environment and Premises**

NC Department of Environment and Natural Resources

15A NCAC 18A .2800

(d) If a daily air quality forecast is made by the Division of Air Quality or the regional air quality agency for the county where a center is located, outdoor activity for children shall be restricted as follows. On days with a code orange (unhealthy for sensitive groups) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than one hour. On days with a code red (unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. for more than 15 minutes. On days with a code purple (very unhealthy) forecast, children shall not be outside participating in physical activity between noon and 8:00 p.m. Provisions shall be made to allow children with diagnosed asthma or with coughing or wheezing symptoms to participate in physical activity indoors on days with a code orange, red or purple air quality forecast.

**From Environment Rating Scales**

Air Quality Index Levels of Health Concern	Numerical Value	Meaning
Good	0 to 50	Air quality is considered satisfactory, and air pollution poses little or no risk
Moderate	51 to 100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy	151 to 200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy	201 to 300	Health alert: everyone may experience more serious health effects
Hazardous	301 to 500	Health warnings of emergency conditions. The entire population is more likely to be affected.

**Child Care Weather Watch**

**Wind-Chill Factor Chart (in Fahrenheit)**

		Wind Speed in mph								
		CALM	5	10	15	20	25	30	35	40
Air Temperature	50	50	48	40	36	32	30	28	27	26
	40	40	37	28	22	18	16	13	11	10
	30	30	27	16	9	4	0	-2	-4	-6
	20	20	16	4	-5	-10	-15	-18	-20	-21
	10	10	6	-9	-18	-25	-29	-33	-35	-37
	0	0	-5	-21	-36	-39	-44	-48	-49	-53
	-10	-10	-15	-33	-45	-53	-59	-63	-67	-69
-20	-20	-26	-46	-58	-67	-74	-79	-82	-85	
-30	-30	-36	-58	-72	-82	-87	-94	-98	-102	

■ Comfortable for outdoor play     
 ■ Caution     
 ■ Danger

**Heat Index Chart (in Fahrenheit)**

		Relative Humidity (Percent)															
		15	20	25	30	35	40	45	50	55	60	65	70	75	80	85	90
Temperature (°F)	110	108	112	117	123	130	137	143	150								
	105	102	105	109	113	118	123	129	135	142	149						
	100	97	99	101	104	107	110	115	120	126	132	138	144				
	95	91	93	94	96	98	101	104	107	110	114	119	124	130	136		
	90	86	87	88	90	91	93	95	96	98	100	102	106	109	113	117	122
	85	81	82	83	84	85	86	87	88	89	90	91	93	95	97	99	102
	80	76	77	77	78	79	79	80	81	81	82	83	85	86	86	87	88
75	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	