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representing NC's private licensed child care & education community

**TOP
PRIORITY**

Rule .2502 Licensing of Track-Out Programs

Background

Track-out programs are a relatively new occurrence. Public school children attend on four different schedules of 6 weeks in, 3 weeks off. In Wake County it is prevalent, and DCD has been interpreting the existing rules by advising track out programs they didn't have to be licensed unless they operated all four tracks.

Our position on the INTENT of the rule:

- We understand clarification needs to be made, given the rise in popularity of this alternative schedule.
- The rule should be based on the operating schedule of the program, not on the rotation of the children.

Our feedback from providers has been:

- All children are entitled to *safe, developmentally appropriate environments*, and to ensure that, the track out programs should be licensed.
- If a program operates MORE THAN ONE track, it is already operating *more hours than a traditional summer*, and therefore should not be exempt.
- The Commission is aware of concerns surrounding *unlicensed programs* who receive exemptions based on hours of operation, the school building they're in, or the religious program supporting them. Allowing programs to operate without a license for more than ONE track is giving permission for *another form of exemption*. Children deserve the highest quality care, regardless of hours of operation or type of program.
- The fact that different groups of children attend at different times means a program is *more likely* to have children and staff unfamiliar with one another. This is yet another reason why the program should follow strict guidelines to ensure organization and accountability.
- This is a great opportunity to put more emphasis on currently unlicensed programs.
- If they want to provide quality care to children, they should be willing to be licensed.

Questions that have been posed are:

- As proposed, how would the rule be monitored? Will licensing consultants verify tracks for each child to confirm that the program is not operating all four?
- What happens if a program serves three tracks PLUS children from a school on a traditional schedule?
- What happens during the Christmas and July 4th holidays when typically ALL tracks are out of school at the same time? How can DCD be certain that children from the fourth track are not in attendance?

NCLCCA's Position: Track-out programs operating TWO or more tracks should be required to be licensed.

10A NCAC 09 .2502 is proposed for amendment as follows:

10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE

~~A center providing care for school aged children exclusively shall be issued a license restricting care to school aged children as defined in Rule .0102 of this Subchapter.~~ A center providing care for ~~school aged~~ school-age children exclusively on a seasonal basis between May 15 and September 15 shall be licensed as a summer day camp. A track-out program that operates all four tracks for more than four hours per day must be licensed.

*History Note: Authority G.S. 110-85; 110-88(1); 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2010; July 1, 2000; September 1, 1990.*