

1 **10A NCAC 09 .0102 is proposed for amendment as follows:**

2 **10A NCAC 09 .0102 DEFINITIONS**

3 The terms and phrases used in this Chapter are defined as follows except when the content of the rule requires a
4 different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

5 (1) "Agency" as used in Section .2200 of this Chapter, means Division of Child Development,
6 Department of Health and Human Services located at 319 Chapanoke Road, Suite 120, Raleigh,
7 North Carolina 27603.

8 (2) "Appellant" means the person or persons who request a contested case hearing.

9 (3) "Basic School-Age Care Training" (BSAC Training) means the specialized training on the elements
10 of quality afterschool care for school-age children, developed for and approved by the Division of
11 Child Development. Equivalent training may be approved if the Division determines that the
12 content of the training offered is substantially equivalent to the BSAC training. ~~seven-clock hours~~
13 ~~of training developed by the North Carolina State University Department of 4 H Youth~~
14 ~~Development for the Division of Child Development on the elements of quality school-age care.~~

15 (4) "Child Care Program" means a single center or home, or a group of centers or homes or both,
16 which are operated by one owner or supervised by a common entity.

17 (5) "Child care provider" as defined by G.S. 110-90.2 (a) (2) a. and used in Section .2700 of this
18 Chapter, includes the following employees who have contact with the children in a child care
19 program: facility directors, administrative staff, teachers, teachers' aides, cooks, maintenance
20 personnel, and drivers.

21 (6) "Child Development Associate Credential" means the national early childhood credential
22 administered by the Council for Early Childhood Professional Recognition.

23 (7) "Developmentally appropriate" means suitable to the chronological age range and developmental
24 characteristics of a specific group of children.

25 (8) "Division" means the Division of Child Development within the Department of Health and Human
26 Services.

27 (9) "Drop-in care" means a child care arrangement where children attend on an intermittent,
28 unscheduled basis.

29 (10) "Early Childhood Environment Rating Scale - Revised edition" (Harms, Clifford, and Cryer, and
30 Clifford, 1998, 2005, published by Teachers College Press, New York, NY) is the instrument used
31 to evaluate the quality of care received by a group of children in a child care center, when the
32 majority of children in the group are two and a half years old through five years old, to achieve
33 three or more points for the program standards of a rated license. This instrument is incorporated
34 by reference and includes subsequent editions. Individuals wishing to purchase a copy may call
35 Teachers College Press at 1-800-575-6566. The cost of this scale in June 2009 ~~August 2006~~ is
36 ~~sixteen~~ nineteen dollars and ninety-five cents ~~(\$16.95).~~ (\$19.95). A copy of this instrument is on
37 file at the Division at the address given in Item (1) of this Rule and is available for public
38 inspection during regular business hours.

39 (11) "Family Child Care Environment Rating Scale – Revised edition" ~~"Family Day Care Rating"~~ (
40 ~~Harms~~ Harms, Cryer and Clifford, 1989, 2007, published by Teachers College Press, New York,

1 NY) is the instrument used to evaluate the quality of care received by children in family child care
2 homes to achieve three or more points for the program standards of a rated license. This
3 instrument is incorporated by reference and includes subsequent editions. Individuals wishing to
4 purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in
5 ~~August 2006~~ June 2009 is ~~fifteen~~ nineteen dollars and ninety-five cents (~~\$15.95~~); (\$19.95). A
6 copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is
7 available for public inspection during regular business hours.

8 (12) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable
9 nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor
10 injuries or stabilization of major injuries.

11 ~~(12)~~(13) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child
12 ratios set forth in G.S. 110-91(7) and this Chapter, using space which is identifiable for each
13 group.

14 (14) "Health care professional" is defined as:

15 (a) a physician licensed in North Carolina;

16 (b) a nurse practitioner approved to practice in North Carolina;

17 (c) a registered nurse who holds an unencumbered license to practice in North Carolina;

18 (d) a nurse with a Bachelor of Science degree or higher in nursing who holds an
19 unencumbered license to practice in North Carolina; or

20 (e) a certified physician assistant.

21 ~~(13)~~(15) "Household member" means a person who resides in a family home as evidenced by factors
22 including, maintaining clothing and personal effects at the household address, receiving mail at the
23 household address, using identification with the household address, or eating and sleeping at the
24 household address on a regular basis.

25 ~~(14)~~(16) "Infant/Toddler Environment Rating Scale - Revised edition" (Harms, Cryer, and Clifford, ~~1990~~,
26 2003, published by Teachers College Press, New York, NY) is the instrument used to evaluate the
27 quality of care received by a group of children in a child care center, when the majority of children
28 in the group are younger than thirty months old, to achieve three or more points for the program
29 standards of a rated license. This instrument is incorporated by reference and includes subsequent
30 editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-
31 6566. The cost of this scale in ~~August 2006~~ June 2009 is ~~sixteen~~ nineteen dollars and ninety-five
32 cents (~~\$16.95~~); (\$19.95). A copy of this instrument is on file at the Division at the address given
33 in Item (1) of this Rule and is available for public inspection during regular business hours.

34 ~~(15)~~(17) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training
35 developed for and approved by the ~~NC Healthy Start Foundation for the~~ Division of Child
36 Development for caregivers of children ages 12 months and younger.

37 ~~(16)~~(18) "Licensee" means the person or entity that is granted permission by the State of North Carolina to
38 operate a child care facility. The owner of said facility shall be the licensee.

39 ~~(17)~~(19) "North Carolina Early Childhood Credential" means the state early childhood credential that is
40 based on completion of coursework and standards found in the North Carolina Early Childhood

1 Instructor Manual (published by the NC Community College System Office). These standards are
2 incorporated by reference and include subsequent amendments. A copy of the North Carolina
3 Early Childhood Credential requirements is on file at the Division at the address given in Item (1)
4 of this Rule and is available for public inspection or copying at no charge during regular business
5 hours.

6 ~~(18)~~ "Operator" means the person or entity held legally responsible for the child care business. The
7 terms "operator", "sponsor", or "licensee" may be used interchangeably.

8 ~~(19)~~ (20) "Owner" means any person with a five percent or greater equity interest in a child care facility.
9 facility, however, stockholders of corporations who own child care facilities are not subject to
10 mandatory criminal history checks pursuant to N.C.G.S. § 110-90.2 and N.C.G.S. § 110-91(8)
11 unless they are involved in day-to-day operations of the child care facility.

12 ~~(20)~~(21) "Parent" means a child's parent, legal guardian, or full-time custodian.

13 ~~(21)~~(22) "Part-time care" means a child care arrangement where children attend on a regular schedule but
14 less than a full-time basis.

15 ~~(22)~~(23) "Passageway" means a hall or corridor.

16 ~~(23)~~(24) "Person" means any individual, trust, estate, partnership, corporation, joint stock company,
17 consortium, or any other group, entity, organization, or association.

18 ~~(24)~~(25) "Preschooler" or ~~"preschool-aged~~ "preschool-age child" means any child who does not fit the
19 definition of ~~school-aged~~ school-age child in this Rule.

20 ~~(25)~~(26) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by
21 Teachers College Press) is the instrument used to evaluate the quality of care received by a group
22 of children in a child care center, when the majority of the children in the group are older than five
23 years, to achieve three or more points for the program standards of a rated license. This
24 instrument is incorporated by reference and includes subsequent editions. Individuals wishing to
25 purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in
26 ~~August 2006~~ June 2009 is ~~fifteen~~ nineteen dollars and ninety-five cents (~~\$15.95~~). (\$19.95). A
27 copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is
28 available for public inspection during regular business hours.

29 ~~(26)~~(27) ~~"School-aged~~ "School-age child" means any child who is attending or who has attended, a public
30 or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.

31 ~~(27)~~(28) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

32 ~~(28)~~(29) "Section" means Division of Child Development.

33 ~~(29)~~(30) "Substitute" means any person who temporarily assumes the duties of a staff person for a time
34 period not to exceed two consecutive months.

35 ~~(30)~~(31) "Temporary care" means any child care arrangement which provides either drop-in care or care on
36 a seasonal or other part-time basis and is required to be regulated pursuant to G.S. 110-86.

37 (32) "Track-Out Program" means any child care provided to school-age children when they are out of
38 school on a year-round school calendar.

39 ~~(31)~~(33) "Volunteer" means a person who works in a child care facility and is not monetarily compensated
40 by the facility.

1 *History Note: Authority G.S. 110-85; 110-88; 143B-168.3;*
2 *Eff. January 1, 1986;*
3 *Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;*
4 *Temporary Amendment Eff. January 1, 1996;*
5 *Amended Eff. April 1, 2010; November 1, 2007; May 1, 2006; May 1, 2004; April 1, 2003; July 1,*
6 *2000; April 1, 1999; July 1, 1998; April 1, 1997.*

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1 **10A NCAC 09 .0302 is proposed for amendment as follows:**

2 **10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER**

3 (a) The individual who will be legally responsible for the operation of the center, which includes assuring
4 compliance with the licensing law and standards, shall apply for a license using the form provided by the Division.
5 If the operator will be a group, organization, or other entity, an officer of the entity who is legally empowered to
6 bind the operator shall complete and sign the application.

7 (b) The applicant shall arrange for inspections of the center by the local health, building and fire inspectors. The
8 applicant shall provide an approved inspection report signed by the appropriate inspector to the Division
9 representative.

10 (1) A provisional classification may be accepted in accordance with Rule .0401(1) of this ~~Subchapter.~~
11 Chapter.

12 (2) When a center does not conform with a specific building, fire, or sanitation standard, the
13 appropriate inspector may submit a written explanation of how equivalent, alternative protection is
14 provided. The Division may accept the inspector's documentation in lieu of compliance with the
15 specific standard. Nothing in this Regulation is to preclude or interfere with issuance of a
16 provisional license pursuant to Section .0400 of this ~~Subchapter.~~ Chapter.

17 (c) The applicant, or the person responsible for the day-to-day operation of the center, shall be able to describe the
18 plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient
19 detail to show that the center shall comply with applicable requirements for activities, equipment, and staff/child
20 ratios for the capacity of the center and type of license requested. The applicant shall make the following written
21 information available to the Division for review to verify compliance with provisions of this ~~Subchapter~~ Chapter and
22 the licensing law:

- 23 (1) daily schedules;
- 24 (2) activity plans;
- 25 (3) emergency care plan;
- 26 (4) discipline policy;
- 27 (5) incident reports;
- 28 (6) incident logs; and
- 29 (7) a copy of the certified criminal history check for the applicant, or the applicant's designee as
30 defined in Rule .2701(g) of this ~~Subchapter,~~ Chapter, from the Clerk of Superior Court's office in
31 the county or counties where the individual has resided during the previous 12 months.

32 (d) The applicant shall, at a minimum, demonstrate to the Division representative that measures shall be
33 implemented to have the following information in the center's files and readily available to the representative for
34 review:

- 35 (1) Staff records which include an application for employment and date of birth; documentation of
36 previous education, training, and experience; medical and health records; documentation of
37 participation in training and staff development activities; and required criminal records check
38 documentation;
- 39 (2) Children's records which include an application for enrollment; medical and immunization
40 records; and permission to seek emergency medical care;

1 (3) Daily attendance records;

2 ~~(4)~~ Daily records of arrival and departure times at the center for each child;

3 ~~(4)(5)~~ Records of monthly fire drills giving the date each drill is held, the time of day, the length of time
4 taken to evacuate the building, and the signature of the person who conducted the drill;

5 ~~(5)(6)~~ Records of monthly playground inspections documented on a checklist provided by the Division;
6 and

7 ~~(6)(7)~~ Records of medication administered.

8 (e) The Division representative shall measure all rooms to be used for child care and shall assure that an accurate
9 sketch of the center's floor plan is part of the application packet. The Division representative shall enter the
10 dimensions of each room to be used for child care, including ceiling height, and shall show the location of the
11 bathrooms, doors, and required exits on the floor plan.

12 (f) The Division representative shall make one or more inspections of the center and premises to assess compliance
13 with all applicable requirements.

14 (1) If all applicable requirements of G.S. 110 and this Section are met, the Division shall issue the
15 license.

16 (2) If all applicable requirements of G.S. 110 and this Section are not met, the representative may
17 recommend issuance of a provisional license in accordance with Section .0400 of this ~~Subchapter~~
18 Chapter or the representative may recommend denial of the application. Final disposition of the
19 recommendation to deny is the decision of the Secretary.

20 (3) The license shall be displayed in an area that parents are able to view daily.

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

23 (1) if any child care facility license previously held by that person has been denied, revoked or
24 summarily suspended by the Division;

25 (2) if the Division has initiated denial, revocation or summary suspension proceedings against any
26 child care facility license previously held by that person and the person voluntarily relinquished
27 the license;

28 (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care
29 facility license previously held by that person;

30 (4) if the Division determines that the applicant has a relationship with an operator or former operator
31 who previously held a license under an administrative action described in Subparagraph (g)(1),
32 (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator
33 if the former operator would be involved with the applicant's child care facility in one or more of
34 the following ways:

35 (A) would participate in the administration or operation of the facility;

36 (B) has a financial interest in the operation of the facility;

37 (C) provides care to children at the facility;

38 (D) resides in the facility; or

39 (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise
40 have responsibility for the administration of the business;

- 1 (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110
2 and this ~~Subchapter~~; Chapter; or
3 (6) if abuse or neglect has been substantiated against the person.
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5 *History Note:* Authority G.S. 110-85; 110-88(2); 110-88(5); 110-91; 110-92; 110-93; 110-99; 143B-168.3;
6 Eff. January 1, 1986;
7 Amended Eff. April 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1996;
8 November 1, 1989; July 1, 1988; January 1, 1987.
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1 **10A NCAC 09 .0304 is proposed for amendment as follows:**

2 **10A NCAC 09 .0304 ON-GOING REQUIREMENTS FOR A PERMIT**

3 (a) Each operator shall schedule a fire inspection within 12 months of the center's previous fire inspection. The
4 operator is responsible for notifying the local fire inspector when it is time for the center's annual fire inspection.
5 The operator shall submit the original of the completed annual fire inspection report to the Division's representative
6 within one week of the inspection visit on the form provided by the Division.

7 (b) Each center shall be inspected at least annually by an Environmental Health Specialist for compliance with
8 applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A
9 .2800.

10 (c) A new building inspection shall not be required unless the operator plans to begin using space not previously
11 approved for child care, has made renovations to the building, has added new construction, or wants to remove any
12 restriction related to building codes currently on the permit.

13 (d) When the Division's representative documents noncompliance during a visit, the representative may:

- 14 (1) Advise the operator to submit written verification that the noncompliance has been corrected;
15 (2) Return to the center for an unannounced visit at a later date to determine if compliance has been
16 achieved; or
17 (3) Recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or
18 recommend the revocation of the permit or administrative actions in accordance with Section
19 .2200 of this Chapter.

20 (e) The Division shall assess the compliance history of a center by evaluating the violations of requirements that
21 have occurred. Demerits shall be assigned for each occurrence of violations of these requirements: supervision of
22 children (6 points), staff/child ratio (6 points), staff qualifications and training (2-5 points), health and safety
23 practices (3-6 points), discipline (6 points), developmentally appropriate activities (2-4 points), adequate space (6
24 points), nutrition and feeding practices (1-3 points), program records (1-3 points), and transportation (1-3 points), if
25 applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of
26 children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits
27 from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be
28 averaged over the specified time period as in accordance with G.S. 110-90(4) for the compliance history percentage
29 referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance
30 history percentage is available for review at the address given in Rule .0102 of this Section.

31 (f) Each center shall maintain accurate records and documents as described in Rule .0302(c) and (d) of this Section,
32 and these records and documents shall be made available to the Division for review to verify compliance with
33 provisions of this Chapter and the General Statute.

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35 *History Note: Authority G.S. 110-85; 110-88(5); 110-93; 143B-168.3; 150B-3;*
36 *Eff. July 1, 1998;*
37 *Amended Eff. April 1, 2010; May 1, 2006.*
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1 10A NCAC 09 .0501 is proposed for adoption as follows:

2 SECTION .0500 ~~AGE APPROPRIATE ACTIVITIES FOR CENTERS~~
3 AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS
4

5 10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS

6 Staff will relate to children in positive ways by helping them feel welcome and comfortable, treating them with
7 respect, listening to what they say, responding to them with acceptance and appreciation and participating in many
8 activities with the children. Staff shall:

- 9 (1) Make eye contact whenever possible when speaking to children.
10 (2) Engage children in conversation to share experiences, ideas and opinions.
11 (3) Help children develop problem-solving skills.
12 (4) Facilitate learning by providing positive reinforcement, encouraging efforts and recognizing
13 accomplishments.

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15 History Note: Authority G.S. 110-85; 110-91(8), (11); 143B-168.3;
16 Eff. April 1, 2010.
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1 **10A NCAC 09 .0508 is proposed for amendment as follows:**

2 **10A NCAC 09 .0508 ACTIVITY SCHEDULES AND PLANS FOR CENTERS**

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

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

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

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

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

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

14 (D) Reflect daily opportunities indoors and outdoors for:

15 (i) Free-choice activities;

16 (ii) Teacher-directed activities; and

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

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

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

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

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

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

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

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

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Eff. July 1, 1988;

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

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1 **10A NCAC 09 .0509 is proposed for amendment as follows:**

2 **10A NCAC 09 .0509 ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS**

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

5 (a) (1) Each center shall have developmentally appropriate equipment and materials accessible on a daily
6 basis.

7 (b) (2) The materials and equipment indoors and outdoors shall be sufficient to provide a variety of play
8 experiences which promote the children's social, emotional, intellectual and physical development.

9 (c) (3) Teacher-made and home-made equipment and materials may be used if they are safe and
10 functional. Materials and equipment that are accessible to children shall not be coated or treated
11 with, nor shall they contain, toxic materials such as creosote, pentachlorophenol, tributyl tin oxide,
12 dislodgeable arsenic and any finishes which contain pesticides.

13 (d) (4) Developmentally appropriate equipment and materials shall be provided for a variety of outdoor
14 activities which allow for vigorous play and large muscle development. Each child shall have the
15 opportunity for outdoor play each day that weather conditions permit. The center shall provide
16 space and time for vigorous indoor activities when children cannot play outdoors.

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

19 *Eff. July 1, 1988;*

20 *Amended Eff. April 1, 2010; July 1, 1998; January 1, 1996.*

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1 **10A NCAC 09 .0510 is proposed for amendment as follows:**

2 **10A NCAC 09 .0510 ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER**

3 (a) Each center shall have equipment and materials available in activity areas on a daily basis. Centers with a
4 licensed capacity of ~~three~~ 3 to 12 children located in a residence are not required to have activity areas, but must
5 have equipment and materials available daily both indoors and outdoors for the children in care.

6 (b) An activity area is an identifiable space which is accessible to the children and where related equipment and
7 materials are kept in an orderly fashion.

8 (c) Each activity area shall contain enough materials to allow three related activities to occur at the same time. The
9 materials and equipment shall be in sufficient quantity to allow at least three children to use the area regardless of
10 whether the children choose the same or different activities.

11 (d) Each center shall make at least four of the activity areas listed in G.S. 110-91(12) available daily to preschool
12 children two years or older as follows:

13 (1) Centers with a licensed capacity of 30 or more children shall have at least four activity areas
14 available in the space occupied by each group of children.

15 (2) Centers with a licensed capacity of less than 30 children shall have at least four activity areas
16 available daily. Separate groups of children may share use of the same activity areas.

17 (3) Centers with a licensed capacity of ~~three~~ 3 to 12 children located in a residence shall have at least
18 four types of activities available daily.

19 (e) In addition to the activity areas which are available each day, each center shall have materials and equipment in
20 sufficient quantity, as described in Paragraph (c) of this Rule, to ensure that activities are made available at least
21 once per month in each of the five activity areas listed G.S. 110-91(12).

22 (f) Each center shall provide materials and opportunities for music and rhythm ~~activities~~, science and nature
23 ~~activities~~, and sand and water play for each group of children at least weekly, once per month, indoors or outdoors.

24 (g) When screen time, including, but not limited to, television, videos, video games, and computer usage, is
25 provided, it shall be:

26 (1) Offered only as a free-choice activity.

27 (2) Limited to no more than a total of two and a half hours per week, per child, and

28 (3) Used to meet a developmental goal.

29 Usage time periods may be extended for specific special events, projects, or occasions such as a current event,
30 holiday, or birthday celebration.

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32 *History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;*

33 *Eff. July 1, 1998;*

34 *Amended Eff. April 1, 2010; July 1, 1998; October 1, 1991.*

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1 **10A NCAC 09 .0511 is proposed for amendment as follows:**

2 **10A NCAC 09 .0511 ACTIVITIES FOR CHILDREN UNDER TWO YEARS OF AGE**

3 (a) Each center shall have developmentally appropriate toys and activities for each child to promote the child's
4 physical, emotional, intellectual and social well-being including appropriate books, blocks, dolls, pretend play
5 materials, musical toys, sensory toys, and fine motor toys.

6 (1) The materials shall be kept in an identifiable space where related equipment and materials are kept
7 in identifiable groupings and must be made available to the children for a substantial portion of
8 each day.

9 (2) The materials shall be offered in sufficient quantity to allow all children to use them at some point
10 during the day and to allow for a range of choices with duplicates of the most popular toys.

11 (3) Caregivers shall make provisions for the promotion of physical development for a substantial
12 portion of the day which shall include varied, developmentally appropriate physical activities. A
13 safe clean, uncluttered area that allows freedom of movement shall be available for infants ~~to~~
14 ~~crawl or creep~~ and for toddlers ~~to move around.~~ both indoors and outdoors.

15 (4) Hands-on experiences, including both familiar and new activities, shall be provided to enable the
16 infant or toddler to learn about himself and the ~~world.~~ world both indoors and outdoors.

17 (b) The center shall provide time and space for sleeping, eating, toileting, diaper changing, and playing according to
18 each child's individual need.

19 (c) The caregivers shall interact in a positive manner with each child every day, including the following ways:

20 (1) Caregivers shall respond promptly to an infant or toddler's physical and emotional needs,
21 especially when indicated by crying through actions such as but not limited to the following:
22 feeding, diapering, holding, positive touching, smiling, talking and eye contact.

23 (2) The caregiver shall recognize the special difficulties of infant and toddler separations and assist
24 families, infants, and toddlers to make the transition from home to center as gently as possible,
25 such as a phased-in orientation process to allow infants and toddlers to experience limited amounts
26 of time at the center before becoming fully integrated.

27 (3) A caregiver or team of caregivers shall be assigned to each infant or toddler as the primary
28 caregiver(s) who shall be responsible for care the majority of the time.

29 (4) The caregiver shall make provision for constructive guidance and the setting of limits that the
30 child can understand which foster the infant's or toddler's ability to be self-disciplined, as
31 appropriate to the child's age and development.

32 (5) In drop-in centers, effort shall be made to place an infant or toddler, who uses the center
33 frequently, with the same caregiver.

34 ~~(d) Each child shall have the opportunity to be outdoors daily when weather conditions permit.~~

35 ~~(e)~~(d) While awake, each child under the age of 12 months shall be given the opportunity each day to play while
36 positioned on his or her stomach.

37 (e) Screen time, including, but not limited to television, videos, video games, and computer usage, shall be
38 prohibited.

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

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Eff. July 1, 1988;
Amended Eff. April 1, 2010; May 1, 2004; July 1, 1998; October 1, 1991; January 1, 1991.

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1 **10A NCAC 09 .0604 is proposed for amendment as follows:**

2 **10A NCAC 09 .0604 GENERAL SAFETY REQUIREMENTS**

3 (a) Potentially hazardous items, such as ~~firearms and ammunition,~~ archery equipment, hand and power tools, nails,
4 chemicals, lawn mowers, gasoline or kerosene, ~~archery equipment,~~ propane stoves, whether or not intended for use
5 by children, shall be stored in locked areas or with other appropriate safeguards, or shall be removed from the
6 premises.

7 (b) Firearms and ammunition are prohibited in a licensed child care program unless carried by a law enforcement
8 officer.

9 ~~(b)~~ (c) Electrical outlets not in use which are located in space used by the children shall be covered with safety plugs
10 unless located behind furniture or equipment that cannot be moved by a child.

11 ~~(c)~~ (d) Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to prevent
12 access by children.

13 ~~(d)~~ (e) All electrical appliances shall be used only in accordance with the manufacturer's instructions.

14 ~~(e)~~ (f) Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved by the
15 local fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.

16 ~~(f)~~ (g) All materials used for starting fires, such as matches and lighters, shall be kept in locked storage or shall be
17 stored out of the reach of children.

18 ~~(g)~~ (h) Smoking is not permitted in space used by children when children are present. All smoking materials shall
19 be kept in locked storage or out of the reach of children.

20 ~~(h)~~ (i) Fuel burning heaters, fireplaces and floor furnaces shall be provided with a protective screen attached
21 securely to substantial supports to prevent access by children and to prevent objects from being thrown into them.

22 ~~(i)~~ (j) Plants that are toxic shall not be in indoor or outdoor space that is used by or is accessible to children.

23 ~~(j)~~ (k) Air conditioning units shall be located so that they are not accessible to children or shall be fitted with a mesh
24 guard to prevent objects from being thrown into them.

25 ~~(k)~~ (l) Gas tanks shall be located so they are not accessible to the children or shall be in a protective enclosure or
26 surrounded by a protective guard.

27 ~~(l)~~ (m) Cribs and playpens shall be placed so that the children occupying them shall not have access to cords or
28 ropes, such as venetian blind cords.

29 ~~(m)~~ (n) Once a day, prior to initial use, the ~~The~~ indoor and outdoor premises shall be checked ~~daily~~ for debris,
30 vandalism, and broken equipment. Debris shall be removed and disposed.

31 ~~(n)~~ (o) Plastic bags, toys, and toy parts small enough to be swallowed, and materials that can be easily torn apart
32 such as foam rubber and styrofoam, shall not be accessible to children under three years of age, except that
33 styrofoam plates and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates
34 may be used for food service. Latex and rubber balloons shall not be accessible to children under five years of age.

35 ~~(o)~~ (p) When non-ambulatory children are in care, a crib or other device shall be available for evacuation in case of
36 fire or other emergency. The crib or other device shall be fitted with wheels in order to be easily moveable, have a
37 reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet institutional
38 building code, and the exit is more than eight inches above grade, the center shall develop a plan to ensure a safe and
39 timely evacuation of the crib or other device. This plan shall be demonstrated to a Division representative for

1 review and approval. During the monthly fire drills required by Rule 10A NCAC 09 .0302(d)(4), the evacuation
2 crib or other device shall be used in the manner described in the evacuation plan.

3 (q) A first aid kit must always be available on site.
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5 *History Note: Authority G.S. 110-85; ~~110-85(1)~~; 110-91(3),(6); 143B-168.3;*

6 *Eff. January 1, 1991;*

7 *Amended Eff. January 1, 1996; November 1, 1991;*

8 *Temporary Amendment Eff. October 1, 1997;*

9 *Amended Eff. April 1, 2010; December 1, 2007; April 1, 2001; July 1, 1998.*

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1 **10A NCAC 09 .0606 is proposed for amended as follows:**

2 **10A NCAC 09 .0606 SAFE SLEEP POLICY**

3 (a) Each center licensed to care for infants aged 12 months or younger shall develop and adopt a written safe sleep
4 policy that:

- 5 (1) specifies that caregivers shall place infants aged 12 months or younger on their backs for sleeping,
6 unless:
- 7 (A) for an infant aged six months or less, the center receives a written waiver of this
8 requirement from a health care professional, provider, as defined in G.S. 58-50-61(a)(8);
9 or
- 10 (B) for an infant older than six months, the center receives a written waiver of this
11 requirement from a health care professional, provider, as defined in G.S. 58-50-61(a)(8),
12 or a parent, or a legal guardian;
- 13 (2) specifies whether pillows, blankets, toys, or other objects may be placed with a sleeping infant
14 aged 12 months or younger, and if so, specifies the number and types of allowable objects;
- 15 (3) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger
16 when the infant is laid down to sleep;
- 17 (4) specifies that the temperature in the room where infants aged 12 months or younger are sleeping
18 does not exceed 75° F;
- 19 (5) specifies the means by which caregivers shall visually check on sleeping infants aged 12 months
20 or younger;
- 21 (6) specifies the frequency with which caregivers shall visually check on sleeping infants aged 12
22 months or younger;
- 23 (7) specifies how caregivers shall document compliance with visually checking on sleeping infants
24 aged 12 months or younger with such documents to be maintained for a minimum of one month;
- 25 (8) specifies any other steps the center shall take to provide a safe sleep environment for infants aged
26 12 months or younger.

27 (b) The center shall post a copy of its safe sleep policy or a poster about infant safe sleep practices in a prominent
28 place in the infant room.

29 (c) A copy of the center's safe sleep policy shall be given and explained to the parents of an infant aged 12 months
30 or younger on or before the first day the infant attends the center. The parent shall sign a statement acknowledging
31 the receipt and explanation of the policy. The acknowledgement shall contain:

- 32 (1) the infant's name;
- 33 (2) the date the infant first attended the center;
- 34 (3) the date the center's safe sleep policy was given and explained to the parent; and
- 35 (4) the date the parent signed the acknowledgement.

36 The center shall retain the acknowledgement in the child's record as long as the child is enrolled at the center.

37 (d) If a center amends its safe sleep policy, it shall give written notice of the amendment to the parents of all
38 enrolled infants aged 12 months or younger at least 14 days before the amended policy is implemented. Each parent
39 shall sign a statement acknowledging the receipt and explanation of the amendment. The center shall retain the
40 acknowledgement in the child's record as long as the child is enrolled at the center.

1 (e) A health care ~~provider's~~ professional's or parent's waiver of the requirement that all infants aged 12 months or
2 younger be placed on their backs for sleeping as specified in Subparagraph (a)(1) of this Rule shall:

- 3 (1) bear the infant's name and birth date;
- 4 (2) be signed and dated by the infant's ~~physician~~ health care professional or parent; and
- 5 (3) specify the infant's authorized sleep positions;

6 The center shall retain the waiver in the child's record as long as the child is enrolled at the center.

7 (f) For each infant with a waiver on file at the center as specified in Paragraph (e) of this Rule, a notice shall be
8 posted for quick reference near the infant's crib, bassinet, or play pen that shall include:

- 9 (1) the infant's name;
- 10 (2) the infant's authorized sleep position; and
- 11 (3) the location of the signed waiver.

12 No confidential medical information, including an infant's medical diagnosis, shall be shown on the notice.

13 (g) The center's safe sleep policy shall be developed and shared with parents of infants currently enrolled within 30
14 days of this Rule becoming effective.

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16 *History Note:* Authority G.S. 110-85; 110-91(15); 143B-168.3;
17 Eff. May 1, 2004;
18 Amended Eff. April 1, 2010.
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1 **10A NCAC 09 .0701 is proposed for amendment as follows:**

2 **10A NCAC 09 .0701 HEALTH STANDARDS FOR STAFF**

3 (a) All personnel, including the director, shall have on file within 60 days of the date of employment, a statement
4 signed by a health care professional ~~licensed physician or an authorized health professional under his/her~~
5 ~~supervision~~, that indicates that the person is emotionally and physically fit to care for children. When submitted the
6 medical statement shall not be older than 12 months. ~~For the purposes of this Rule, an authorized health~~
7 ~~professional means a nurse practitioner or physician assistant currently approved to perform medical acts by the~~
8 ~~North Carolina Board of Medical Examiners.~~

9 (b) The Division, or the director of the child care center, may request another evaluation of an employee's emotional
10 and physical fitness to care for children when there is reason to believe that there has been deterioration in the
11 person's emotional or physical fitness to care for children.

12 (c) A test showing each employee, including the director, to be free of active tuberculosis is required prior to
13 employment. The results indicating the individual is free of active tuberculosis shall be obtained within the 12
14 months prior to the date of employment.

15 (d) Each employee, including the director, shall also annually submit a medical statement from a ~~licensed physician~~
16 ~~or a~~ authorized health care professional, ~~professional as defined in (a) of this Rule~~, or must complete a health
17 questionnaire giving information about the status of his/her health on a form provided by the Division.

18 (e) Staff medical statements, proof of a tuberculosis test, and completed health questionnaires shall be included in
19 the employee's individual personnel file in the center.

20 (f) Emergency medical care information shall be on file for each individual staff person. That information shall
21 include the name, address, and telephone number of the person to be contacted in case of an emergency, the
22 responsible party's choice of health care ~~provider~~, professional, and preferred hospital; any chronic illness the
23 individual has and any medication taken for that illness; and any other information that has a direct bearing on
24 assuring safe medical treatment for the individual. This emergency medical care information shall be on file in the
25 center on the staff person's first day of ~~employment~~. employment and shall be updated at least annually.

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27 *History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;*

28 *Eff. January 1, 1986;*

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

1 **10A NCAC 09 .0702 is proposed for amendment as follows:**

2 **10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES AND VOLUNTEERS**

3 (a) The substitute staff and volunteers who are counted in the child care staff/child ratio shall comply with the
4 health standards contained in this Section.

5 (b) All substitutes and volunteers not included in the child care staff/child ratio shall complete the health
6 questionnaire described in Rule .0701 of this Section prior to the first day of work and will complete a health
7 questionnaire annually thereafter as long as they continue to work in the center.

8 (c) A test showing each substitute and volunteer is free of active tuberculosis is required prior to the first day of
9 work. The results of the test shall be obtained within the 12 months prior to employment or the beginning of the
10 volunteer activity. This requirement shall apply only to individuals who volunteer more than once per week.

11 (d) The age of substitute staff and volunteers shall be verified prior to the first day of work by documenting the
12 substitute staff or volunteer's date of birth in the individual's record. Any substitute teacher shall be at least 18 years
13 old and literate.

14 (e) Emergency medical care information as described in Rule .0701(f) of this Section shall be on file for all
15 substitutes and volunteers on the person's first day of ~~work~~ work and shall be updated at least annually.

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17 *History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;*

18 *Eff. January 1, 1986;*

19 *Amended Eff. April 1, 2010; July 1, 1998; October 1, 1991.*

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1 **10A NCAC 09 .0802 is proposed for amendment as follows:**
2 **10A NCAC 09 .0802 EMERGENCY MEDICAL CARE**

3 (a) Each child care center shall have a written plan which assures that emergency medical care is available or can be
4 obtained for children. The plan shall be reviewed during staff orientation with new staff and with all staff at least
5 twice each year. This plan shall give the procedures to be followed to assure that any child who becomes ill or is
6 injured and requires medical attention while at the center, or while participating in any activity provided or
7 sponsored by the center, receives appropriate medical attention. The following information shall be included in the
8 center's emergency medical care plan:

- 9 (1) The name, address, and telephone number of a health care professional; ~~physician, nurse,~~
10 ~~physician's assistant, nurse practitioner,~~ community clinic, or local health department that is
11 available to provide medical consultation;
- 12 (2) The name, address, and telephone number of the emergency room to be used when the parents or
13 ~~family physician~~ family's health care professional cannot be reached or when transporting the ill
14 or injured child to the person's preferred hospital could result in serious delay in obtaining medical
15 attention;
- 16 (3) Designation of a means of transportation always available for use in the event of a medical
17 emergency;
- 18 (4) The name of the person, and his or her alternate, at the center, responsible for determining which
19 of the following is needed, carrying out that plan of action, and assuring that appropriate medical
20 care is given:
- 21 (A) Simple first aid given at the center for an injury or illness needing only minimal attention;
- 22 (B) Advice from previously identified medical consultant in order to decide if care is to be
23 given at the center or if the ill or injured child is to be transported to a designated medical
24 resource; or
- 25 (C) Immediate transportation of the child to a designated medical resource for appropriate
26 treatment;
- 27 (5) The person(s) at the center responsible for:
- 28 (A) Assuring that the signed authorization described in Paragraph (c) of this Rule is taken
29 with the ill or injured child to the medical facility;
- 30 (B) Accompanying the ill or injured child to the medical facility;
- 31 (C) Notifying a child's parents or emergency contact person about the illness or injury and
32 where the child has been taken for treatment;
- 33 (D) Notifying the medical facility about the ill or injured child being transported for
34 treatment; and
- 35 (E) Obtaining substitute staff, if needed, to maintain required staff/child ratio and adequate
36 supervision of children who remain in the center;
- 37 (6) A statement giving the location of the telephone located on the premises which is in good working
38 condition and is always available for use in case of emergency. Telephone numbers for the fire
39 department, law enforcement office, emergency medical service, and poison control center shall

1 be posted near the telephone. A telephone located in an office in the center that is sometimes
2 locked during the time the children are present cannot be designated for use in an emergency.

3 (b) Emergency medical care information shall be on file for each individual child. That information shall include
4 the name, address, and telephone number of the parent or other person to be contacted in case of an emergency, the
5 responsible party's choice of health care ~~provider,~~ professional and preferred hospital; any chronic illness the
6 individual has and any medication taken for that illness; and any other information that has a direct bearing on
7 assuring safe medical treatment for the child. This emergency medical care information shall be on file in the center
8 on the child's first day of ~~attendance.~~ attendance and shall be updated at least annually.

9 (c) Each child's parent, legal guardian, or full-time custodian shall sign a statement authorizing the center to obtain
10 medical attention for the child in an emergency. That statement shall be on file on the first day the child attends the
11 center. It shall be easily accessible to staff so that it can be taken with the child whenever emergency medical
12 treatment is necessary.

13 (d) An incident report shall be completed each time a child receives medical treatment by a ~~physician, nurse,~~
14 ~~physician's assistant, nurse practitioner,~~ health care professional, community clinic, or local health department, as a
15 result of an incident occurring while the child is at the child care center. This incident report shall include, at a
16 minimum: child's name, date and time of incident, part of body injured, type of injury, names of adult witnesses to
17 incident, description of how and where incident occurred, piece of equipment involved (if any), treatment received
18 and steps taken to prevent reoccurrence. This report shall be signed by the person completing it and by the parent,
19 and maintained in the child's file. A copy of the incident report shall be mailed to a representative of the Division
20 within seven calendar days after treatment.

21 (e) An incident log shall be completed any time an incident report is completed. This log shall be cumulative and
22 maintained in a separate file and shall be available for review by a representative of the Division. This log shall be
23 completed on a form provided by the Division.

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25 *History Note: Authority G.S. 110-85; 110-91(1),(9); 143B-168.3;*

26 *Eff. January 1, 1986;*

27 *Amended Eff. April 1, 2010; July 1, 1998; January 1, 1996; October 1, 1991; November 1, 1989.*

1 **10A NCAC 09 .0901 is proposed for amendment as follows:**

2 **10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS**

3 (a) Meals and snacks served shall comply with the Meal Patterns for Children in Child Care standards which are
4 based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining
5 good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental
6 levels of the children in care. The Meal Patterns for Children in Child Care nutrition standards are incorporated by
7 reference and include subsequent amendments. A copy of these standards is available free of charge from the
8 Division at the address in Rule .0102(1) of this ~~Subchapter.~~ Chapter.

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

14 (c) When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional
15 requirements specified in Paragraph (a) of this Rule, the center must provide additional food necessary to meet those
16 requirements.

17 (d) Drinking water must be freely available to children of all ages and offered at frequent intervals. Approved
18 drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it must be
19 tested by and meet the requirements of the Department of Environment and Natural Resources.

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

22 (f) The food required by special diets may be provided by the center or may be brought to the center by the parents.
23 If the diet is prescribed by a health care ~~provider,~~ professional, a statement signed by the health care ~~provider~~
24 professional shall be on file at the center and written instructions shall be provided by the child's parent, health care
25 ~~provider,~~ professional, or a registered dietitian. If the diet is not prescribed by a health care ~~provider,~~ professional,
26 written instructions shall be provided by the child's parent and shall be on file at the center.

27 (g) Food and beverages with little or no nutritional value served as a snack, such as sweets, fruit drinks, soft drinks,
28 etc., will be available only for special occasions.

29 (h) The center shall provide seating and an electrical outlet, if needed, for mothers while they are breastfeeding or
30 expressing milk.

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

33 *Eff. January 1, 1986;*

34 *Amended Eff. April 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989.*

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1 **10A NCAC 09 .2201 is proposed for amendment as follows:**

2 **SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES**

3 **10A NCAC 09 .2201 ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS**

4 (a) Pursuant to G.S. 110-102.2, the secretary or designee may order one or more administrative penalties against
5 any operator who violates any provision of Article 7 of Chapter 110 of the General Statutes or of this Chapter.

6 (b) Nothing in this Section shall restrict the Secretary from using any other statutory or civil penalty available. A
7 civil penalty in accordance with G.S. 110-103.1 and Section .2200 of this Chapter may be imposed in conjunction
8 with any other administrative activity.

9 (c) The issuance of an administrative penalty may be appealed pursuant to G.S. 150B-23.

10 (d) Following the substantiation of any abuse or neglect complaint or the issuance of any administrative action
11 against a child care facility, the operator ~~shall~~ shall, within 30 days, notify the parents of the children currently
12 enrolled that a complaint was substantiated or that an administrative action was taken against the facility, including
13 administrative actions that may be stayed pending appeal. The notification shall be in writing and shall include
14 information on the nature of the substantiated complaint or the type of administrative action taken. The operator
15 shall maintain copies of documentation of the substantiated complaint investigation or the administrative action
16 issued against the facility for the past three years in a binder, which shall be accessible to parents. The written
17 notice shall state where the binder containing copies of the substantiated complaint investigation or administrative
18 action may be found on site for review by the parents. The operator shall document the date that the written notice
19 was given to all ~~parents.~~ parents and maintain written documentation that all parents of children currently enrolled
20 at the facility have received said notice.

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22 *History Note: Authority G.S. 110-85; 110-102.2; 110-103.1; 143B-168.3; 150B-23;*

23 *Eff. July 1, 1988;*

24 *Amended Eff. April 1, 2010; January 1, 2006; April 1, 2001; November 1, 1989.*

1 **10A NCAC 09 .2501 is proposed is amendment as follows:**

2
3 **SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN**

4 **10A NCAC 09 .2501 SCOPE**

5 The regulations in this Section apply to all child care centers offering care to three or more ~~school-aged~~ school-age
6 children exclusively or as a component of any other program. All rules in this ~~Subchapter~~ Chapter pertaining to ~~full-~~
7 ~~time, part time, or seasonal child care shall apply to programs for school-aged~~ school-age children shall apply
8 except as provided in this Section.

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10 *History Note:* Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3;
11 Eff. July 1, 1988;
12 Amended Eff. April 1, 2010; July 1, 2000; September 1, 1990.

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1 **10A NCAC 09 .2502 is proposed for amendment as follows:**

2 **10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE**

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

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8 *History Note: Authority G.S. 110-85; 110-88(1); 110-91; 143B-168.3;*

9 *Eff. July 1, 1988;*

10 *Amended Eff. April 1, 2010; July 1, 2000; September 1, 1990.*

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1 **10A NCAC 09 .2503 is proposed for amendment as follows:**

2 **10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS**

3 (a) Building code requirements adopted by reference in Section .1300 of this ~~Subchapter~~ Chapter shall apply for a
4 facility providing care to school-age children except in the following situations: ~~when any preschool-age child is~~
5 ~~also in care.~~

6 ~~(b)~~ (1) Any building which is currently approved for school occupancy and which houses a public or
7 private school during the school year shall be considered an approved building to house a facility
8 serving school-age children exclusively. The operator shall be responsible for obtaining and
9 submitting copies of all applicable inspection reports.

10 ~~(c)~~ (2) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not
11 covered by Paragraphs (a) or (b) of this Rule, the following North Carolina Building Codes shall
12 apply to the structure described in Rule ~~.2504(b)~~ .2504(b) of this Section:

13 ~~(1)~~ (A) When the authorized capacity of the facility is less than 30 children, the structure shall, at
14 the minimum, meet the requirements for residential occupancy as prescribed in Volume
15 IB of the North Carolina Building Code. Children may use only those floors which have
16 at least one grade level exit.

17 ~~(2)~~ (B) When the authorized capacity of the facility is more than 29 children, but less than 100
18 children, the structure shall, at the minimum, meet the North Carolina Building Code
19 requirements for business occupancy.

20 ~~(3)~~ (C) When the authorized capacity of the facility is more than 99 children, the structure shall,
21 at the minimum, meet the North Carolina Building Code requirements for assembly
22 occupancy, or educational occupancy or institutional occupancy.

23 ~~(d)~~ (b) A copy of the North Carolina Building Code is on file at the Division of Child Development at the address
24 given in Rule .0102 of this ~~Subchapter~~ Chapter and shall be available for public inspection during regular business
25 hours.

26
27 *History Note: Authority G.S. 110-85; 110-88(2); 110-91(4); 143B-168.3;*
28 *Eff. July 1, 1988;*
29 *Amended Eff. April 1, 2010; September 1, 1990.*
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1 **10A NCAC 09 .2504 is proposed for amendment as follows:**

2 **10A NCAC 09 .2504 SPACE REQUIREMENTS**

3 (a) All space requirements specified in Section .1400 apply when a facility provides care for school-age children
4 and any preschool child is also in care, or when a program which provides care exclusively for school-age children
5 routinely operates indoors in a permanent structure for more than 25 percent of each day. A gymnasium or other
6 single use room may be included in the space measured for licensed capacity when used as primary space.

7 (b) A facility licensed as a summer day camp shall have a permanent structure located at the home base which is the
8 primary site of the summer day camp activities. The permanent structure may be a building or permanent roofed
9 shelter with overhang. The summer day camp shall meet one of the following space requirements:

10 (1) When activities for children are routinely conducted outdoors or off the premises for at least 75
11 percent of each day, a minimum of ~~ten~~ 10 square feet per child of indoor space, exclusive of
12 kitchens, hallways, restrooms, closets, and storage areas, shall be provided.

13 (2) When the camp's home base does not provide ~~ten~~ 10 square feet of primary space indoors, the camp
14 shall provide notarized copies of all letters, agreements, or contracts with other facilities which
15 guarantee that children will be accommodated comfortably indoors in the event of inclement
16 weather.

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18 *History Note: Authority G.S. 110-85; 110-91(3), (6); 143B-168.3;*
19 *Eff. July 1, 1988;*
20 *Amended Eff. April 1, 2010; September 1, 1990.*

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1 **10A NCAC 09 .2505 is proposed for amendment as follows:**

2 **10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN**

3 (a) All requirements of Section .0800 of this ~~Subchapter~~ Chapter apply to school-age child care arrangements with
4 the following exceptions:

5 (1) A medical examination report shall not be required for any child enrolled in an accredited or
6 approved public or private school.

7 (2) Rule .0806 does not apply.

8 (3) If ~~the~~ a summer day camp maintains its master records for children and staff in a central location,
9 emergency information for each staff person and child shall always be on site. The emergency
10 information on site shall include the name and telephone numbers of the child's parent or other
11 responsible person, the child's or staff person's ~~physician~~ health care professional or preferred
12 hospital, any chronic illnesses and medication taken for that illness, any allergy and recommended
13 treatment for that allergy, and any other information that has a direct bearing on medical treatment
14 and safe care. The parent's signed permission to obtain medical attention must also be on site with
15 the child.

16 (b) All requirements specified in the Nutrition Section .0900 of this Chapter ~~apply.~~ apply when any preschool child
17 is in care or when food is provided by the facility.

18 (c) If food is prepared at the summer day camp, the regulations regarding sanitary facilities, food preparation and
19 service for summer camps as adopted by the Commission for Public Health and codified in 15A NCAC 18A .1000
20 shall apply. If food is prepared at a licensed track-out program, the sanitation requirements of child care centers
21 must be met.

22 (d) If food is brought from home by children or catered, the following requirements apply:

23 (1) Sanitary cold storage shall be provided for perishable snacks or lunches brought from home.

24 (2) Safe drinking water shall be available at all times regardless of where activities are provided.

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26 *History Note: Authority G.S. 110-85; 110-91(1), (2); 143B-168.3;*
27 *Eff. July 1, 1988;*
28 *Amended Eff. April 1, 2010; September 1, 1990.*
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1 **10A NCAC 09 .2506 is proposed for amendment as follows:**

2 **10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS**

3 (a) First aid equipment shall always be available regardless of where activities are provided.

4 (b) All regulations in Rule .1403 regarding swimming pools apply.

5 (c) Potentially hazardous items, such as archery equipment, ~~firearms and ammunition~~, hand and power tools, nails,
6 chemicals, or propane stoves, or chemicals shall be used by children only when adult supervision is provided. Such
7 potentially hazardous items, whether or not intended for use by the children, shall be stored in locked areas or with
8 other appropriate safeguards, or shall be removed from the premises.

9 (d) All children shall be adequately supervised. Adequate supervision means staff shall be with the group of
10 children and able to hear and see each child in his/her care, except:

11 (1) Children who are developmentally able may be permitted to go to the restroom independently,
12 provided that:

13 (A) Staff members' proximity to children assures immediate intervention to safeguard a child
14 from harm; and

15 (B) Individuals who are not staff members may not enter the restroom area while in use by
16 any child; and

17 (C) Children up to nine years of age are supervised by staff members who are able to hear the
18 child. Children nine years of age and older are not required to be directly supervised,
19 however, staff members shall know the whereabouts of children who have left their group
20 to use the restroom.

21 (2) Adequate supervision for children ages nine and older means that staff shall be with the group of
22 children and able to hear or see each child in his/her care. A staff member shall accompany any
23 children that leave the group to go indoors or outdoors.

24 (3) When emergencies necessitate that direct supervision is impossible for brief periods of time.

25 (e) ~~Children shall wear life jackets whenever they participate in boating, rafting or canoeing activities and children~~
26 Children riding bicycles shall must wear bicycle safety helmets.

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

29 *Eff. July 1, 1988;*

30 *Amended Eff. April 1, 2010; July 1, 1998; September 1, 1990.*

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1 **10A NCAC 09 .2508 is proposed for amendment as follows:**

2 **10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES**

3 (a) Child care facilities which provide care to school-age children shall provide activities appropriate to the ~~age~~ age,
4 needs and interests of the children.

5 (b) Opportunities must be provided for children to participate in the planning and the implementation of activities.

6 ~~(b)(c) Facilities, other than those operating under the provisions of G.S. 110-106, which routinely operate a program~~
7 ~~of care indoors for school-age children for more than 25 percent of each day in space designated and approved by~~
8 ~~the Division for that purpose shall make activities which are appropriate for the ages of children in care available on~~
9 ~~a daily basis.~~ Facilities which operate a school-age component for three or fewer hours per day shall make at least
10 three of the following activities available daily; those which operate a school-age component for more than three
11 hours per day shall make at least four of the following activities available daily:

- 12 (1) Homework with assistance available as needed from center personnel;
- 13 (2) Reading activities;
- 14 (3) Hands-on academic enrichment activities including but not limited to language, math, science,
15 social studies, or foreign language activities;
- 16 (4) Structured or unstructured physical activities;
- 17 (5) Health education or wellness activities;
- 18 (6) Social skills, life skills or problem-solving activities;
- 19 (7) Creative arts activities;
- 20 (8) Community awareness activities;
- 21 (9) Cultural activities;
- 22 (10) Career development activities;
- 23 (11) Games or manipulatives;
- 24 (12) Sand or water play;
- 25 (13) Technology skill-building activities.
- 26 ~~(1) active outdoor play,~~
- 27 ~~(2) arts and crafts,~~
- 28 ~~(3) block play,~~
- 29 ~~(4) books and language,~~
- 30 ~~(5) carpentry,~~
- 31 ~~(6) community awareness,~~
- 32 ~~(7) creative art,~~
- 33 ~~(8) cultural studies,~~
- 34 ~~(9) dramatic play,~~
- 35 ~~(10) environmental studies,~~
- 36 ~~(11) field trips,~~
- 37 ~~(12) food experiences,~~
- 38 ~~(13) games for individuals and small groups,~~
- 39 ~~(14) health and safety,~~
- 40 ~~(15) life related chores,~~

- 1 ~~(16) — money making projects,~~
- 2 ~~(17) — music, rhythm and creative movement,~~
- 3 ~~(18) — number concepts,~~
- 4 ~~(19) — problem solving,~~
- 5 ~~(20) — sand and water play,~~
- 6 ~~(21) — science and nature,~~
- 7 ~~(22) — self help skills,~~
- 8 ~~(23) — sewing.~~

9 ~~(e) When activities for children are routinely conducted outdoors or off the premises for at least 75 percent of each~~
10 ~~day, equipment and materials shall be provided to enable children to participate in at least three different activities~~
11 ~~each day.~~

12 (d) All equipment and materials used by school-age children shall be appropriate for the age and size of the children
13 using the items.

14 (e) When screen time, including, but not limited to, television, videos, video games, and computer usage, is
15 provided, it shall be:

- 16 (1) Offered as a free choice activity.
- 17 (2) Limited to no more than two and a half hours per week, per child and
- 18 (3) Used to meet a developmental goal.

19 Usage time periods may be extended for specific special events, projects, or occasions such as a current event,
20 homework, researching topics, holiday, or birthday celebration.

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22 *History Note: Authority G.S. 110-85; 110-91(6), (12); 143B-168.3;*
23 *Eff. July 1, 1988;*
24 *Amended Eff. April 1, 2010; October 1, 1991; September 1, 1990.*

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1 **10A NCAC 09 .2510 is proposed for amendment as follows:**

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3 **10A NCAC 09 .2510 STAFF QUALIFICATIONS**

4 (a) The individual who is responsible for ensuring the administration of the program, whether on-site or off-site,
5 shall:

6 (1) Prior to employment, have at least 400 hours of verifiable experience working with ~~school-aged~~
7 school-age children in a licensed child care program or 600 hours of verifiable experience working
8 with ~~school-aged~~ school-age children in an unlicensed school-age care or camp setting; or have an
9 undergraduate, graduate, or associate degree, with at least 12 semester hours in school-age care
10 related coursework; and

11 (2) Meet the requirements for a child care administrator in G.S. 110-91(8).

12 (b) At least one individual who is responsible for planning and ensuring the implementation of daily activities for a
13 school-age program (program coordinator) shall:

14 (1) Be at least 18 years old and have a high school diploma or its equivalent prior to employment;

15 (2) Have completed two semester credit hours in child and youth development and two semester
16 credit hours in school-age programming. Each individual who does not meet this requirement
17 shall enroll in coursework within six months after becoming employed and shall complete this
18 coursework within 18 months of enrollment. An individual who meets the staff requirements for
19 administrator or lead teacher shall be considered as meeting the requirements for program
20 coordinator, provided the individual completes Basic School-Age Care (BSAC) ~~training;~~ Training,
21 or its equivalent; and

22 (3) In a part day program be on site when children are in care. For a full day program be on site for
23 two thirds of the hours of operation. This includes times when the individual is off site due to
24 illness or vacation.

25 (c) Staff who are responsible for supervising groups of ~~school-aged~~ school-age children (group leaders) shall be at
26 least 18 years of age and have a high school diploma or its equivalent prior to employment, and shall complete the
27 BSAC ~~Training.~~ Training, or its equivalent.

28 (d) Staff who assist group leaders (assistant group leaders) shall be at least 16 years of age and shall complete the
29 BSAC ~~training.~~ Training, or its equivalent.

30 (e) The individual who is on-site and responsible for the administration of the school-age component of a center
31 which also provides care to preschool-age children, shall meet the requirements for child care administrator in G.S.
32 110-91(8) and Section .0700 of this Chapter.

33 (f) When an individual has responsibility for both administering the program and planning and ensuring the
34 implementation of the daily activities of a school-age program, the individual shall meet the staff requirements for
35 an administrator and shall complete the BSAC ~~Training.~~ Training, or its equivalent.

36 (g) Completion of the BSAC Training course, or its equivalent, counts toward meeting five hours of one year's
37 annual on-going training requirements in Section .0700 of this Chapter.

38 ~~(h) Individuals who completed seven hours of school age program training as approved by the Division prior to~~
39 ~~July 1, 2000 are not required to complete the BSAC Training.~~

1 ~~(h)~~ As used in this Rule, the term "experience working with ~~school-aged~~ school-age children" means experience
2 working with ~~school-aged~~ school-age children as an administrator, program coordinator, group leader, assistant
3 group leader, lead teacher, teacher, or aide.

4 ~~(i)~~ All staff shall receive on-site training and orientation as follows:

5 (1) Within the first two weeks of assuming responsibility for supervising a group of children, each
6 employee shall complete at least six clock hours of training on:

- 7 (A) the recognition of the signs and symptoms of child abuse or neglect and in the employee's
8 duty to report suspected abuse and neglect;
9 (B) the center's operational policies;
10 (C) adequate supervision of children, taking into account their age, emotional, physical, and
11 cognitive development.

12 (2) Within the first six weeks of assuming responsibility for supervising a group of children, each
13 employee shall complete at least three additional clock hours of training on maintaining a safe and
14 healthy environment and developmentally appropriate activities for school-age children.

15 ~~(k)~~ Staff in ~~part-time or full-day~~ part-time, full day, or track-out school-age care programs required to complete
16 BSAC Training or its equivalent, shall do so within three months of becoming employed. Staff in ~~seasonal school-~~
17 ~~age care~~ summer day camp programs required to complete BSAC Training or its equivalent, shall do so within ~~six~~
18 four weeks of becoming employed.

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20 *History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;*

21 *Eff. July 1, 1988;*

22 *Amended Eff. April 1, 2010; November 1, 2007; July 1, 2000; July 1, 1998; January 1, 1992;*

23 *September 1, 1990.*

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