

Potential Rule-making Timeline

The following rules were discussed at the June 23 Child Care Commission meeting for **potential** rule-making action. The text in these rules will be open for continued discussion at the Commission's September 10, 2009 meeting. At the September meeting, the Commission **may** vote to publish text for continued action, and if so, will schedule a public hearing within the following 60, 90 or 100 days. The public will be notified of a public hearing by official publication of the rule text and public hearing details in the *NC Register*, on the DCD web site, and through required public notice when the Commission votes to publish the rules. Below is a potential timeline for these rules, based on the Commission voting to publish text at their September meeting.

Jan.–June 2009	Commission Rules and School-Age Care Committees meet and discuss potential rule changes; Commission and Staff draft text of rules.
June 23, 2009	Child Care Commission discuss/review rule text
Sept. 9, 2009	Commission Rules and School-Age Care Committees meet
Sept. 10, 2009	Child Care Commission continues discussion and may vote to publish text
October 15, 2009	Rules and public hearing information published in <i>NC Register</i> , on DCD web site and through required public notice
November 5, 2009	Child Care Commission meeting and public hearing
December 14, 2009	End of required minimum 60 day comment period
February 2010 (Date to be determined)	Child Care Commission vote to adopt rules for submission to the Rules Review Commission
March 18, 2010	RRC reviews and approves rules
April 1, 2010	Earliest possible effective date for rules published in October 2009

For questions related to the process of creation, publication and adoption of administrative rules, visit <http://www.oah.state.nc.us/rules/RulemakingChart-PermanentRule.pdf>. For questions related to the specific text contained in the following rules, contact Dedra Alston at Dedra.Alston@ncmail.net or 919-890-7060.

Potential Draft Rules for Rule-making

10A NCAC 09 .0102 DEFINITIONS

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

- (1) "Agency" as used in Section .2200 of this Chapter, means Division of Child Development, Department of Health and Human Services located at 319 Chapanoke Road, Suite 120, Raleigh, North Carolina 27603.
- (2) "Appellant" means the person or persons who request a contested case hearing.
- (3) "Basic School-Age Care Training" (BSAC Training) means the specialized training on the elements of quality afterschool care for school-age children, developed for and approved by the Division of Child Development. Equivalent training may be approved if the Division determines that the content of the training offered is substantially equivalent to the BSAC training. ~~seven clock hours of training developed by the North Carolina State University Department of 4 H Youth Development for the Division of Child Development on the elements of quality school age care.~~
- (4) "Child Care Program" means a single center or home, or a group of centers or homes or both, which are operated by one owner or supervised by a common entity.
- (5) "Child care provider" as defined by G.S. 110-90.2 (a) (2) a. and used in Section .2700 of this Chapter, includes the following employees who have contact with the children in a child care program: facility directors, administrative staff, teachers, teachers' aides, cooks, maintenance personnel, and drivers.
- (6) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- (7) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- (8) "Division" means the Division of Child Development within the Department of Health and Human Services.
- (9) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.
- (10) "Early Childhood Environment Rating Scale - Revised edition" (Harms, Clifford, and Cryer, and Clifford, 1998, 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three or more points for the program standards of a

1 rated license. This instrument is incorporated by reference and includes subsequent
2 editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-
3 800-575-6566. The cost of this scale in June 2009 ~~August 2006~~ is sixteen nineteen
4 dollars and ninety-five cents ~~(\$16.95)~~. (\$19.95). A copy of this instrument is on file at the
5 Division at the address given in Item (1) of this Rule and is available for public
6 inspection during regular business hours.

7 (11) "Family Child Care Environment Rating Scale – Revised edition" ~~"Family Day Care~~
8 ~~Rating"~~ (~~Harms~~ Harms, Cryer and Clifford, ~~1989, 2007~~, published by Teachers College
9 Press, New York, NY) is the instrument used to evaluate the quality of care received by
10 children in family child care homes to achieve three or more points for the program
11 standards of a rated license. This instrument is incorporated by reference and includes
12 subsequent editions. Individuals wishing to purchase a copy may call Teachers College
13 Press at 1-800-575-6566. The cost of this scale in ~~August 2006~~ June 2009 is ~~fifteen~~
14 nineteen dollars and ninety-five cents ~~(\$15.95)~~. (\$19.95). A copy of this instrument is on
15 file at the Division at the address given in Item (1) of this Rule and is available for public
16 inspection during regular business hours.

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

20 (13) "Health care professional" is defined as:

21 (a) a physician licensed in North Carolina;

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

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

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

27 (e) a certified physician assistant.

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

32 (14) "Infant/Toddler Environment Rating Scale - Revised edition" (Harms, Cryer, and
33 Clifford, ~~1990, 2003~~, published by Teachers College Press, New York, NY) is the
34 instrument used to evaluate the quality of care received by a group of children in a child
35 care center, when the majority of children in the group are younger than thirty months
36 old, to achieve three or more points for the program standards of a rated license. This

1 instrument is incorporated by reference and includes subsequent editions. Individuals
2 wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The
3 cost of this scale in ~~August 2006~~ June 2009 is ~~sixteen~~ nineteen dollars and ninety-five
4 cents (~~\$16.95~~). (\$19.95). A copy of this instrument is on file at the Division at the
5 address given in Item (1) of this Rule and is available for public inspection during regular
6 business hours.

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

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

12 (17) "North Carolina Early Childhood Credential" means the state early childhood credential
13 that is based on completion of coursework and standards found in the North Carolina
14 Early Childhood Instructor Manual (published by the NC Community College System
15 Office). These standards are incorporated by reference and include subsequent
16 amendments. A copy of the North Carolina Early Childhood Credential requirements is
17 on file at the Division at the address given in Item (1) of this Rule and is available for
18 public inspection or copying at no charge during regular business hours.

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

21 ~~(19) (18) "Owner" means any person with a five percent or greater equity interest in a child care~~
22 ~~facility. facility, however, stockholders of corporations who own child care facilities are~~
23 ~~not subject to mandatory criminal history checks pursuant to N.C.G.S. § 110-90.2 and~~
24 ~~N.C.G.S. § 110-91(8) unless they are involved in day-to-day operations of the child care~~
25 ~~facility.~~

26 ~~(20)~~(19) "Parent" means a child's parent, legal guardian, or full-time custodian.

27 ~~(21)~~(20) "Part-time care" means a child care arrangement where children attend on a regular
28 schedule but less than a full-time basis.

29 ~~(22)~~(21) "Passageway" means a hall or corridor.

30 ~~(23)~~(22) "Person" means any individual, trust, estate, partnership, corporation, joint stock
31 company, consortium, or any other group, entity, organization, or association.

32 ~~(24)~~(23) "Preschooler" or ~~preschool-aged~~ preschool-age child means any child who does not fit
33 the definition of ~~school-aged~~ school-age child in this Rule.

34 ~~(25)~~(24) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996,
35 published by Teachers College Press) is the instrument used to evaluate the quality of
36 care received by a group of children in a child care center, when the majority of the

1 children in the group are older than five years, to achieve three or more points for the
2 program standards of a rated license. This instrument is incorporated by reference and
3 includes subsequent editions. Individuals wishing to purchase a copy may call Teachers
4 College Press at 1-800-575-6566. The cost of this scale in ~~August 2006~~ June 2009 is
5 ~~fifteen~~ nineteen dollars and ninety-five cents (~~\$15.95~~). (\$19.95). A copy of this
6 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 ~~(26)~~(25) "School-aged "School-age child" means any child who is attending or who has attended,
9 a public or private grade school or kindergarten and meets age requirements as specified
10 in G.S. 115C-364.

11 ~~(27)~~(26)"Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

12 ~~(28)~~(27)"Section" means Division of Child Development.

13 ~~(29)~~(28)"Substitute" means any person who temporarily assumes the duties of a staff person for a
14 time period not to exceed two consecutive months.

15 ~~(30)~~(29)"Temporary care" means any child care arrangement which provides either drop-in care
16 or care on a seasonal or other part-time basis and is required to be regulated pursuant to
17 G.S. 110-86.

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

20 ~~(31)~~(31)"Volunteer" means a person who works in a child care facility and is not monetarily
21 compensated by the facility.

23 **10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER**

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

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

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

33 (2) When a center does not conform with a specific building, fire, or sanitation standard, the
34 appropriate inspector may submit a written explanation of how equivalent, alternative
35 protection is provided. The Division may accept the inspector's documentation in lieu of
36 compliance with the specific standard. Nothing in this Regulation is to preclude or

1 interfere with issuance of a provisional license pursuant to Section .0400 of this
2 ~~Subchapter.~~ Chapter.

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

- 9 (1) daily schedules;
- 10 (2) activity plans;
- 11 (3) emergency care plan;
- 12 (4) discipline policy;
- 13 (5) incident reports;
- 14 (6) incident logs; and
- 15 (7) a copy of the certified criminal history check for the applicant, or the applicant's designee
16 as defined in Rule .2701(g) of this ~~Subchapter,~~ Chapter, from the Clerk of Superior
17 Court's office in the county or counties where the individual has resided during the
18 previous 12 months.

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

- 22 (1) Staff records which include an application for employment and date of birth;
23 documentation of previous education, training, and experience; medical and health
24 records; documentation of participation in training and staff development activities; and
25 required criminal records check documentation;
- 26 (2) Children's records which include an application for enrollment; medical and
27 immunization records; and permission to seek emergency medical care;
- 28 (3) Daily attendance records;
- 29 (4) Daily records of arrival and departure times at the center for each child;
- 30 ~~(4)(5)~~ Records of monthly fire drills giving the date each drill is held, the time of day, the length
31 of time taken to evacuate the building, and the signature of the person who conducted the
32 drill;
- 33 ~~(5)(6)~~ Records of monthly playground inspections documented on a checklist provided by the
34 Division; and
- 35 ~~(6)(7)~~ Records of medication administered.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (D) resides in the facility; or

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

34 (5) based on the person's previous non-compliance as an operator with the requirements of
35 G.S. 110 and this ~~Subchapter~~; Chapter; or

36 (6) if abuse or neglect has been substantiated against the person.

1 **10A NCAC 09 .0304 ON-GOING REQUIREMENTS FOR A PERMIT**

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

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

10 (c) A new building inspection shall not be required unless the operator plans to begin using space not
11 previously approved for child care, has made renovations to the building, has added new construction, or
12 wants to remove any 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
15 corrected;
- 16 (2) Return to the center for an unannounced visit at a later date to determine if compliance
17 has been achieved; or
- 18 (3) Recommend issuance of a provisional license in accordance with Section .0400 of this
19 Chapter or recommend the revocation of the permit or administrative actions in
20 accordance with Section .2200 of this Chapter.

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

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

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

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

5
6 **10A NCAC 09 .0509 ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS**

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

9 (↔) (1) Each center shall have developmentally appropriate equipment and materials accessible
10 on a daily basis.

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

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

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

23
24 **10A NCAC 09 .0510 ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND**
25 **OLDER**

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

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

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

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

- 1 (1) Centers with a licensed capacity of 30 or more children shall have at least four activity
2 areas available in the space occupied by each group of children.
- 3 (2) Centers with a licensed capacity of less than 30 children shall have at least four activity
4 areas available daily. Separate groups of children may share use of the same activity
5 areas.
- 6 (3) Centers with a licensed capacity of ~~three~~ 3 to 12 children located in a residence shall have
7 at least four types of activities available daily.

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

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

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

- 16 (1) Offered only as a free-choice activity.
- 17 (2) Limited to no more than a total of two and a half hours per week, 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
20 event, holiday, or birthday celebration.

21

22 **10A NCAC 09 .0511 ACTIVITIES FOR CHILDREN UNDER TWO YEARS OF AGE**

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

- 26 (1) The materials shall be kept in an identifiable space where related equipment and materials
27 are kept in identifiable groupings and must be made available to the children for a
28 substantial portion of each day.
- 29 (2) The materials shall be offered in sufficient quantity to allow all children to use them at
30 some point during the day and to allow for a range of choices with duplicates of the most
31 popular toys.
- 32 (3) Caregivers shall make provisions for the promotion of physical development for a
33 substantial portion of the day which shall include varied, developmentally appropriate
34 physical activities. A safe clean, uncluttered area that allows freedom of movement shall
35 be available for infants ~~to crawl or creep~~ and for toddlers ~~to move around.~~ both indoors
36 and outdoors.

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

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

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

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

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

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

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

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

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

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

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

28
29 **10A NCAC 09 .0604 GENERAL SAFETY REQUIREMENTS**

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

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

- 1 ~~(b)~~ (c) Electrical outlets not in use which are located in space used by the children shall be covered with
2 safety plugs unless located behind furniture or equipment that cannot be moved by a child.
- 3 ~~(e)~~ (d) Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to
4 prevent access by children.
- 5 ~~(f)~~ (e) All electrical appliances shall be used only in accordance with the manufacturer's instructions.
- 6 ~~(g)~~ (f) Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved
7 by the local fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.
- 8 ~~(h)~~ (g) All materials used for starting fires, such as matches and lighters, shall be kept in locked storage or
9 shall be stored out of the reach of children.
- 10 ~~(i)~~ (h) Smoking is not permitted in space used by children when children are present. All smoking
11 materials shall be kept in locked storage or out of the reach of children.
- 12 ~~(j)~~ (i) Fuel burning heaters, fireplaces and floor furnaces shall be provided with a protective screen
13 attached securely to substantial supports to prevent access by children and to prevent objects from being
14 thrown into them.
- 15 ~~(k)~~ (j) Plants that are toxic shall not be in indoor or outdoor space that is used by or is accessible to
16 children.
- 17 ~~(l)~~ (k) Air conditioning units shall be located so that they are not accessible to children or shall be fitted
18 with a mesh guard to prevent objects from being thrown into them.
- 19 ~~(m)~~ (l) Gas tanks shall be located so they are not accessible to the children or shall be in a protective
20 enclosure or surrounded by a protective guard.
- 21 ~~(n)~~ (m) Cribs and playpens shall be placed so that the children occupying them shall not have access to
22 cords or ropes, such as venetian blind cords.
- 23 ~~(o)~~ (n) Daily, prior to initial use, the ~~The~~ indoor and outdoor premises shall be checked ~~daily~~ for debris,
24 vandalism, and broken equipment. Debris shall be removed and disposed.
- 25 ~~(p)~~ (o) Plastic bags, toys, and toy parts small enough to be swallowed, and materials that can be easily
26 torn apart such as foam rubber and styrofoam, shall not be accessible to children under three years of age,
27 except that styrofoam plates and larger pieces of foam rubber may be used for supervised art activities
28 and styrofoam plates may be used for food service. Latex and rubber balloons shall not be accessible to
29 children under five years of age.
- 30 ~~(q)~~ (p) When non-ambulatory children are in care, a crib or other device shall be available for evacuation
31 in case of fire or other emergency. The crib or other device shall be fitted with wheels in order to be
32 easily moveable, have a reinforced bottom, and shall be able to fit through the designated fire exit. For
33 centers that do not meet institutional building code, and the exit is more than eight inches above grade, the
34 center shall develop a plan to ensure a safe and timely evacuation of the crib or other device. This plan
35 shall be demonstrated to a Division representative for review and approval. During the monthly fire drills

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

3 (q) A first aid kit must always be available on site.
4
5

6 **10A NCAC 09 .0606 SAFE SLEEP POLICY**

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

9 (1) specifies that caregivers shall place infants aged 12 months or younger on their backs for
10 sleeping, unless:

11 (A) for an infant aged six months or less, the center receives a written waiver of this
12 requirement from a health care ~~professional, provider, as defined in G.S. 58-50-~~
13 ~~61(a)(8);~~ or

14 (B) for an infant older than six months, the center receives a written waiver of this
15 requirement from a health care ~~professional, provider, as defined in G.S. 58-50-~~
16 ~~61(a)(8);~~ or a parent, or a legal guardian;

17 (2) specifies whether pillows, blankets, toys, or other objects may be placed with a sleeping
18 infant aged 12 months or younger, and if so, specifies the number and types of allowable
19 objects;

20 (3) specifies that nothing shall be placed over the head or face of an infant aged 12 months or
21 younger when the infant is laid down to sleep;

22 (4) specifies that the temperature in the room where infants aged 12 months or younger are
23 sleeping does not exceed 75° F;

24 (5) specifies the means by which caregivers shall visually check on sleeping infants aged 12
25 months or younger;

26 (6) specifies the frequency with which caregivers shall visually check on sleeping infants
27 aged 12 months or younger;

28 (7) specifies how caregivers shall document compliance with visually checking on sleeping
29 infants aged 12 months or younger with such documents to be maintained for a minimum
30 of one month;

31 (8) specifies any other steps the center shall take to provide a safe sleep environment for
32 infants aged 12 months or younger.

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

1 (c) A copy of the center's safe sleep policy shall be given and explained to the parents of an infant aged
2 12 months or younger on or before the first day the infant attends the center. The parent shall sign a
3 statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:

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

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

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

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

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

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

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

- 24 (1) the infant's name;
- 25 (2) the infant's authorized sleep position; and
- 26 (3) the location of the signed waiver.

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

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

31
32 **10A NCAC 09 .0701 HEALTH STANDARDS FOR STAFF**

33 (a) All personnel, including the director, shall have on file within 60 days of the date of employment, a
34 statement signed by a health care professional ~~licensed physician or an authorized health professional~~
35 ~~under his/her supervision~~, that indicates that the person is emotionally and physically fit to care for
36 children. When submitted the medical statement shall not be older than 12 months. ~~For the purposes of~~

1 ~~this Rule, an authorized health professional means a nurse practitioner or physician assistant currently~~
2 ~~approved to perform medical acts by the North Carolina Board of Medical Examiners.~~

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

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

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

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

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

23 **10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES AND VOLUNTEERS**

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

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

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

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

1 (e) Emergency medical care information as described in Rule .0701(f) of this Section shall be on file for
2 all substitutes and volunteers on the person's first day of ~~work.~~ work and shall be updated at least
3 annually.
4

5 **10A NCAC 09 .0802 EMERGENCY MEDICAL CARE**

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

- 12 (1) The name, address, and telephone number of a health care professional; ~~physician, nurse,~~
13 ~~physician's assistant, nurse practitioner,~~ community clinic, or local health department that
14 is available to provide medical consultation;
- 15 (2) The name, address, and telephone number of the emergency room to be used when the
16 parents or ~~family physician~~ family's health care professional cannot be reached or when
17 transporting the ill or injured child to the person's preferred hospital could result in
18 serious delay in obtaining medical attention;
- 19 (3) Designation of a means of transportation always available for use in the event of a
20 medical emergency;
- 21 (4) The name of the person, and his or her alternate, at the center, responsible for determining
22 which of the following is needed, carrying out that plan of action, and assuring that
23 appropriate medical care is given:
 - 24 (A) Simple first aid given at the center for an injury or illness needing only minimal
25 attention;
 - 26 (B) Advice from previously identified medical consultant in order to decide if care is
27 to be given at the center or if the ill or injured child is to be transported to a
28 designated medical resource; or
 - 29 (C) Immediate transportation of the child to a designated medical resource for
30 appropriate treatment;
- 31 (5) The person(s) at the center responsible for:
 - 32 (A) Assuring that the signed authorization described in Paragraph (c) of this Rule is
33 taken with the ill or injured child to the medical facility;
 - 34 (B) Accompanying the ill or injured child to the medical facility;
 - 35 (C) Notifying a child's parents or emergency contact person about the illness or injury
36 and where the child has been taken for treatment;

1 (D) Notifying the medical facility about the ill or injured child being transported for
2 treatment; and

3 (E) Obtaining substitute staff, if needed, to maintain required staff/child ratio and
4 adequate supervision of children who remain in the center;

5 (6) A statement giving the location of the telephone located on the premises which is in good
6 working condition and is always available for use in case of emergency. Telephone
7 numbers for the fire department, law enforcement office, emergency medical service, and
8 poison control center shall be posted near the telephone. A telephone located in an office
9 in the center that is sometimes locked during the time the children are present cannot be
10 designated for use in an emergency.

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

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

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

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

34
35 **10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS**

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

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

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

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

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

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

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

30 (h) The center shall accommodate breastfeeding mothers, including employees, by providing a
31 comfortable and quiet place to breastfeed or express milk. The designated place shall include an
32 electrical outlet, comfortable chair, and access to running water.

33
34 **10A NCAC 09 .1403 AQUATIC ACTIVITIES**

35 (a) The requirements in this Rule apply to aquatic activities, which are defined as activities that take
36 place in, on, or around a body of water such as swimming, swimming instruction, wading, visits to water

1 parks, and boating. Aquatic activities do not include water play activities such as water table play, slip
2 and slide activities, or playing in sprinklers.

3 (b) For every 25 children in care participating in aquatic activities, there shall be at least one person who
4 has a current life guard training certificate issued by the Red Cross or other training determined by the
5 Division to be equivalent to the Red Cross training, appropriate for both the type of body of water and
6 type of aquatic activities. These certified lifeguards shall not be counted in the required staff-child ratios
7 referenced in Paragraph (d) of this Rule.

8 (c) Children under the age of three shall not participate in aquatic activities except, to the extent
9 necessary, to implement any child's Individualized Family Service Plan (IFSP) or Individualized
10 Education Program (IEP).

11 (d) The following staff-child ratios shall be maintained whenever children participate in aquatic
12 activities:

13	Age of Children	Ratio Staff/Children
14	3 to 4 Years	1/8
15	4 to 5 Years	1/10
16	5 Years and Older	1/13

17 Notwithstanding the staff-child ratios, at no time shall there be fewer than two staff members supervising
18 the aquatic activity.

19 (e) Children shall be adequately supervised by center staff at all times while participating in aquatic
20 activities. Adequate supervision shall mean that half of the center staff needed to meet the staff-child
21 ratios in Paragraph (d) of this Rule is in the water and the other half is out of the water. If an uneven
22 number of staff are needed to meet the required staff-child ratios, the majority shall be in the pool. Staff
23 shall be stationed in pre-assigned areas that will enable them at all times to hear, see, and respond quickly
24 to the children who are in the water and children who are out of the water. Children shall not enter the
25 water before center staff are stationed in their pre-assigned areas. Center staff shall devote their full
26 attention to supervising the children in their pre-assigned areas of coverage and shall communicate with
27 one another about children moving from one area to another area.

28 (f) Prior to children participating in aquatic activities, the center shall develop policies that address the
29 following:

- 30 (1) aquatic safety hazards;
- 31 (2) pool and aquatic activity area supervision including restroom or changing room use;
- 32 (3) how discipline is handled during aquatic activities; and
- 33 (4) the facility's specific field trip and transportation policies and procedures.

34 (g) Before staff first supervise children on an aquatic activity, and annually thereafter, staff shall sign and
35 date statements that they have reviewed:

- 36 (1) the center policies as specified in Paragraph (f) of this Rule;

- 1 (2) any specific guidelines provided by the pool operator or other off-site aquatic facility;
2 and
3 (3) the requirements of this Rule.

4 The current statement shall be maintained in the staff person's personnel file for one year or until it is
5 superseded by a new statement.

6 (h) Any outdoor swimming pool which is located on the child care facility premises shall be enclosed by
7 a fence and shall be separated from the remaining outdoor play area by that fence.

8 (i) Swimming pool safety rules shall be posted near any swimming pool located on the child care facility
9 premises. At a minimum, these Rules shall state:

- 10 (1) the location of a first-aid kit;
11 (2) that only water toys are permitted;
12 (3) that children shall not run or push one another;
13 (4) that swimming is allowed only when an adult is present; and
14 (5) that glass objects are not allowed.

15 (j) All swimming pools used by children shall meet the "Rules Governing Public Swimming Pools" in
16 accordance with 15A NCAC 18A .2500 which are incorporated by reference, including subsequent
17 amendments. A copy of these Rules is on file with the Division of Child Development, 319 Chapanoke
18 Road, Raleigh, NC ~~27626~~, 27603, or may be obtained at no cost by writing the North Carolina Division
19 of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630.

20 (k) Children shall wear an age or size appropriate life jacket whenever they participate in boating, rafting
21 or canoeing activities.

22
23 **10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME**

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

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

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

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

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

3 (1) The North Carolina Building Code for family child care homes or have written approval
4 for use as a family child care home by the local building inspector as follows:

5 (A) Meet North Carolina Residential Building Code or be a manufactured home
6 bearing a third party inspection label certifying compliance with the Federal
7 Manufactured Home Construction and Safety Standards or certifying compliance
8 with construction standards adopted and enforced by the State of North Carolina.
9 Homes shall be installed in accordance with North Carolina
10 Manufactured/Mobile Home Regulations published by the NC Department of
11 Insurance.

12 Exception: Single wide manufactured homes will be limited to a maximum of
13 three ~~preschool-aged~~ preschool-age children (not more than two may be two
14 years of age or less) and two ~~school-aged~~ school-age children.

15 (B) All children are kept on the ground level with an exit at grade.

16 (C) All homes are equipped with an electrically operated (with a battery backup)
17 smoke detector, or one electrically operated and one battery operated smoke
18 detector located next to each other.

19 (D) All homes are provided with at least one five lb. 2-A: 10-B: C type extinguisher
20 readily accessible for every 2,500 square feet of floor area.

21 (E) Fuel burning space heaters, fireplaces and floor furnaces which are listed and
22 approved for that installation and are provided with a protective screen attached
23 securely to substantial supports will be allowed. However, unvented fuel burning
24 heaters and portable electric space heaters of all types are prohibited.

25 (2) All indoor areas used by children are heated in cool weather and ventilated in warm
26 weather.

27 (3) Hot pipes or radiators which are accessible to the children are covered or insulated.

28 (4) Accommodations are provided for breastfeeding mothers by providing a comfortable and
29 quiet place to breastfeed or express milk. The designated place shall include an electrical
30 outlet, comfortable chair, and access to running water.

31 (d) The applicant shall also submit supporting documentation with the application for a license to the
32 Division. The supporting documentation shall include a copy of the certified criminal history check from
33 the Clerk of Superior Court's office in the county or counties where the applicant and any household
34 member(s) over age 15, have resided during the previous 12 months; a copy of documentation of
35 completion of a first aid and cardiopulmonary resuscitation (CPR) course; proof of negative results of the
36 applicant's tuberculosis test completed within the past 12 months; a completed health questionnaire; a

1 copy of current pet vaccinations for any pet in the home; a negative well water bacteriological analysis if
2 the home has a private well; copies of any inspections required by local ordinances; and any other
3 documentation required by the Division according to these Rules to support the issuance of a license.

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

8 (1) If all applicable requirements of G.S. 110 and this Section are met, a license shall be
9 issued.

10 (2) If the applicable requirements are not met but the applicant has the potential to comply,
11 the Division representative shall establish with the applicant a time period for the home to
12 achieve full compliance. If the Division representative determines that all applicable
13 requirements are met within the established time period, a license shall be issued.

14 (3) If all applicable requirements are not met or cannot be met within the established time,
15 the Division shall deny the application. Final disposition of the recommendation to deny
16 is the decision of the Division.

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

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

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

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

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

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

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

- 1 (B) has a financial interest in the operation of the facility;
2 (C) provides care to the children at the facility;
3 (D) resides in the facility; or
4 (E) would be on the facility's board of directors, be a partner of the corporation, or
5 otherwise have responsibility for the administration of the business;
6 (5) based on the person's previous non-compliance as an operator with the requirements of
7 G.S. 110 and this ~~Subchapter~~, Chapter; or
8 (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was
9 substantiated against a household member.
- 10 (h) Use of the license is limited to the following conditions:
- 11 (1) The license cannot be bought, sold, or transferred from one individual to another.
12 (2) The license is valid only for the location address/addresses listed on it.
13 (3) The license must be returned to the Division in the event of termination, revocation,
14 suspension, or summary suspension.
15 (4) The license shall be displayed in a prominent place that parents are able to view daily and
16 shall be shown to each child's parent when the child is enrolled.
- 17 (i) A licensee is responsible for notifying the Division whenever a change occurs which affects the
18 information shown on the license.

19
20 **10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS**

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

- 22 (1) Meals and snacks which comply with the Meal Patterns for Children in Child Care
23 standards which are based on the recommended nutrient intake judged by the National
24 Research Council to be adequate for maintaining good nutrition. The types of food and
25 number and size of servings shall be appropriate for the ages and developmental levels of
26 the children in care. The Meal Patterns for Children in Child Care nutrition standards are
27 incorporated by reference and include subsequent amendments. A copy of these standards
28 is available free of charge from the Division at the address in Rule .0102 of this Chapter.
29 (2) No child shall go more than four hours without a meal or a snack being provided.
30 (3) Drinking water shall be freely available to children and offered at frequent intervals.
31 (4) When milk, milk products, or fruit juices are provided by the operator, only pasteurized
32 products or products which have undergone an equivalent process to pasteurization shall
33 be used. Any formula which is prepared by the operator shall be prepared according to
34 the instructions on the formula package or label, or according to written instructions from
35 the child's health care ~~provider~~, professional.

- 1 (5) Each infant shall be held for bottle feeding until able to hold his or her own bottle.
2 Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other
3 age-appropriate seating apparatus to be fed.
- 4 (6) The parent or health care ~~provider~~ professional of each child under 15 months of age shall
5 provide the operator an individual written feeding schedule for the child. This schedule
6 shall be followed at the home. This schedule shall include the child's name, be signed by
7 the parent or health care ~~provider~~, professional, and be dated when received by the
8 operator. Each infant's schedule shall be modified in consultation with the child's parent
9 or health care ~~provider~~ professional to reflect changes in the child's needs as he or she
10 develops.
- 11 (7) ~~Frequent opportunities for outdoor play or fresh air.~~ Developmentally appropriate
12 equipment and materials shall be provided for a variety of outdoor activities which allow
13 for vigorous play, large and small muscle development and social, emotional, and
14 intellectual development. Each child shall have the opportunity for outdoor play each
15 day that weather conditions permit. The operator shall provide space and time for
16 vigorous indoor activities when children cannot play outdoors.
- 17 (8) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with
18 individual linens for each pre-school aged child in care for four hours or more, or for all
19 children if overnight care is provided, to rest comfortably. Individual sleep requirements
20 for infants aged 12 months or younger shall be provided for as specified in 10A NCAC
21 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet.
- 22 (9) A quiet, separate area which can be easily supervised for children too sick to remain with
23 other children. Parents shall be notified immediately if their child becomes too sick to
24 remain in care.
- 25 (10) Adequate supervision as described below:
- 26 (a) For children who are awake, staff shall interact with the children while moving
27 about the indoor or outdoor area, and shall be able to hear and see the children at
28 all times, except when emergencies necessitate that direct supervision is
29 impossible for brief periods of time.
- 30 (b) For children who are sleeping or napping, the staff are not required to visually
31 supervise them, but shall be able to hear and respond quickly to them. Children
32 shall not sleep or nap in a room with a closed door between the children and the
33 supervising staff. The staff shall be on the same level of the home where
34 children are sleeping or napping.
- 35 (11) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or
36 other objects shall not be placed in a manner that covers the child's face.

- 1 (12) The opportunity each day for each child under the age of 12 months to play while awake
2 while positioned on his or her stomach.
- 3 (13) Developmentally appropriate activities as planned on a written schedule. Materials or
4 equipment shall be available indoors and outdoors to support the activities listed on the
5 written schedule. The written schedule shall:
- 6 (a) Show blocks of time usually assigned to types of activities and shall include
7 periods of time for both active play and quiet play or rest; and
 - 8 (b) Be displayed in a place where parents are able to view; and
 - 9 (c) Reflect daily opportunities for both free-choice and guided ~~activities~~; activities;
 - 10 (d) Include a minimum of one hour of outdoor play throughout the day, if weather
11 conditions permit; and
 - 12 (e) Include a daily gross motor activity which may occur indoors or outdoors.
- 13 (14) When screen time, including, but not limited to television, videos, video games, and
14 computer usage, is provided, it shall be:
- 15 (1) Offered only as a free choice activity,
 - 16 (2) Limited to no more than two and a half hours per week for children two
17 years of age and older,
 - 18 (3) Used to meet a developmental goal.

19 Usage time periods may be extended for specific special events, projects, occasions such as a
20 current event, homework, holiday, or birthday celebration. Screen time is prohibited for children
21 under the age of two years. The operator shall offer alternate activities for children under the age
22 of two years.

23

24 **10A NCAC 09 .1724 SAFE SLEEP POLICY**

- 25 (a) Each operator licensed to care for infants aged 12 months or younger shall develop and adopt a
26 written safe sleep policy that:
- 27 (1) specifies that the operator shall place infants aged 12 months or younger on their backs
28 for sleeping, unless:
 - 29 (A) for an infant aged six months or less, the operator receives a written waiver of
30 this requirement from a health care ~~provider~~, professional; ~~as defined in G.S. 58-~~
31 ~~50-61(a)(8)~~; or
 - 32 (B) for an infant older than six months, the operator receives a written waiver of this
33 requirement from a health care ~~provider~~, professional, ~~as defined in G.S. 58-50-~~
34 ~~61(a)(8)~~, or a parent, or a legal guardian;
 - 35 (2) specifies that infants aged 12 months or younger shall be placed in a crib, bassinet or play
36 pen with a firm padded surface when sleeping;

- 1 (3) specifies whether pillows, blankets, toys, and other objects may be placed in a crib with a
2 sleeping infant aged 12 months or younger, and if so, specifies the number and types of
3 allowable objects;
- 4 (4) specifies that nothing shall be placed over the head or face of an infant aged 12 months or
5 younger when the infant is laid down to sleep;
- 6 (5) specifies that the temperature in the room where infants aged 12 months or younger are
7 sleeping does not exceed 75°F;
- 8 (6) specifies the means by which the operator shall visually check sleeping infants aged 12
9 months or younger;
- 10 (7) specifies the frequency with which the operator shall visually check sleeping infants aged
11 12 months or younger;
- 12 (8) specifies how the operator shall document compliance with visually checking on sleeping
13 infants aged 12 months or younger, with such documents to be maintained for a
14 minimum of one month;
- 15 (9) specifies any other steps the operator shall take to provide a safe sleep environment for
16 infants aged 12 months or younger.

17 (b) The operator shall post a copy of the safe sleep policy or a poster about safe sleep practices in a
18 prominent place in the infant sleeping room or area.

19 (c) A copy of the operator's safe sleep policy shall be given and explained to the parents of an infant aged
20 12 months or younger on or before the first day the infant attends the home. The parent shall sign a
21 statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:

- 22 (1) the infant's name;
- 23 (2) the date the infant first attended the home;
- 24 (3) the date the operator's safe sleep policy was given and explained to the parent; and
- 25 (4) the date the parent signed the acknowledgement.

26 The operator shall retain the acknowledgement in the child's record as long as the child is enrolled at the
27 home.

28 (d) If an operator amends a home's safe sleep policy, the operator shall give written notice of the
29 amendment to the parents of all enrolled infants aged 12 months or younger at least 14 days before the
30 amended policy is implemented. Each parent shall sign a statement acknowledging the receipt and
31 explanation of the amendment. The operator shall retain the acknowledgement in the child's record as
32 long as the child is enrolled at the home.

33 (e) A health care professional's ~~physician's~~ or parent's waiver of the requirement that all infants aged 12
34 months or younger be placed on their backs for sleeping shall:

- 35 (1) bear the infant's name and birth date;

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

3 The operator shall retain the waiver in the child's record as long as the child is enrolled at the home.

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

- 6 (1) the infant's name;
- 7 (2) the infant's authorized sleep position; and
- 8 (3) the location of the signed waiver.

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

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

13
14 **10A NCAC 09 .2201 ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS**

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

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

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

22 (d) Following the substantiation of any abuse or neglect complaint or the issuance of any administrative
23 action against a child care facility, the operator ~~shall~~ shall, within 30 days, notify the parents of the
24 children currently enrolled that a complaint was substantiated or that an administrative action was taken
25 against the facility, including administrative actions that may be stayed pending appeal. The notification
26 shall be in writing and shall include information on the nature of the substantiated complaint or the type
27 of administrative action taken. The operator shall maintain copies of documentation of the substantiated
28 complaint investigation or the administrative action issued against the facility for the past three years in a
29 binder, which shall be accessible to parents. The written notice shall state where the binder containing
30 copies of the substantiated complaint investigation or administrative action may be found on site for
31 review by the parents. The operator shall document the date that the written notice was given to all
32 ~~parents.~~ parents and maintain written documentation that all parents of children currently enrolled at the
33 facility have received said notice.

34
35 **10A NCAC 09 .2501 SCOPE**

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

5
6 **10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE**

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

12
13 **10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS**

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

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

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

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

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

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

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

1 **10A NCAC 09 .2504 SPACE REQUIREMENTS**

2 (a) All space requirements specified in Section .1400 apply when a facility provides care for school-age
3 children and any preschool child is also in care, or when a program which provides care exclusively for
4 school-age children routinely operates indoors in a permanent structure for more than 25 percent of each
5 day. A gymnasium or other single use room may be included in the space measured for licensed capacity
6 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
8 which is the primary site of the summer day camp activities. The permanent structure may be a building
9 or permanent roofed shelter with overhang. The summer day camp shall meet one of the following space
10 requirements:

- 11 (1) When activities for children are routinely conducted outdoors or off the premises for at
12 least 75 percent of each day, a minimum of ~~ten~~ 10 square feet per child of indoor space,
13 exclusive of kitchens, hallways, restrooms, closets, and storage areas, shall be provided.
- 14 (2) When the camp's home base does not provide ~~ten~~ 10 square feet of primary space indoors,
15 the camp shall provide notarized copies of all letters, agreements, or contracts with other
16 facilities which guarantee that children will be accommodated comfortably indoors in the
17 event of inclement weather.

18
19 **10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN**

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

- 22 (1) A medical examination report shall not be required for any child enrolled in an accredited
23 or approved public or private school.
- 24 (2) Rule .0806 does not apply.
- 25 (3) If ~~the~~ a summer day camp maintains its master records for children and staff in a central
26 location, emergency information for each staff person and child shall always be on site.
27 The emergency information on site shall include the name and telephone numbers of the
28 child's parent or other responsible person, the child's or staff person's ~~physician~~ health
29 care professional or preferred hospital, any chronic illnesses and medication taken for
30 that illness, any allergy and recommended treatment for that allergy, and any other
31 information that has a direct bearing on medical treatment and safe care. The parent's
32 signed permission to obtain medical attention must also be on site with the child.

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

35 (c) If food is prepared at the summer day camp, the regulations regarding sanitary facilities, food
36 preparation and service for summer camps as adopted by the Commission for Public Health and codified

1 in 15A NCAC 18A .1000 shall apply. If food is prepared at a licensed track-out program, the sanitation
2 requirements of child care centers must be met.

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

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

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

8
9 **10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

1 **10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES**

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

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

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

13 (1) Homework with assistance available as needed from center personnel;

14 (2) Reading activities;

15 (3) Hands-on academic enrichment activities including but not limited to language, math,
16 science, social studies, or foreign language activities;

17 (4) Structured or unstructured physical activities;

18 (5) Health education or wellness activities;

19 (6) Social skills, life skills or problem-solving activities;

20 (7) Creative arts activities;

21 (8) Community awareness activities;

22 (9) Cultural activities;

23 (10) Career development activities;

24 (11) Games or manipulatives;

25 (12) Sand or water play;

26 (13) Technology skill-building activities.

27 ~~(1) active outdoor play,~~

28 ~~(2) arts and crafts,~~

29 ~~(3) block play,~~

30 ~~(4) books and language,~~

31 ~~(5) carpentry,~~

32 ~~(6) community awareness,~~

33 ~~(7) creative art,~~

34 ~~(8) cultural studies,~~

35 ~~(9) dramatic play,~~

36 ~~(10) environmental studies,~~

- 1 ~~(11) — field trips,~~
- 2 ~~(12) — food experiences,~~
- 3 ~~(13) — games for individuals and small groups,~~
- 4 ~~(14) — health and safety,~~
- 5 ~~(15) — life related chores,~~
- 6 ~~(16) — money making projects,~~
- 7 ~~(17) — music, rhythm and creative movement,~~
- 8 ~~(18) — number concepts,~~
- 9 ~~(19) — problem solving,~~
- 10 ~~(20) — sand and water play,~~
- 11 ~~(21) — science and nature,~~
- 12 ~~(22) — self help skills,~~
- 13 ~~(23) — sewing.~~

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

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

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

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

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

26

27 **10A NCAC 09 .2510 STAFF QUALIFICATIONS**

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

- 30 (1) Prior to employment, have at least 400 hours of verifiable experience working with
31 ~~school-aged~~ school-age children in a licensed child care program or 600 hours of
32 verifiable experience working with ~~school-aged~~ school-age children in an unlicensed
33 school-age care or camp setting; or have an undergraduate, graduate, or associate degree,
34 with at least 12 semester hours in school-age care related coursework; and
- 35 (2) Meet the requirements for a child care administrator in G.S. 110-91(8).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14
15 **10A NCAC 09 .2512 STAFF/CHILD INTERACTIONS**

16 Staff working with school-age children will relate to them in positive ways by helping them feel welcome
17 and comfortable, treating them with respect, listening to what they say, responding to them with
18 acceptance and appreciation and participating in many activities with the children. This shall be
19 evidenced by:

- 20 (1) Staff makes eye contact whenever possible when speaking to children.
21 (2) Staff actively engages children in conversation to share experiences, ideas and opinions.
22 (3) Staff help children develop problem-solving skills.
23 (4) Staff facilitates learning by providing positive reinforcement, encouraging efforts
24 and recognizing accomplishments.