

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Children Care Commission intends to adopt the rules cited as 10A NCAC 09 .0501, .1703, amend the rules cited as 10A NCAC 09 .0102, .0302, .0304, .0508-.0511, .0604, .0606, .0701-.0702, .0802, .0901, .1403, .1702, .1718, .1721, .1724, .2201, .2501-.2506, .2508, .2510, .2801-.2802 and repeal the rules cited as 10A NCAC 09 .1505, .2803, .2810-.2816.

Proposed Effective Date: April 1, 2010

Public Hearing:

Date: November 5, 2009

Time: 2:30 p.m.

Location: NC Division of Child Development, 319 Chapanoke Road, Suite 120, Raleigh, NC 27603

Reason for Proposed Action: *The NC Child Care Commission is proposing rule changes in the areas of children's health and nutrition, enriching outdoor activities and quality school-age care, based on research reviewed on outdoor learning environments, quality activities for school-age care, and preventing obesity in young children. Other changes are reformatting or a change in placement of existing rules that are already being followed and enforced.*

The Commission will repeal rules in Section .2800 that pertain to the three component Star Rated License System. In the 2005 Legislative Session a bill was passed to make improvements to NC's Star Rated License System. In the past, Star Ratings of 2 to 5 Stars were determined based on a program's compliance history, education standards, and programs standards. Under the new system and in accordance to G.S. 110-90(4) a minimum compliance history is now required and the Star Ratings are based on education and program standards. All programs have now transitioned to the two component system and the two component rules are currently being followed, therefore, rules referencing the three component system are no longer needed and will be repealed.

Procedure by which a person can object to the agency on a proposed rule: *Anyone wishing to comment on these proposed rules or to request copies of the rules should contact Dedra Alston, Rule-making Coordinator, NC Division of Child Development, 2201 Mail Service Center, Raleigh, NC 27699-2201, at 919-890-7060 or Dedra.Alston@dhhs.nc.gov. Written comments will be accepted through December 14, 2009. Oral comments may be made during the public hearing. The Commission Chairperson may impose time limits for oral remarks.*

Comments may be submitted to: *Dedra Alston, 2201 Mail Service Center, Raleigh, NC 27699-2201, phone (919)890-7060, fax (919)662-4568, email dedra.alston@dhhs.nc.gov*

Comment period ends: December 14, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- State
- Local
- Substantial Economic Impact (>\$3,000,000)
- None

CHAPTER 09 - CHILD CARE RULES

SECTION .0100 - DEFINITIONS

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 rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in June 2009 August 2006 is sixteen nineteen dollars and ninety-five cents (~~(\$16.95)~~; (\$19.95)). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- (11) "Family Child Care Environment Rating Scale – Revised edition" "Family Day Care Rating" (Harms Harms, Cryer and Clifford, 1989, 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in August 2006 June 2009 is fifteen nineteen dollars and ninety-five cents (~~(\$15.95)~~; (\$19.95)). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- (12) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.
- ~~(13)~~(13) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and this Chapter, using space which is identifiable for each group.
- (14) "Health care professional" is defined as:
- (a) a physician licensed in North Carolina;
- (b) a nurse practitioner approved to practice in North Carolina;
- (c) a registered nurse who holds an unencumbered license to practice in North Carolina;
- (d) a nurse with a Bachelor of Science degree or higher in nursing who holds an unencumbered license to practice in North Carolina; or
- (e) a certified physician assistant.
- ~~(15)~~(15) "Household member" means a person who resides in a family home as evidenced by factors including, maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.
- ~~(16)~~(16) "Infant/Toddler Environment Rating Scale - Revised edition" (Harms, Cryer, and Clifford, 1990, 2003, 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 younger than thirty months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in August 2006 June 2009 is sixteen nineteen dollars and ninety-five cents (~~(\$16.95)~~; (\$19.95)). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- ~~(17)~~(17) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed for and approved by the NC Healthy Start Foundation for the Division of Child Development for caregivers of children ages 12 months and younger.
- ~~(18)~~(18) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of said facility shall be the licensee.
- ~~(19)~~(19) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of coursework and standards found in the North Carolina Early Childhood Instructor Manual (published by the NC Community College System Office). These standards are incorporated by reference and include subsequent amendments. A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection or copying at no charge during regular business hours.
- (18) "Operator" means the person or entity held legally responsible for the child care business. The terms "operator", "sponsor", or "licensee" may be used interchangeably.
- ~~(19)~~(20) "Owner" means any person with a five percent or greater equity interest in a child care ~~facility.~~ facility, however, stockholders of corporations who own child care facilities are not subject to mandatory criminal history checks pursuant to G.S. 110-90.2 and G.S. 110-91(8) unless they are involved in day-to-day operations of the child care facility.

- ~~(20)~~(21) "Parent" means a child's parent, legal guardian, or full-time custodian.
- ~~(21)~~(22) "Part-time care" means a child care arrangement where children attend on a regular schedule but less than a full-time basis.
- ~~(22)~~(23) "Passageway" means a hall or corridor.
- ~~(23)~~(24) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.
- ~~(24)~~(25) "Preschooler" or "~~preschool-aged~~ preschool-age child" means any child who does not fit the definition of ~~school-aged~~ school-age child in this Rule.
- ~~(25)~~(26) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by Teachers College Press) 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 the children in the group are older than five years, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in ~~August 2006~~ June 2009 is ~~fifteen nineteen~~ fifteen dollars and ninety-five cents (~~\$15.95~~) (\$19.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.
- ~~(26)~~(27) "~~School-aged~~ School-age child" means any child who is attending or who has attended, a public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.
- ~~(27)~~(28) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).
- ~~(28)~~(29) "Section" means Division of Child Development.
- ~~(29)~~(30) "Substitute" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months.
- ~~(30)~~(31) "Temporary care" means any child care arrangement which provides either drop-in care or care on a seasonal or other part-time basis and is required to be regulated pursuant to G.S. 110-86.
- (32) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.
- ~~(31)~~(33) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

Authority G.S. 110-85; 110-88; 143B-168.3.

SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE

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

- (a) The individual who will be legally responsible for the operation of the center, which includes assuring compliance with the licensing law and standards, shall apply for a license using the form provided by the Division. If the operator will be a group, organization, or other entity, an officer of the entity who is legally empowered to bind the operator shall complete and sign the application.
- (b) The applicant shall arrange for inspections of the center by the local health, building and fire inspectors. The applicant shall provide an approved inspection report signed by the appropriate inspector to the Division representative.
- (1) A provisional classification may be accepted in accordance with Rule .0401(1) of this ~~Subchapter~~ Chapter.
 - (2) When a center does not conform with a specific building, fire, or sanitation standard, the appropriate inspector may submit a written explanation of how equivalent, alternative protection is provided. The Division may accept the inspector's documentation in lieu of compliance with the specific standard. Nothing in this Regulation is to preclude or interfere with issuance of a provisional license pursuant to Section .0400 of this ~~Subchapter~~ Chapter.
- (c) The applicant, or the person responsible for the day-to-day operation of the center, shall be able to describe the plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient detail to show that the center shall comply with applicable requirements for activities, equipment, and staff/child ratios for the capacity of the center and type of license requested. The applicant shall make the following written information available to the Division for review to verify compliance with provisions of this ~~Subchapter~~ Chapter and the licensing law:
- (1) daily schedules;
 - (2) activity plans;
 - (3) emergency care plan;
 - (4) discipline policy;
 - (5) incident reports;
 - (6) incident logs; and
 - (7) a copy of the certified criminal history check for the applicant, or the applicant's designee as defined in Rule .2701(g) of this ~~Subchapter~~ Chapter, from the Clerk of Superior Court's office in the county or counties where the individual has resided during the previous 12 months.
- (d) The applicant shall, at a minimum, demonstrate to the Division representative that measures shall be implemented to have the following information in the center's files and readily available to the representative for review:
- (1) Staff records which include an application for employment and date of birth; documentation of previous education, training, and experience; medical and health records; documentation of participation in training and staff development activities; and required criminal records check documentation;
 - (2) Children's records which include an application for enrollment; medical and immunization records; and permission to seek emergency medical care;
 - (3) Daily attendance records;
 - (4) Daily records of arrival and departure times at the center for each child;

- ~~(4)~~(5) Records of monthly fire drills giving the date each drill is held, the time of day, the length of time taken to evacuate the building, and the signature of the person who conducted the drill;
 - ~~(5)~~(6) Records of monthly playground inspections documented on a checklist provided by the Division; and
 - ~~(6)~~(7) Records of medication administered.
- (e) The Division representative shall measure all rooms to be used for child care and shall assure that an accurate sketch of the center's floor plan is part of the application packet. The Division representative shall enter the dimensions of each room to be used for child care, including ceiling height, and shall show the location of the bathrooms, doors, and required exits on the floor plan.
- (f) The Division representative shall make one or more inspections of the center and premises to assess compliance with all applicable requirements.
- (1) If all applicable requirements of G.S. 110 and this Section are met, the Division shall issue the license.
 - (2) If all applicable requirements of G.S. 110 and this Section are not met, the representative may recommend issuance of a provisional license in accordance with Section .0400 of this ~~Subchapter~~ Chapter or the representative may recommend denial of the application. Final disposition of the recommendation to deny is the decision of the Secretary.
 - (3) The license shall be displayed in an area that parents are able to view daily.
- (g) When a person applies for a child care center license, the Secretary may deny the application for the license under the following circumstances:
- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
 - (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
 - (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
 - (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
 - (A) would participate in the administration or operation of the facility;
 - (B) has a financial interest in the operation of the facility;
 - (C) provides care to children at the facility;
 - (D) resides in the facility; or
 - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
 - (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this ~~Subchapter~~; Chapter; or
 - (6) if abuse or neglect has been substantiated against the person.

Authority G.S. 110-85; 110-88(2); 110-88(5); 110-91; 110-92; 110-93; 110-99; 143B-168.3.

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

- (a) Each operator shall schedule a fire inspection within 12 months of the center's previous fire inspection. The operator is responsible for notifying the local fire inspector when it is time for the center's annual fire inspection. The operator shall submit the original of the completed annual fire inspection report to the Division's representative within one week of the inspection visit on the form provided by the Division.
- (b) Each center shall be inspected at least annually by an Environmental Health Specialist for compliance with applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A .2800.
- (c) A new building inspection shall not be required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes currently on the permit.
- (d) When the Division's representative documents noncompliance during a visit, the representative may:
- (1) Advise the operator to submit written verification that the noncompliance has been corrected;
 - (2) Return to the center for an unannounced visit at a later date to determine if compliance has been achieved; or
 - (3) Recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or recommend the revocation of the permit or administrative actions in accordance with Section .2200 of this Chapter.
- (e) The Division shall assess the compliance history of a center by evaluating the violations of requirements that have occurred. Demerits shall be assigned for each occurrence of violations of these requirements: supervision of children (6 points), staff/child ratio (6 points), staff qualifications and training (2-5 points), health and safety practices (3-6 points), discipline (6 points), developmentally appropriate activities (2-4 points), adequate space (6 points), nutrition and feeding practices (1-3 points), program records (1-3 points), and transportation (1-3 points), if applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be averaged over the specified time period as in accordance with G.S. 110-90(4) for the compliance history percentage referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Section.
- (f) Each center shall maintain accurate records and documents as described in Rule .0302(c) and (d) of this Section, and these records and documents shall be made available to the Division for review to verify compliance with provisions of this Chapter and the General Statute.

SECTION .0500 - AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS

10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS

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

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

Authority G.S. 110-85; 110-91(8), (11); 143B-168.3;

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

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

- (1) When children two years old or older are in care, the schedule shall:
 - ~~(+)(A)~~ The schedule shall show Show blocks of time usually assigned to types of activities and shall include periods of time for both active play and quiet play or rest.
 - ~~(2)(B)~~ Blocks Show blocks of time shall show activities that are scheduled for activities for indoor and outdoor areas.
 - ~~(3)(C)~~ The activities and allotted times reflected in the schedule shall be Reflect times and activities that are developmentally appropriate for the children in care.
 - ~~(4)~~ When children two years old or older are in care, the schedule shall also reflect daily opportunities for both free choice and teacher directed activities.
 - (D) Reflect daily opportunities indoors and outdoors for:
 - (i) Free-choice activities;
 - (ii) Teacher-directed activities; and
 - (iii) A minimum total of one hour of outdoor time throughout the day, if weather conditions permit. Centers that operate for four hours per day or less shall provide a minimum total of 30 minutes of outdoor time daily, if weather conditions permit.

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

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

- (1) The activity plan shall always be current and accessible for easy reference by parents and caregivers.
- (2) The activity plan shall include at least one daily activity for each developmental goal specified in Paragraph (b) of this Rule. Activities which allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have at least four different activities in which they may choose to participate on a daily basis, daily, at least one of which is outdoors, if weather conditions permit.
- (3) The activity plan shall also include a daily gross motor activity which may occur indoors or outdoors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(6),(12); 143B-168.3.

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

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

- (1) The materials shall be kept in an identifiable space where related equipment and materials are kept in identifiable groupings and must be made available to the children for a substantial portion of each day.
- (2) The materials shall be offered in sufficient quantity to allow all children to use them at some point during the day and to allow for a range of choices with duplicates of the most popular toys.
- (3) Caregivers shall make provisions for the promotion of physical development for a substantial portion of the day which shall include varied, developmentally appropriate physical activities. A safe clean, uncluttered area that allows freedom of movement shall be available for infants ~~to crawl or creep~~ and for toddlers ~~to move around~~. both indoors and outdoors.
- (4) Hands-on experiences, including both familiar and new activities, shall be provided to enable the infant or toddler to learn about himself and the ~~world.~~ world both indoors and outdoors.

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

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

- (1) Caregivers shall respond promptly to an infant or toddler's physical and emotional needs, especially when indicated by crying through actions such as but not limited to the following: feeding, diapering, holding, positive touching, smiling, talking and eye contact.
- (2) The caregiver shall recognize the special difficulties of infant and toddler separations and assist families, infants, and toddlers to make the transition from home to center as gently as possible, such as a phased-in orientation process to allow infants and toddlers to experience limited amounts of time at the center before becoming fully integrated.
- (3) A caregiver or team of caregivers shall be assigned to each infant or toddler as the primary caregiver(s) who shall be responsible for care the majority of the time.
- (4) The caregiver shall make provision for constructive guidance and the setting of limits that the child can understand which foster the infant's or toddler's ability to be self-disciplined, as appropriate to the child's age and development.
- (5) In drop-in centers, effort shall be made to place an infant or toddler, who uses the center frequently, with the same caregiver.

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

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

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

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

SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .0604 GENERAL SAFETY REQUIREMENTS

- (a) Potentially hazardous items, such as ~~firearms and ammunition, archery equipment~~, hand and power tools, nails, chemicals, lawn mowers, gasoline or kerosene, ~~archery equipment~~, propane stoves, whether or not intended for use by children, shall be stored in locked areas or with other appropriate safeguards, or shall be removed from the premises.
- (b) Firearms and ammunition are prohibited in a licensed child care program unless carried by a law enforcement officer.
- ~~(b)(c)~~ Electrical outlets not in use which are located in space used by the children shall be covered with safety plugs unless located behind furniture or equipment that cannot be moved by a child.
- ~~(c)(d)~~ Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to prevent access by children.
- ~~(d)(e)~~ All electrical appliances shall be used only in accordance with the manufacturer's instructions.
- ~~(e)(f)~~ Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved by the local fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.
- ~~(f)(g)~~ All materials used for starting fires, such as matches and lighters, shall be kept in locked storage or shall be stored out of the reach of children.
- ~~(g)(h)~~ Smoking is not permitted in space used by children when children are present. All smoking materials shall be kept in locked storage or out of the reach of children.
- ~~(h)(i)~~ Fuel burning heaters, fireplaces and floor furnaces shall be provided with a protective screen attached securely to substantial supports to prevent access by children and to prevent objects from being thrown into them.
- ~~(i)(j)~~ Plants that are toxic shall not be in indoor or outdoor space that is used by or is accessible to children.
- ~~(j)(k)~~ Air conditioning units shall be located so that they are not accessible to children or shall be fitted with a mesh guard to prevent objects from being thrown into them.
- ~~(k)(l)~~ Gas tanks shall be located so they are not accessible to the children or shall be in a protective enclosure or surrounded by a protective guard.
- ~~(l)(m)~~ Cribs and playpens shall be placed so that the children occupying them shall not have access to cords or ropes, such as venetian blind cords.
- ~~(m)(n)~~ Once a day, prior to initial use, the The indoor and outdoor premises shall be checked ~~daily~~ for debris, vandalism, and broken equipment. Debris shall be removed and disposed.
- ~~(n)(o)~~ Plastic bags, toys, and toy parts small enough to be swallowed, and materials that can be easily torn apart such as foam rubber and styrofoam, shall not be accessible to children under three years of age, except that styrofoam plates and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates may be used for food service. Latex and rubber balloons shall not be accessible to children under five years of age.
- ~~(o)(p)~~ When non-ambulatory children are in care, a crib or other device shall be available for evacuation in case of fire or other emergency. The crib or other device shall be fitted with wheels in order to be easily moveable, have a reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet institutional building code, and the exit is more than eight inches above grade, the center shall develop a plan to ensure a safe and timely evacuation of the crib or other device. This plan shall be demonstrated to a Division representative for review and approval. During the monthly fire drills required by Rule 10A NCAC 09 .0302(d)(4), the evacuation crib or other device shall be used in the manner described in the evacuation plan.
- (q) A first aid kit must always be available on site.

Authority G.S. 110-85; 110-91(3),(6); 143B-168.3.

10A NCAC 09 .0606 SAFE SLEEP POLICY

- (a) Each center licensed to care for infants aged 12 months or younger shall develop and adopt a written safe sleep policy that:
- (1) specifies that caregivers shall place infants aged 12 months or younger on their backs for sleeping, unless:
 - (A) for an infant aged six months or less, the center receives a written waiver of this requirement from a health care professional provider, as defined in G.S. 58-50-61(a)(8); or
 - (B) for an infant older than six months, the center receives a written waiver of this requirement from a health care professional provider, as defined in G.S. 58-50-61(a)(8), or a parent, or a legal guardian;
 - (2) specifies whether pillows, blankets, toys, or other objects may be placed with a sleeping infant aged 12 months or younger, and if so, specifies the number and types of allowable objects;
 - (3) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;
 - (4) specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75° F;
 - (5) specifies the means by which caregivers shall visually check on sleeping infants aged 12 months or younger;
 - (6) specifies the frequency with which caregivers shall visually check on sleeping infants aged 12 months or younger;
 - (7) specifies how caregivers shall document compliance with visually checking on sleeping infants aged 12 months or younger with such documents to be maintained for a minimum of one month;
 - (8) specifies any other steps the center shall take to provide a safe sleep environment for infants aged 12 months or younger.
- (b) The center shall post a copy of its safe sleep policy or a poster about infant safe sleep practices in a prominent place in the infant room.
- (c) A copy of the center's safe sleep policy shall be given and explained to the parents of an infant aged 12 months or younger on or before the first day the infant attends the center. The parent shall sign a statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:
- (1) the infant's name;
 - (2) the date the infant first attended the center;

- (3) the date the center's safe sleep policy was given and explained to the parent; and
- (4) the date the parent signed the acknowledgement.

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

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

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

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(15); 143B-168.3.

SECTION .0700 - HEALTH AND OTHER STANDARDS FOR CENTER STAFF

10A NCAC 09 .0701 HEALTH STANDARDS FOR STAFF

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3.

10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES AND VOLUNTEERS

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

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

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

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

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

Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3.

SECTION .0800 - HEALTH STANDARDS FOR CHILDREN

10A NCAC 09 .0802 EMERGENCY MEDICAL CARE

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(1),(9); 143B-168.3.

SECTION .0900 - NUTRITION STANDARDS

10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS

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

(b) Menus for nutritious meals and snacks shall be planned at least one week in advance. At least one dated copy of the current week's menu shall be posted where it can be seen easily by parents and food preparation staff when food is prepared or provided by the center,

except in centers with a licensed capacity of ~~three~~ 3 to 12 children located in a residence. A variety of food shall be included in meals and snacks. Any substitution will be of comparable food value and will be recorded on the menu.

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(2); 143B-168.3.

SECTION .1400 - SPACE REQUIREMENTS

10A NCAC 09 .1403 AQUATIC ACTIVITIES

(a) The requirements in this Rule apply to aquatic activities, which are defined as activities that take place in, on, or around a body of water such as swimming, swimming instruction, wading, visits to water parks, and boating. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.

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

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

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

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

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

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

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

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

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

- (1) the center policies as specified in Paragraph (f) of this Rule;
- (2) any specific guidelines provided by the pool operator or other off-site aquatic facility; and
- (3) the requirements of this Rule.

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

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

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

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

(j) All swimming pools used by children shall meet the "Rules Governing Public Swimming Pools" in accordance with 15A NCAC 18A .2500 which are incorporated by reference, including subsequent amendments. A copy of these Rules is on file with the Division of Child

Development, 319 Chapanoke Road, Raleigh, NC ~~27626~~, 27603, or may be obtained at no cost by writing the North Carolina Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630.

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

Authority G.S. 110-85; 110-88(5); 110-91(1),(6); 143B-168.3.

SECTION .1500 - TEMPORARY CARE REQUIREMENTS

10A NCAC 09 .1505 BUILDING APPROVAL FOR SCHOOL-AGED CARE

~~Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered an approved building to house any temporary care arrangement for school aged children only. The operator of the arrangement will be responsible for obtaining and submitting copies of all applicable inspection reports to document such approval.~~

Authority G.S. 110-92; 143B-168.3.

SECTION .1700 –FAMILY CHILD CARE HOME REQUIREMENTS

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

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

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

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

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

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

- (1) The North Carolina Building Code for family child care homes or have written approval for use as a family child care home by the local building inspector as follows:
 - (A) Meet North Carolina Residential Building Code or be a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations published by the NC Department of Insurance.
Exception: Single wide manufactured homes will be limited to a maximum of three ~~preschool aged~~ preschool-age children (not more than two may be two years of age or less) and two ~~school aged~~ school-age children.
 - (B) All children are kept on the ground level with an exit at grade.
 - (C) All homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
 - (D) All homes are provided with at least one five lb. 2-A: 10-B: C type extinguisher readily accessible for every 2,500 square feet of floor area.
 - (E) Fuel burning space heaters, fireplaces and floor furnaces which are listed and approved for that installation and are provided with a protective screen attached securely to substantial supports will be allowed. However, unvented fuel burning heaters and portable electric space heaters of all types are prohibited.
- (2) All indoor areas used by children are heated in cool weather and ventilated in warm weather.
- (3) Hot pipes or radiators which are accessible to the children are covered or insulated.
- (4) Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet for mothers while they are breastfeeding or expressing milk.

(d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include a copy of the certified criminal history check from the Clerk of Superior Court's office in the county or counties where the applicant and any household member(s) over age 15, have resided during the previous 12 months; a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course; proof of negative results of the applicant's tuberculosis test completed within the past 12 months; a completed health questionnaire; a copy of current pet vaccinations for any pet in the home; a negative well water bacteriological analysis if the home has a private well; copies of any inspections required by local ordinances; and any other documentation required by the Division according to these Rules to support the issuance of a license.

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

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

- (3) If all applicable requirements are not met or cannot be met within the established time, the Division shall deny the application. Final disposition of the recommendation to deny is the decision of the Division.
- (f) The Division may allow the applicant to temporarily operate prior to the Division representative's visit described in Paragraph (e) of this Rule, when the applicant is currently licensed as a family child care home operator, needs to relocate, notifies the Division of the relocation, and the Division representative is unable to visit before the relocation occurs. A person is not able to operate legally until he or she has received from the Division either temporary permission to operate or a license.
- (g) When a person applies for a family child care home license, the Secretary may deny the application for the license under the following circumstances:
- (1) if any child care facility license previously held by that person has been denied, revoked or summarily suspended by the Division;
 - (2) if the Division has initiated denial, revocation or summary suspension proceedings against any child care facility license previously held by that person and the person voluntarily relinquished the license;
 - (3) during the pendency of an appeal of a denial, revocation or summary suspension of any child care facility license previously held by that person;
 - (4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraph (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:
 - (A) would participate in the administration or operation of the facility;
 - (B) has a financial interest in the operation of the facility;
 - (C) provides care to the children at the facility;
 - (D) resides in the facility; or
 - (E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
 - (5) based on the person's previous non-compliance as an operator with the requirements of G.S. 110 and this ~~Subchapter~~ Chapter; or
 - (6) if abuse or neglect has been substantiated against the person, or if abuse or neglect was substantiated against a household member.
- (h) Use of the license is limited to the following conditions:
- (1) The license cannot be bought, sold, or transferred from one individual to another.
 - (2) The license is valid only for the location address/addresses listed on it.
 - (3) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.
 - (4) The license shall be displayed in a prominent place that parents are able to view daily and shall be shown to each child's parent when the child is enrolled.
- (i) A licensee is responsible for notifying the Division whenever a change occurs which affects the information shown on the license.

Authority G.S. 110-85; 110-88(5); 110-91; 110-93; 110-99; 143B-168.3.

10A NCAC 09 .1703 CAREGIVER INTERACTIONS

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

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

Authority G.S. 110-85; 110-91(8), (11); 143B-168.3.

10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS

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

- (1) Meals and snacks which comply with the Meal Patterns for Children in Child Care standards which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food and number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care nutrition standards are incorporated by reference and include subsequent amendments. A copy of these standards is available free of charge from the Division at the address in Rule .0102 of this Chapter.
- (2) No child shall go more than four hours without a meal or a snack being provided.
- (3) Drinking water shall be freely available to children and offered at frequent intervals.
- (4) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used. Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care ~~provider~~ professional.
- (5) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

- (6) The parent or health care ~~provider~~ professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care ~~provider~~, professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care ~~provider~~ professional to reflect changes in the child's needs as he or she develops.
- (7) ~~Frequent opportunities for outdoor play or fresh air.~~ Developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities which allow for vigorous play, large and small muscle development and social, emotional, and intellectual development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors.
- (8) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens for each pre-school aged child in care for four hours or more, or for all children if overnight care is provided, to rest comfortably. Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet.
- (9) A quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care.
- (10) Adequate supervision as described below:
 - (a) For children who are awake, staff shall interact with the children while moving about the indoor or outdoor area, and shall be able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time.
 - (b) For children who are sleeping or napping, the staff are not required to visually supervise them, but shall be able to hear and respond quickly to them. Children shall not sleep or nap in a room with a closed door between the children and the supervising staff. The staff shall be on the same level of the home where children are sleeping or napping.
- (11) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face.
- (12) The opportunity each day for each child under the age of 12 months to play while awake while positioned on his or her stomach.
- (13) Developmentally appropriate activities as planned on a written schedule. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule. The written schedule shall:
 - (a) Show blocks of time usually assigned to types of activities and shall include periods of time for both active play and quiet play or rest; and
 - (b) Be displayed in a place where parents are able to view; and
 - (c) Reflect daily opportunities for both free-choice and guided ~~activities.~~ activities;
 - (d) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit; and
 - (e) Include a daily gross motor activity which may occur indoors or outdoors.
- (14) When screen time, including, but not limited to television, videos, video games, and computer usage, is provided, it shall be:
 - (a) Offered only as a free choice activity.
 - (b) Limited to no more than two and a half hours per week for each child two years of age and older.
 - (c) Used to meet a developmental goal.Usage time periods may be extended for specific special events, projects, occasions such as a current event, homework, holiday, or birthday celebration. Screen time is prohibited for children under the age of two years. The operator shall offer alternate activities for children under the age of two years.

Authority G.S. 110-85; 110-88; 110-91(2),(12).

10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS

(a) The operator shall maintain the following health records for each child who attends on a regular basis, including his or her own preschool child(ren):

- (1) a copy of the child's health assessment as required by G.S. 110-91(1);
- (2) a copy of the child's immunization record;
- (3) a health and emergency information form provided by the Division that is completed and signed by a child's parent. The completed form shall be on file the first day the child attends. An operator may use another form other than the one provided by the Division, as long as the form includes the following information:
 - (A) the child's name, address, and date of birth;
 - (B) the names of individuals to whom the child may be released;
 - (C) the general status of the child's health;
 - (D) any allergies or restrictions on the child's participation in activities with specific instructions from the child's parent or physician;
 - (E) the names and phone numbers of persons to be contacted in an emergency situation;
 - (F) the name and phone number of the child's physician and preferred hospital; and
 - (G) authorization for the operator to seek emergency medical care in the parent's absence;
- (4) when medication is administered, authorization for the operator to administer the specific medication according to the parent's or physician's instructions.

- (b) The operator shall complete and maintain other records which include:
- (1) documentation of the operator's procedures in emergency situations, on a form which is provided by the Division;
 - (2) documentation that monthly fire drills are practiced. The documentation shall include the date each drill is held, the time of day, the length of time taken to evacuate the home, and the operator's signature;
 - (3) incident reports that are completed each time a child receives medical treatment by a physician, nurse, physician's assistant, nurse practitioner, community clinic, or local health department, as a result of an incident occurring while the child is in the family child care home. Each incident shall be reported on a form provided by the Division, signed by the operator and the parent, and maintained in the child's file. A copy shall be mailed to a representative of the Division within seven calendar days after the incident occurs;
 - (4) an incident log which is filled out any time an incident report is completed. This log shall be cumulative and maintained in a separate file and shall be available for review by a representative of the Division. This log shall be completed on a form supplied by the Division;
 - (5) documentation that a monthly check for hazards on the outdoor play area is completed. This form shall be supplied by the Division and shall be maintained in the family child care home for review by a representative of the Division; and
 - (6) Accurate daily attendance records for all children in care, including the operator's own preschool children. The attendance record shall indicate the date and time of arrival and departure for each child.

(c) Written records shall be maintained as follows:

- (1) All children's records as required in this Chapter, except medication permission slips as required in Rule .1720(c)(13) of this Section, must be kept on file one year from the date the child is no longer enrolled.
- (2) Additional caregiver records as required in this Chapter shall be maintained on file one year from the employee's last date of employment.
- (3) Current program records as required in this Chapter shall be maintained on file for as long as the license ~~remains~~ remains valid. Prior versions shall be maintained based on the time frame in the following charts:
 - (A) A minimum of 30 days from the revision or replacement date:

Record	Rule
Daily Schedule	.1718(13)
Infant Feeding Schedule	.1718(6)
SIDS Sleep Chart/Visual Check	.1724(8)

- (B) A minimum of one year from the revision or replacement date:

Record	Rule
Attendance	.1721 (b)(6)
Emergency Numbers	.1720(a)(8)
Emergency Procedures Form	.1721(b)(1)
Field Trip/Transportation Permission	.1723(1)
Fire Drill Log	.1721(b)(2)
Incident Log	.1721(b)(4)
Playground Inspection	.1721(b)(5)
Pet Vaccinations	.1720(d)(10)

- (4) Well-water analysis, pool inspection and inspections for local ordinances as referenced in Rules .1720(d)(1), .1719(7), and .1702(d) of this Section shall remain on file at the family child care home for as long as the license remains valid.
- (5) Records may be maintained in a paper format or electronically, except that records that require a signature of a staff person or parent shall be maintained in a paper format.
- (6) All records required in this Chapter shall be available for review by a representative of the Division.

Authority G.S. 110-85; 110-88; 110-91(1), (9).

10A NCAC 09 .1724 SAFE SLEEP POLICY

- (a) Each operator licensed to care for infants aged 12 months or younger shall develop and adopt a written safe sleep policy that:
- (1) specifies that the operator shall place infants aged 12 months or younger on their backs for sleeping, unless:
 - (A) for an infant aged six months or less, the operator receives a written waiver of this requirement from a health care ~~provider, professional, as defined in G.S. 58-50-61(a)(8);~~ or
 - (B) for an infant older than six months, the operator receives a written waiver of this requirement from a health care ~~provider, professional, as defined in G.S. 58-50-61(a)(8),~~ or a parent, or a legal guardian;
 - (2) specifies that infants aged 12 months or younger shall be placed in a crib, bassinet or play pen with a firm padded surface when sleeping;
 - (3) specifies whether pillows, blankets, toys, and other objects may be placed in a crib with a sleeping infant aged 12 months or younger, and if so, specifies the number and types of allowable objects;

- (4) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;
- (5) specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75 F;
- (6) specifies the means by which the operator shall visually check sleeping infants aged 12 months or younger;
- (7) specifies the frequency with which the operator shall visually check sleeping infants aged 12 months or younger;
- (8) specifies how the operator shall document compliance with visually checking on sleeping infants aged 12 months or younger, with such documents to be maintained for a minimum of one month;
- (9) specifies any other steps the operator shall take to provide a safe sleep environment for infants aged 12 months or younger.

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

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

The acknowledgement shall contain:

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

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

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

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

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(15); 143B-168.3.

SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES

10A NCAC 09 .2201 ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS

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

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

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

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

Authority G.S. 110-85; 110-102.2; 110-103.1; 143B-168.3; 150B-23.

SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

10A NCAC 09 .2501 SCOPE

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

Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3.

10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE

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

Authority G.S. 110-85; 110-88(1); 110-91; 143B-168.3.

10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS

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

- ~~(b)~~(1) Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered an approved building to house a facility serving school-age children exclusively. The operator shall be responsible for obtaining and submitting copies of all applicable inspection reports.
- ~~(c)~~(2) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not covered by Paragraphs (a) or (b) of this Rule, the following North Carolina Building Codes shall apply to the structure described in Rule ~~.2504(b);~~ .2504(b) of this Section:
 - ~~(+)~~(A) When the authorized capacity of the facility is less than 30 children, the structure shall, at the minimum, meet the requirements for residential occupancy as prescribed in Volume IB of the North Carolina Building Code. Children may use only those floors which have at least one grade level exit.
 - ~~(-)~~(B) When the authorized capacity of the facility is more than 29 children, but less than 100 children, the structure shall, at the minimum, meet the North Carolina Building Code requirements for business occupancy.
 - ~~(-)~~(C) When the authorized capacity of the facility is more than 99 children, the structure shall, at the minimum, meet the North Carolina Building Code requirements for assembly occupancy, or educational occupancy or institutional occupancy.

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

Authority G.S. 110-85; 110-88(2); 110-91(4); 143B-168.3.

10A NCAC 09 .2504 SPACE REQUIREMENTS

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

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

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

Authority G.S. 110-85; 110-91(3), (6); 143B-168.3.

10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN

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

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

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

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

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

- (1) Sanitary cold storage shall be provided for perishable snacks or lunches brought from home.
- (2) Safe drinking water shall be available at all times regardless of where activities are provided.

Authority G.S. 110-85; 110-91(1), (2); 143B-168.3.

10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS

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

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

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

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

- (1) Children who are developmentally able may be permitted to go to the restroom independently, provided that:
 - (A) Staff members' proximity to children assures immediate intervention to safeguard a child from harm; and
 - (B) Individuals who are not staff members may not enter the restroom area while in use by any child; and
 - (C) Children up to nine years of age are supervised by staff members who are able to hear the child. Children nine years of age and older are not required to be directly supervised, however, staff members shall know the whereabouts of children who have left their group to use the restroom.
- (2) Adequate supervision for children ages nine and older means that staff shall be with the group of children and able to hear or see each child in his/her care. A staff member shall accompany any children that leave the group to go indoors or outdoors.
- (3) When emergencies necessitate that direct supervision is impossible for brief periods of time.

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

Authority G.S. 110-85; 110-91; 143B-168.3.

10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES

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

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

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

- (1) Homework with assistance available as needed from center personnel;
 - (2) Reading activities;
 - (3) Hands-on academic enrichment activities including but not limited to language, math, science, social studies, or foreign language activities;
 - (4) Structured or unstructured physical activities;
 - (5) Health education or wellness activities;
 - (6) Social skills, life skills or problem-solving activities;
 - (7) Creative arts activities;
 - (8) Community awareness activities;
 - (9) Cultural activities;
 - (10) Career development activities;
 - (11) Games or manipulatives;
 - (12) Sand or water play;
 - (13) Technology skill-building activities.
- ~~(1) active outdoor play;~~
 - ~~(2) arts and crafts;~~
 - ~~(3) block play;~~
 - ~~(4) books and language;~~
 - ~~(5) carpentry;~~
 - ~~(6) community awareness;~~
 - ~~(7) creative art;~~
 - ~~(8) cultural studies;~~

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

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

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

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

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

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

Authority G.S. 110-85; 110-91(6), (12); 143B-168.3.

10A NCAC 09 .2510 STAFF QUALIFICATIONS

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

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

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

- (1) Be at least 18 years old and have a high school diploma or its equivalent prior to employment;
- (2) Have completed two semester credit hours in child and youth development and two semester credit hours in school-age programming. Each individual who does not meet this requirement shall enroll in coursework within six months after becoming employed and shall complete this coursework within 18 months of enrollment. An individual who meets the staff requirements for administrator or lead teacher shall be considered as meeting the requirements for program coordinator, provided the individual completes Basic School-Age Care (BSAC) ~~training;~~ Training, or its equivalent; and
- (3) In a part day program be on site when children are in care. For a full day program be on site for two thirds of the hours of operation. This includes times when the individual is off site due to illness or vacation.

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

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

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

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

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

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

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

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

- (1) Within the first two weeks of assuming responsibility for supervising a group of children, each employee shall complete at least six clock hours of training on:
 - (A) the recognition of the signs and symptoms of child abuse or neglect and in the employee's duty to report suspected abuse and neglect;
 - (B) the center's operational policies;

- (C) adequate supervision of children, taking into account their age, emotional, physical, and cognitive development.
- (2) Within the first six weeks of assuming responsibility for supervising a group of children, each employee shall complete at least three additional clock hours of training on maintaining a safe and healthy environment and developmentally appropriate activities for school-age children.

~~(4)(j)~~ Staff in ~~part-time or full-day~~ part-time, full day, or track-out school-age care programs required to complete BSAC Training or its equivalent, shall do so within three months of becoming employed. Staff in ~~seasonal school-age care~~ summer day camp programs required to complete BSAC Training or its equivalent, shall do so within ~~six~~ four weeks of becoming employed.

Authority G.S. 110-85; 110-91(8),(11); 143B-168.3.

SECTION .2800 - VOLUNTARY RATED LICENSES

10A NCAC 09 .2801 SCOPE

- (a) This Section shall apply to all child care facilities that have achieved a voluntary rated license of two stars or higher or that apply to be assessed for a voluntary rated license of two stars or higher.
- (b) A child care facility is eligible for a voluntary rated license of two through five stars.
- (c) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all minimum requirements in G.S. 110-91 and this Chapter must be in compliance at the time the program is assessed. The requirements for a voluntary rated license of two stars or higher are in addition to the minimum standards found in G.S. 110-91 and this Chapter.
- ~~(d) Any program operating prior to January 1, 2006 may choose to be assessed for a star rating as described in Rules .2803-.2816 of this Section until January 1, 2008. The operator may request assessment of their star rating based on Rules .2817-.2823 of this Section prior to that date.~~
- ~~(e) For any program that began operation after January 1, 2006 and applies for a voluntary rated license of two through five stars, the rating shall be assessed according to Rules .2817-.2823 of this Section.~~
- ~~(f)(d)~~ Nothing in this Section is to preclude or interfere with issuance of an administrative action as allowed by G.S. 110 and this Chapter.
- ~~(g)(e)~~ As used in this Section a two component license refers to a license issued based on an evaluation of program standards and education standards. ~~A three component license refers to a license issued based on an evaluation of program standards, education standards and compliance history.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2802 APPLICATION FOR A VOLUNTARY RATED LICENSE

- (a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the procedures in this Rule shall apply to request an initial two- through five-star rated license or to request that a rating be changed to a two- through five-star rated license.
- (b) The operator shall submit a completed application to the Division for a voluntary rated license on the form provided by the Division.
- (c) An operator may apply for a star rating based on the total number of points achieved for each component of the voluntary rated license. ~~In order to achieve a two- through five star rating, for a three component license the minimum score achieved must be a least five points as follows:~~

TOTAL NUMBER OF POINTS	RATING
5 through 7	Two Stars
8 through 10	Three Stars
11 through 13	Four Stars
14 through 15	Five Stars

In order to achieve a two- through five-star rating, for a two component license the minimum score achieved must be a least four points as follows:

TOTAL NUMBER OF POINTS	RATING
4 through 6	Two Stars
7 through 9	Three Stars
10 through 12	Four Stars
13 through 15	Five Stars

- (d) A Division representative shall assess the facility requesting a voluntary rated license to determine if all applicable requirements have been met to achieve the score for the requested star rating. The assessment may include a review of Division records and site visits.
- (e) The Division shall provide for Infant/Toddler Environment Rating Scale Revised edition, Early Childhood Environment Rating Scale - Revised edition, School-Age Care Environment Rating Scale, or Family Day Care Rating Scale assessments to be completed, as appropriate for the program, free of charge to operators requesting an initial three or more points for program standards.
- (f) Upon completion of the Division's assessment:
- (1) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have been met, the Division shall issue the rating.
 - (2) If the assessment indicates all the applicable requirements to achieve the score for the requested rating are not met, the Division shall notify the operator of the requirements that were not met and the requested voluntary rating shall not be issued.
 - (A) Accept the rating for which the Division has found the operator to be eligible;

- (B) Withdraw the request and reapply when the identified requirements to achieve the score for the requested rating have been met; or
- (C) Appeal the denial of the requested rating as provided in G.S. 110-94.

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2803 PROGRAM STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

- ~~(a) This Rule applies to evaluating the program standards for a three component rated license for child care centers.~~
- ~~(b) To achieve two points for program standards, the center shall meet all the applicable requirements in Rules .2804—2810(b) of this Section, except that either the space requirements in Rule .2809 of this Section or the staff/child ratio requirements in Rule .2810(b) of this Section shall be met.~~
- ~~(c) To achieve three points for program standards, the center shall meet all the applicable requirements in Rules .2804—2810(b) of this Section, and have an average score of 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.~~
- ~~(d) To achieve four points for program standards, the center shall meet all the applicable requirements in Rules .2804—2810(b) of this Section, and have an average score of 4.5 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.~~
- ~~(e) To achieve five points for program standards, the center shall meet all the applicable requirements in Rules .2804—2810(c) of this Section, and have an average score of 5.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.~~
- ~~(f) For centers with a licensed capacity of three to twelve children located in a residence, a Family Day Care Rating Scale shall be the rating scale used in Paragraphs (c), (d), and (e) of this Rule.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2810 STAFF/CHILD RATIOS FOR A THREE COMPONENT RATED LICENSE

- ~~(a) This Rule applies to evaluating the staff/child ratios and maximum group sizes for the program standards for a three component rated license for child care centers.~~
- ~~(b) The center shall comply with the following staff/child ratios and maximum group sizes.~~

AGE OF CHILDREN	RATIO STAFF/CHILDREN	MAXIMUM GROUP SIZE
0 to 12 Months	1/5	10
1 to 2 Years	1/6	12
2 to 3 Years	1/9	18
3 to 4 Years	1/10	20
4 to 5 Years	1/13	25
5 to 6 Years	1/15	25
6 Years and Older	1/20	25

- ~~(c) To earn five points for program standards, the center shall comply with the following staff/child ratios and maximum group sizes.~~

AGE	RATIO STAFF/CHILDREN	MAXIMUM GROUP SIZE
0 to 12 Months	1/4	8
1 to 2 Years	1/5	10
2 to 3 Years	1/8	16
3 to 4 Years	1/9	18
4 to 5 Years	1/12	24
5 to 6 Years	1/14	25
6 Years and Older	1/19	25

- ~~(d) The provisions of rules 10A NCAC 09 .0712(a)(1), (2) and .0713(b) through (j) shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.~~
- ~~(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2811 EDUCATION STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

- ~~(a) To achieve two points for education standards for a star rating, child caring staff in the center shall meet the following requirements:

 - ~~(1) The on-site administrator shall have:

 - ~~(A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and~~
 - ~~(B) Two years of full-time verifiable early childhood work experience.~~~~
 - ~~(2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.~~~~

- (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
- (A) Completed or be enrolled in 3 semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
 - (B) One year of full time verifiable early childhood work experience.
- (4) 50% of the teachers counted in staff/child ratios shall have:
- (A) Completed or be enrolled in two semester hours in early childhood education or child development; or
 - (B) One year of full time verifiable early childhood work experience.
- (5) For centers with a school age care component, the following requirements shall also apply. Completion of these requirements may count toward meeting education and experience requirements in Paragraph (a)(1) through (a)(4) of this Rule.
- (A) If none of the administrator's verifiable experience includes working with school aged children in a school age care or camp setting, he or she shall complete the Basic School Age Care (BSAC) Training.
 - (B) The individual designated as the program coordinator as allowed in Rule .2510 shall have at least 200 hours of verifiable experience working with school aged children in a licensed child care program; or have at least 300 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting; or have completed or be enrolled in at least two semester hours of school age care related coursework.
 - (C) For centers with a school age care component with 200 or more school aged children enrolled, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall meet the staff requirements in Rule .2510 of this Chapter.
- (b) To achieve three points for education standards for a star rating, child caring staff in the center shall meet the following requirements:
- (1) The on site administrator shall have:
 - (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework); and
 - (C) Two years of full time verifiable early childhood work experience.
 - (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
 - (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:
 - (A) Three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or
 - (B) Two years of full time verifiable early childhood work experience.
 - (4) 50% of the teachers counted in staff/child ratios shall have:
 - (A) Completed or be enrolled in the North Carolina Early Childhood Credential or its equivalent; or
 - (B) Completed or be enrolled in four semester hours in early childhood education or child development; or
 - (C) Three years of full time verifiable early childhood work experience.
 - (5) For centers with a school age care component, the following requirements shall also apply. Completion of these requirements may count toward meeting education and experience requirements in Paragraph (b)(1) through (b)(4) of this Rule.
 - (A) The administrator shall have at least 300 hours of verifiable experience working with school aged children in a licensed child care program, or at least 450 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting, or shall complete the BSAC Training.
 - (B) The individual designated as the program coordinator as allowed in Rule .2510 shall have at least 400 hours of verifiable experience working with school aged children in a licensed child care program; or have at least 600 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting; or have completed at least two semester hours of school age care related coursework.
 - (C) For centers with a school age care component with 200 or more school aged children enrolled, there shall be two program coordinators on site; one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall meet the staff requirements of Rule .2510 of this Subchapter.
 - (D) 25% of the individuals designated as group leaders as allowed in Rule .2510 shall have at least 100 hours of verifiable experience working with school aged children in a licensed child care program; or have at least 150 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting; or have completed or be enrolled in at least two semester credit hours of school age care related coursework.
- (c) To achieve four points for education standards for a star rating, child caring staff in the center shall meet the following requirements:
- (1) The on site administrator shall have:
 - (A) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) Two years of full time verifiable early childhood work experience.
 - (2) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.
 - (3) All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% shall have:
 - (A) Nine semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework); and
 - (B) Two years of full time verifiable early childhood work experience.

- (4) ~~50% of the teachers counted in staff/child ratios shall have:~~
 - (A) ~~The North Carolina Early Childhood Credential or its equivalent; or~~
 - (B) ~~Four semester hours in early childhood education or child development; or~~
 - (C) ~~Five years of full-time verifiable early childhood work experience.~~
- (5) ~~For centers with a school-age care component, the following requirements shall also apply. Completion of these requirements may count toward meeting education and experience requirements in Paragraph (c)(1) through (c)(4) of this Rule.~~
 - (A) ~~The administrator shall have at least 600 hours of verifiable experience working with school-aged children in a licensed child care program, or at least 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting, or shall complete the BSAC Training.~~
 - (B) ~~The individual designated as the program coordinator as allowed in Rule .2510 of this Subchapter shall have at least 900 hours of verifiable experience working with school-aged children in a licensed child care program or at least 1350 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; and have completed at least four semester hours of school-age care related coursework.~~
 - (C) ~~For centers with a school-age care component with 200 or more school-aged children enrolled, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall meet the staff requirements in Rule .2510 of this Subchapter.~~
 - (D) ~~50% of the individuals designated as group leaders as allowed in Rule .2510 of this Subchapter shall have at least 300 hours of verifiable experience working with school-aged children in a licensed child care program; or have at least 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or have completed at least two semester credit hours of school-age care related coursework.~~
 - (E) ~~Assistant group leaders shall be at least 18 years of age.~~
- (d) ~~To achieve five points for education standards for a star rating, child caring staff in the center shall meet the following requirements.~~
 - (1) ~~The on-site administrator shall have:~~
 - (A) ~~A Level III North Carolina Early Childhood Administration Credential or its equivalent; and~~
 - (B) ~~Four years of full-time verifiable work experience in an early childhood center teaching young children, or four years of administrative experience, or four years of a combination of both.~~
 - (2) ~~For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.~~
 - (3) ~~All lead teachers shall have the North Carolina Early Childhood Credential or its equivalent, and 75% of the lead teachers shall have:~~
 - (A) ~~At least an A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development; and~~
 - (B) ~~Two years of full-time verifiable early childhood work experience.~~
 - (4) ~~50% of the teachers counted in staff/child ratios shall have:~~
 - (A) ~~The North Carolina Early Childhood Credential or its equivalent; and~~
 - (B) ~~Four semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and~~
 - (C) ~~Two years of full-time verifiable early childhood experience.~~
 - (5) ~~For centers with a school-age care component, the following requirements shall also apply. Completion of these requirements and may count toward meeting education and experience requirements in Paragraph (d)(1) through (d)(4) of this Rule.~~
 - (A) ~~The administrator shall have at least 900 hours of verifiable experience working with school-aged children in a licensed child care program, or at least 1350 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting, or shall complete the BSAC Training.~~
 - (B) ~~The individual designated as the program coordinator as allowed in Rule .2510 of this Chapter shall have at least 900 hours of verifiable experience working with school-aged children in a licensed child care program or at least 1350 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting, and have completed at least six semester hours of school-age care related coursework; or shall have at least 600 hours of verifiable experience working with school-aged children in a licensed child care program or at least 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting, and have completed at least nine semester hours of school-age care related coursework.~~
 - (C) ~~For centers with a school-age care component with 200 or more school-aged children, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall meet the minimum staff requirements in Rule .2510 of this Subchapter.~~
 - (D) ~~75% of the individuals designated as group leaders as allowed in Rule .2510 of this Chapter shall have at least 600 hours of verifiable experience working with school-aged children in a licensed child care program or at least 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall have completed at least two semester hours of school-age care related coursework and have completed or be enrolled in at least two additional semester credit hours of school-age related coursework.~~
 - (E) ~~Assistant group leaders shall be at least 18 years of age.~~

- (e) For centers with a licensed capacity of three to twelve children located in a residence, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in this Rule shall apply. All other teachers shall follow the educational requirements for teachers in this Rule.
- (f) As used in this Rule, the definition of the term "experience working with school aged children" in Rule .2510(i) of this Chapter shall apply.

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2812 EDUCATION STANDARDS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

(a) For child care programs that serve school aged children only, the following staff education requirements apply instead of those in Rule .2804 of this Subchapter.

(b) To achieve two points for education standards for a star rating, child caring staff in the school age care program shall meet the following requirements:

- (1) The administrator shall have a Level I North Carolina Early Childhood Administration Credential or its equivalent.
- (2) The program coordinator shall have completed the coursework or the requirements for staff described in Rule .2510(b)(2); and have
 - (A) At least 200 hours of verifiable experience working with school aged children in a licensed child care program, or
 - (B) At least 300 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting, or
 - (C) Completed or be enrolled in at least two additional semester credit hours of school age care related coursework.

(c) To achieve three points for education standards for a star rating, child caring staff in the school age care program shall meet the following requirements:

- (1) The administrator shall have:
 - (A) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) At least 300 additional hours of verifiable experience working with school aged children in a licensed child care program, or at least 450 additional hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting.
- (2) The program coordinator shall have completed the coursework or the requirements for staff described in Rule .2510(b)(2); and have
 - (A) At least 400 hours of verifiable experience working with school aged children in a licensed child care program, or
 - (B) At least 600 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting or
 - (C) Completed at least two additional semester credit hours of school age care related coursework.
- (3) Twenty five percent of group leaders shall have:
 - (A) At least 100 hours of verifiable experience working with school aged children in a licensed child care program, or
 - (B) At least 150 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting, or
 - (C) Completed or be enrolled in at least two semester credit hours of school age care related coursework.

(d) To achieve four points for education standards for a star rating, child caring staff in the school age care program shall meet the following requirements:

- (1) The administrator shall have:
 - (A) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and
 - (B) At least 600 additional hours of verifiable experience working with school aged children in a licensed child care program, or at least 900 additional hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting.
- (2) The program coordinator shall have completed the coursework or the requirements for staff described in Rule .2510(b)(2); and have
 - (A) At least 900 hours of verifiable experience working with school age children in a licensed child care program or at least 1350 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting; and
 - (B) Completed at least four additional semester credit hours of school age care related coursework.
- (3) Fifty percent of group leaders shall have:
 - (A) At least 300 hours of verifiable experience working with school aged children in a licensed school age care or camp setting, or
 - (B) At least 450 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting, or
 - (C) Completed at least two semester credit hours of school age care related coursework;
- (4) Assistant group leaders shall be at least 18 years old.

(e) To achieve five points for education standards for a star rating, child caring staff in the school age care program shall meet the following requirements:

- (1) The administrator shall have:

(A) — A Level III North Carolina Early Childhood Administration Credential or its equivalent; and

(B) — At least 900 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children, or at least 1350 additional hours of verifiable experience performing administrative duties in an unlicensed school age care or camp setting.

(2) — The program coordinator shall have completed the coursework or the requirements for staff described in Rule .2510(b)(2); and have

(A) — At least 900 hours of verifiable experience working with school aged children in a licensed child care program or at least 1350 hours of verifiable experience working with school aged children in an unlicensed school age or camp setting, and completed at least six additional semester credit hours of school age care related coursework; or

(B) — At least 600 hours of verifiable experience working with school aged children in a licensed child care program or at least 900 hours of verifiable experience working with school aged children in an unlicensed school age care or camp setting, and completed at least nine additional semester credit hours of school age care related coursework.

(3) — Seventy five percent of group leaders shall have:

(A) — At least 600 hours of experience working with school aged children in a licensed child care program; or

(B) — At least 900 hours of experience working with school aged children in an unlicensed school age care or camp setting; or

(C) — Completed at least two semester credit hours of school age care related coursework and have completed or be enrolled in at least two additional semester credit hours of school age care related coursework.

(4) — Assistant group leaders shall be at least 18 years old.

(f) Unless otherwise stated in this Rule, group leaders and assistant group leaders shall meet the minimum qualifications required in Rule .2510 of this Chapter, including completion of BSAC Training.

(g) For programs with a licensed capacity of 200 or more school aged children, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall meet the staff requirements in Rule .2510 of this Chapter.

(h) As used in this Rule, the definition of the term "experience working with school aged children" in Rule .2510(i) of this Chapter shall apply.

Authority G.S. 110-88(7); 110-90(4); 110-91; 143B-168.

10A NCAC 09 .2813 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) To achieve two points for compliance history standards for a star rating, a center shall have a compliance history rating of 65% or higher as assessed by the Division.

(b) To achieve three points for compliance history standards for a star rating, a center shall have a compliance history rating of 70% or higher as assessed by the Division.

(c) To achieve four points for compliance history standards for a star rating, a center shall have a compliance history rating of 75% or higher as assessed by the Division.

(d) To achieve five points for compliance history standards for a star rating, a center shall have a compliance history rating of 80% or higher as assessed by the Division.

(e) The Division shall assess the compliance history by evaluating the violations of requirements that have occurred over the previous three years or during the length of time the center has been operating, whichever is less. Demerits shall be assigned for each occurrence of violations of these requirements: supervision of children (6 points), staff/child ratio (6 points), staff qualifications and training (2-5 points), health and safety practices (3-6 points), discipline (6 points), developmentally appropriate activities (2-4 points), adequate space (6 points), nutrition and feeding practices (1-3 points), program records (1-3 points), sanitation inspections (6 points), and transportation (1-3 points), if applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be averaged over three years for the compliance history percentages referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Subsection.

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2814 PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) To achieve two points for program standards for a star rating, the operator shall have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice.

(b) To achieve three points for program standards for a star rating, the operator shall:

(1) — Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and

(2) — Have an average score of 4.0 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care.

- ~~(c) To achieve four points for program standards for a star rating, the operator shall:~~
- ~~(1) Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and~~
 - ~~(2) Have an average score of 4.5 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care; and~~
 - ~~(3) Be a member of a national, state, or local professional organization.~~
- ~~(d) To achieve five points for program standards for a star rating, the operator shall:~~
- ~~(1) Have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice; and~~
 - ~~(2) Have an average score of 5.0 or higher on the Family Day Care Rating Scale or be accredited by a national organization approved by the Division. Organizations shall be approved if the Division determines that the accreditation standards are substantially equivalent to those of the National Association for Family Child Care; and~~
 - ~~(3) Be a member of a national, state, or local professional organization; and~~
 - ~~(4) Of the five preschoolers allowed to be enrolled, no more than three children shall be under one year of age.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2815 EDUCATION STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

- ~~(a) To achieve two points for educational standards for a rated license, the operator shall have completed:~~
- ~~(1) The North Carolina Family Child Care Credential or its equivalent; or~~
 - ~~(2) At least four semester credit hours in early childhood education or child development; or~~
 - ~~(3) At least 10 years of full time verifiable early childhood work experience and six additional clock hours of annual in-service training.~~
- ~~(b) To achieve three points for education standards for a rated license, the operator shall have completed:~~
- ~~(1) The North Carolina Family Child Care Credential or its equivalent and three semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework) and one year of full time verifiable early childhood work experience; or~~
 - ~~(2) The North Carolina Family Child Care Credential or its equivalent and five years of full time verifiable early childhood work experience; or~~
 - ~~(3) At least six semester hours of early childhood education/child development coursework and one year of full time verifiable early childhood work experience; or~~
 - ~~(4) At least an A.A.S. degree in any major with at least six semester credit hours in early childhood education/child development coursework and six months of full time verifiable early childhood work experience; or~~
 - ~~(5) At least an A.A.S. degree in early childhood education/child development and three months of full time verifiable early childhood work experience.~~
- ~~(c) To achieve four points for education standards for a rated license, the operator shall have completed:~~
- ~~(1) The North Carolina Family Child Care Credential or its equivalent and six semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework) and two years of full time verifiable early childhood work experience; or~~
 - ~~(2) At least nine semester hours of early childhood education/child development coursework and two years of full time verifiable early childhood work experience; or~~
 - ~~(3) At least an A.A.S. degree in any major with at least nine semester credit hours in early childhood education/child development coursework and eighteen months of full time verifiable early childhood work experience; or~~
 - ~~(4) At least an A.A.S. in early childhood education/child development and one year of full time verifiable early childhood work experience.~~
- ~~(d) To achieve five points for education standards for a rated license, the operator shall have completed:~~
- ~~(1) At least an A.A.S. degree in any major with at least twelve semester credit hours in early childhood education/child development coursework and two years of full time verifiable early childhood work experience; or~~
 - ~~(2) At least an A.A.S. in early childhood education/child development and 18 months of full time verifiable early childhood work experience.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.

10A NCAC 09 .2816 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

- ~~(a) To achieve one point for compliance history standards for a star rating, a family child care home shall have a compliance history of 60%–64% as assessed by the Division.~~
- ~~(b) To achieve two points for compliance history standards for a star rating, a family child care home shall have a compliance history of 65%–69% as assessed by the Division.~~
- ~~(c) To achieve three points for compliance history standards for a star rating, a family child care home shall have a compliance history of 70%–74% as assessed by the Division.~~

~~(d) To achieve four points for compliance history standards for a star rating, a family child care home shall have a compliance history of 75%–79% as assessed by the Division.~~

~~(e) To achieve five points for compliance history standards for a star rating, a family child care home shall have a compliance history of 80% or higher as assessed by the Division.~~

~~(f) The Division shall assess the compliance history by evaluating the violations of requirements that have occurred over the previous three years or during the length of time the family child care home has been operating, whichever is less. Demerits shall be assigned for each occurrence of violations within these categories: supervision of children (6 points), exceeding capacity (6 points), staff qualifications and training (2–5 points), health and safety practices (3–6 points), discipline (6 points), developmentally appropriate activities (2–4 points), adequate space (6 points), nutrition and feeding practices (1–3 points), program records (1–3 points), and transportation (1–3 points), if applicable. When a range of points is listed, the minimum and maximum number of demerits possible for the violations within these categories are indicated. The point value of each demerit for violations within the categories shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits on each visit from the total demerits possible during a 12-month period based on the services provided and converting to a percentage. The yearly compliance history percentage shall be averaged over three years for the compliance history percentage referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Chapter.~~

Authority G.S. 110-88(7); 110-90(4); 143B-168.3.