

**CHAPTER 9 - CHILD CARE RULES**  
**Effective December 1, 2014**

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
	<b>.0100 DEFINITIONS</b>	<b>1</b>
.0101	RESERVED FOR FUTURE CODIFICATION	
.0102	DEFINITIONS	
	<b>.0200 GENERAL PROVISIONS RELATED TO LICENSING</b>	<b>5</b>
.0201	INSPECTIONS	
.0202	RESERVED FOR FUTURE CODIFICATION	
.0203	RESERVED FOR FUTURE CODIFICATION	
.0204	CHANGES REQUIRING ISSUANCE OF A NEW LICENSE	
.0205	PARENTAL ACCESS	
.0206	CAPACITY OF THE CENTER	
.0207	RESERVED FOR FUTURE CODIFICATION	
	<b>.0300 PROCEDURES FOR OBTAINING A LICENSE</b>	<b>7</b>
.0301	PRE-LICENSING REQUIREMENTS	
.0302	APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER	
.0303	RESERVED FOR FUTURE CODIFICATION	
.0304	ON-GOING REQUIREMENTS FOR A LICENSE	
.0305	REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER	
	<b>.0400 ISSUANCE PROVISIONAL AND TEMPORARY LICENSES</b>	<b>12</b>
.0401	PROVISIONAL LICENSES FOR FACILITIES	
.0402	RESERVED FOR FUTURE CODIFICATION	
.0403	TEMPORARY LICENSES FOR CENTERS	
	<b>.0500 AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS</b>	<b>14</b>
.0501	STAFF/CHILD INTERACTIONS	
.0502	RESERVED FOR FUTURE CODIFICATION	
.0503	RESERVED FOR FUTURE CODIFICATION	
.0504	RESERVED FOR FUTURE CODIFICATION	
.0505	DEVELOPMENTAL DAY CENTERS	
.0506	RESERVED FOR FUTURE CODIFICATION	
.0507	RESERVED FOR FUTURE CODIFICATION	
.0508	ACTIVITY SCHEDULES AND PLANS FOR CENTERS	
.0509	ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS	
.0510	ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER	
.0511	ACTIVITIES FOR CHILDREN UNDER TWO YEARS OF AGE	
.0512	OFF PREMISE ACTIVITIES	

<b>SECTION</b>	<b>.0600 SAFETY REQUIREMENTS FOR CHILD CARE CENTERS</b>	<b>19</b>
.0601	SAFE ENVIRONMENT	
.0602	CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS	
.0603	OVERNIGHT FURNISHINGS	
.0604	GENERAL SAFETY REQUIREMENTS	
.0605	CONDITION OF OUTDOOR LEARNING ENVIRONMENT	
.0606	SAFE SLEEP POLICY	
<b>SECTION</b>	<b>.0700 HEALTH AND OTHER STANDARDS FOR CENTER STAFF</b>	<b>26</b>
.0701	HEALTH STANDARDS FOR STAFF	
.0702	STANDARDS FOR SUBSTITUTES AND VOLUNTEERS	
.0703	GENERAL STATUTORY REQUIREMENTS	
.0704	PRESERVICE REQUIREMENTS FOR ADMINISTRATORS	
.0705	SPECIAL TRAINING REQUIREMENTS	
.0706	RESERVED FOR FUTURE CODIFICATION	
.0707	IN-SERVICE TRAINING REQUIREMENTS	
.0708	MEETING IN-SERVICE REQUIREMENTS	
.0709	DOCUMENTATION OF IN-SERVICE TRAINING	
.0710	PRESERVICE REQUIREMENTS FOR LEAD TEACHERS AND AIDES	
.0711	PRESERVICE REQUIREMENTS FOR OTHER STAFF	
.0712	STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF LESS THAN 30 CHILDREN	
.0713	STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF 30 OR MORE CHILDREN	
.0714	OTHER STAFFING REQUIREMENTS	
<b>SECTION</b>	<b>.0800 HEALTH STANDARDS FOR CHILDREN</b>	<b>37</b>
.0801	APPLICATION FOR ENROLLMENT	
.0802	EMERGENCY MEDICAL CARE	
.0803	ADMINISTERING MEDICATION	
.0804	INFECTIOUS AND CONTAGIOUS DISEASES	
.0805	SANITARY FOOD SERVICE - REPEALED DECEMBER 1, 2007	
.0806	TOILETING, CLOTHING AND LINENS	
<b>SECTION</b>	<b>.0900 NUTRITION STANDARDS</b>	<b>44</b>
.0901	GENERAL NUTRITION REQUIREMENTS	
.0902	GENERAL NUTRITION REQUIREMENTS FOR INFANTS	
.0903	REQUIREMENTS FOR CHILDREN AGED 24 MONTHS AND OLDER	
<b>SECTION</b>	<b>.1000 TRANSPORTATION STANDARDS</b>	<b>46</b>
.1001	SEAT RESTRAINTS	
.1002	SAFE VEHICLES	
.1003	SAFE PROCEDURES	
.1004	STAFF/CHILD RATIOS	
<b>SECTION</b>	<b>.1100 RESERVED FOR FUTURE CODIFICATION</b>	
<b>SECTION</b>	<b>.1200 RESERVED FOR FUTURE CODIFICATION</b>	

<b>SECTION</b>	<b>.1300 BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS</b>	<b>48</b>
.1301	BUILDING CODE REQUIREMENTS FOR CENTERS IN OPERATION PRIOR TO 4/1/72	
.1302	BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS	
.1303	BUILDING CODE REQUIREMENTS FOR SMALL GROUP CARE FACILITIES LICENSED PRIOR TO 7/1/88	
.1304	REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN A RESIDENCE	
<b>SECTION</b>	<b>.1400 SPACE REQUIREMENTS</b>	<b>50</b>
.1401	INDOOR SPACE	
.1402	OUTDOOR SPACE	
.1403	AQUATIC ACTIVITIES	
<b>SECTION</b>	<b>.1500 TEMPORARY CARE REQUIREMENTS</b>	<b>53</b>
.1501	SCOPE - REPEALED JULY 1, 2012	
.1502	MEDICAL EXAMINATION – REPEALED JULY 1, 2012	
.1503	BEDS, COTS, MATS AND LINENS – REPEALED JULY 1, 2012	
.1504	ATTENDANCE RECORDS – REPEALED JULY 1, 2012	
.1505	BUILDING APPROVAL FOR SCHOOL-AGED CARE – REPEALED JULY 1, 2010	
.1506	OUTDOOR PLAY AREA – REPEALED JULY 1, 2012	
<b>SECTION</b>	<b>.1600 REQUIREMENTS FOR VOLUNTARY ENHANCED PROGRAM STANDARDS</b>	<b>54</b>
.1601	ADMINISTRATIVE POLICIES REQUIRED – REPEALED MAY 1, 2006	
.1602	OPERATIONAL AND PERSONNEL POLICIES - REPEALED MAY 1, 2006	
.1603	RESERVED FOR FUTURE CODIFICATION	
.1604	SPACE REQUIREMENTS - REPEALED MAY 1, 2006	
.1605	RESERVED FOR FUTURE CODIFICATION	
.1606	STAFF/CHILD RATIOS - REPEALED MAY 1, 2006	
.1607	RESERVED FOR FUTURE CODIFICATION	
.1608	RESERVED FOR FUTURE CODIFICATION	
.1609	RESERVED FOR FUTURE CODIFICATION	
.1610	RESERVED FOR FUTURE CODIFICATION	
.1611	RESERVED FOR FUTURE CODIFICATION	
.1612	CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN - REPEALED MAY 1, 2006	
.1613	PARENT PARTICIPATION - REPEALED MAY 1, 2006	
.1614	RESERVED FOR FUTURE CODIFICATION	
.1615	NIGHT CARE - REPEALED MAY 1, 2006	
<b>SECTION</b>	<b>.1700 FAMILY CHILD CARE HOME REQUIREMENTS</b>	<b>56</b>
.1701	GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES	
.1702	APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME	
.1703	CAREGIVER INTERACTIONS	
.1704	RESERVED FOR FUTURE CODIFICATION	
.1705	HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS	
.1706	NUTRITION STANDARDS	

<b>SECTION</b>	<b>.1700 FAMILY CHILD CARE HOME REQUIREMENTS, cont</b>	
.1707	RESERVED FOR FUTURE CODIFICATION	
.1708	RESERVED FOR FUTURE CODIFICATION	
.1709	RESERVED FOR FUTURE CODIFICATION	
.1710	RESERVED FOR FUTURE CODIFICATION	
.1711	RESERVED FOR FUTURE CODIFICATION	
.1712	RESERVED FOR FUTURE CODIFICATION	
.1713	RESERVED FOR FUTURE CODIFICATION	
.1714	RESERVED FOR FUTURE CODIFICATION	
.1715	RESERVED FOR FUTURE CODIFICATION	
.1716	FAILURE TO MAINTAIN REQUIREMENTS	
.1717	RESERVED FOR FUTURE CODIFICATION	
.1718	REQUIREMENTS FOR DAILY OPERATIONS	
.1719	REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT	
.1720	SAFETY, MEDICATION AND SANITATION REQUIREMENTS	
.1721	REQUIREMENTS FOR RECORDS	
.1722	DISCIPLINE POLICY	
.1723	TRANSPORTATION REQUIREMENTS	
.1724	SAFE SLEEP POLICY	
<b>SECTION</b>	<b>.1800 DISCIPLINE</b>	<b>77</b>
.1801	DISCIPLINE POLICY	
<b>SECTION</b>	<b>.1900 SPECIAL PROCEDURES CONCERNING ABUSE/NEGLECT IN CHILD CARE</b>	<b>78</b>
.1901	NOTIFICATION TO COUNTY DEPARTMENTS OF SOCIAL SERVICES	
.1902	RESERVED FOR FUTURE CODIFICATION	
.1903	INVESTIGATION PROCEDURES	
.1904	ADMINISTRATIVE SANCTIONS	
<b>SECTION</b>	<b>.2000 RULEMAKING AND CONTESTED CASE PROCEDURES</b>	<b>80</b>
.2001	PETITIONS FOR RULEMAKING	
.2002	RULEMAKING PROCEDURES	
.2003	DECLARATORY RULINGS	
.2004	CONTESTED CASES: DEFINITIONS	
.2005	CONTESTED CASES: REQUEST FOR DETERMINATION	
.2006	CONTESTED CASES: RECORD	
.2007	CONTESTED CASES: EXCEPTIONS TO RECOMMENDED DECISION	
<b>SECTION</b>	<b>.2100 RELIGIOUS SPONSORED CHILD CARE CENTER REQUIREMENTS</b>	<b>84</b>
.2101	CENTERS OPERATING UNDER G.S. 110-106	
<b>SECTION</b>	<b>.2200 ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES</b>	<b>85</b>
.2201	ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS	
.2202	WRITTEN REPRIMANDS	
.2203	WRITTEN WARNINGS	
.2204	PROBATIONARY LICENSE	
.2205	SUSPENSION	
.2206	REVOCAION	
.2207	SUMMARY SUSPENSION	

<b>SECTION</b>	<b>.2200 ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES, cont.</b>	
.2208	CIVIL PENALTIES: SCOPE AND PURPOSE	
.2209	AMOUNT OF PENALTY	
.2210	NOTICE OF ASSESSMENT OF PENALTY	
.2211	RIGHT TO A HEARING	
.2212	FAILURE TO PAY ASSESSED PENALTY	
.2213	SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS	
<b>SECTION</b>	<b>.2300 FORMS</b>	<b>91</b>
.2301	RESERVED FOR FUTURE CODIFICATION	
.2302	RESERVED FOR FUTURE CODIFICATION	
.2303	RESERVED FOR FUTURE CODIFICATION	
.2304	RESERVED FOR FUTURE CODIFICATION	
.2305	RESERVED FOR FUTURE CODIFICATION	
.2306	RESERVED FOR FUTURE CODIFICATION	
.2307	RESERVED FOR FUTURE CODIFICATION	
.2308	RESERVED FOR FUTURE CODIFICATION	
.2309	RESERVED FOR FUTURE CODIFICATION	
.2310	RESERVED FOR FUTURE CODIFICATION	
.2311	RESERVED FOR FUTURE CODIFICATION	
.2312	RESERVED FOR FUTURE CODIFICATION	
.2313	RESERVED FOR FUTURE CODIFICATION	
.2314	RESERVED FOR FUTURE CODIFICATION	
.2315	RESERVED FOR FUTURE CODIFICATION	
.2316	RESERVED FOR FUTURE CODIFICATION	
.2317	RESERVED FOR FUTURE CODIFICATION	
.2318	RETENTION OF FORMS AND REPORTS BY A CHILD CARE OPERATOR	
<b>SECTION</b>	<b>.2400 CHILD CARE FOR MILDLY ILL CHILDREN</b>	<b>93</b>
.2401	SCOPE	
.2402	DEFINITIONS	
.2403	SPECIAL PROVISIONS FOR LICENSURE	
.2404	INCLUSION/EXCLUSION REQUIREMENTS	
.2405	ADMISSION REQUIREMENTS	
.2406	STAFF/CHILD RATIOS	
.2407	SPACE REQUIREMENTS	
.2408	STAFF QUALIFICATIONS	
.2409	CHILDREN'S RECORDS	
.2410	CHILDREN'S ACTIVITIES	
.2411	NUTRITION REQUIREMENTS	
<b>SECTION</b>	<b>.2500 CARE FOR SCHOOL-AGE CHILDREN</b>	<b>99</b>
.2501	SCOPE	
.2502	SPECIAL PROVISIONS FOR LICENSURE	
.2503	BUILDING CODE REQUIREMENTS	
.2504	SPACE REQUIREMENTS	
.2505	HEALTH REQUIREMENTS FOR CHILDREN	
.2506	GENERAL SAFETY REQUIREMENTS	
.2507	OPERATING POLICIES	
.2508	AGE APPROPRIATE ACTIVITIES	
.2509	ACTIVITIES: OFF PREMISES	

<b>SECTION</b>	<b>.2500 CARE FOR SCHOOL-AGE CHILDREN, cont</b>	
.2510	STAFF QUALIFICATIONS	
.2511	OTHER STAFF REQUIREMENTS	
<b>SECTION</b>	<b>.2600 CHILD CARE FOR CHILDREN WHO ARE MEDICALLY FRAGILE</b>	<b>105</b>
.2601	SCOPE	
.2602	DEFINITIONS	
.2603	SPECIAL PROVISIONS FOR LICENSURE	
.2604	OPERATIONAL POLICIES	
.2605	STAFF/CHILD RATIOS	
.2606	SPACE REQUIREMENTS	
.2607	STAFF QUALIFICATIONS	
.2608	CHILDREN'S PLAN OF CARE	
.2609	NUTRITION REQUIREMENTS	
.2610	TRANSPORTATION	
.2611	RESERVED FOR FUTURE CODIFICATION	
.2612	RESERVED FOR FUTURE CODIFICATION	
<b>SECTION</b>	<b>.2700 CRIMINAL RECORDS CHECKS</b>	<b>110</b>
.2701	SCOPE	
.2702	DEFINITIONS	
.2703	CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS	
.2704	CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED CHILD CARE	
<b>SECTION</b>	<b>.2800 VOLUNTARY RATED LICENSES</b>	<b>115</b>
.2801	SCOPE	
.2802	APPLICATION FOR A VOLUNTARY RATED LICENSE	
.2803	PROGRAM STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	
.2804	ADMINISTRATIVE POLICIES	
.2805	OPERATIONAL AND PERSONNEL POLICIES	
.2806	CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN	
.2807	PARENT PARTICIPATION	
.2808	NIGHT CARE	
.2809	SPACE REQUIREMENTS	
.2810	STAFF/CHILD RATIOS FOR A THREE COMPONENT RATED LICENSE	
.2811	EDUCATION STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	
.2812	SCHOOL AGE ONLY STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	
.2813	COMPLIANCE HISTORY STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS – REPEALED JULY 1, 2010	
.2814	PROGRAM STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR FAMILY CHILD CARE HOMES – REPEALED JULY 1, 2010	
.2815	EDUCATION STANDARDS A THREE COMPONENT RATED LICENSE FOR FAMILY CHILD CARE HOMES – REPEALED JULY 1, 2010	
.2816	COMPLIANCE HISTORY STANDARDS A THREE COMPONENT RATED LICENSE FOR FAMILY CHILD CARE HOMES – REPEALED JULY 1, 2010	

<b>SECTION</b>	<b>.2800 VOLUNTARY RATED LICENSES, cont.</b>	
.2817	PROGRAM STANDARDS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	
.2818	STAFF/CHILD RATIOS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	
.2819	EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS	
.2820	EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	
.2821	EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	
.2822	EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS	
.2823	EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	
.2824	EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN	
.2825	EDUCATION STANDARDS FOR PROGRAM COORIDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN	
.2826	EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN	
.2827	EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES	
.2828	PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES	
.2829	QUALITY POINT OPTIONS	
.2830	MAINTAINING THE STAR RATING	
.2831	HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING	
<b>SECTION</b>	<b>.2900 DEVELOPMENTAL DAY SERVICES</b>	<b>140</b>
.2901	SCOPE	
.2902	LICENSE	
.2903	STAFF QUALIFIATIONS	
.2904	PROGRAM REQUIREMENTS	
.2905	FAMILY SERVICES	
<b>SECTION</b>	<b>.3000 NC PRE-KINDERGARTEN SERVICES</b>	<b>143</b>
.3001	SCOPE	
.3002	FACILITY REQUIREMENTS	
.3003	PROGRAM ATTENDANCE POLICY	
.3005	CHILD HEALTH ASSESSMENTS	
.3006	DEVELOPMENTAL SCREENING	
.3007	EARLY LEARNING STANDARDS AND CURRICULA	
.3008	FORMATIVE ASSESSMENTS	
.3009	STAFF-TO-CHILD RATIO AND CLASS SIZE	
.3010	FAMILY ENGAGEMENT	
.3011	NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS	
.3012	NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS	
.3013	NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS	

.3014	NC PRE-K SUBSTITUTE STAFF
.3015	INSTRUCTIONAL STAFF STANDARDS
.3016	PROFESSIONAL DEVELOPMENT REQUIREMENTS

The North Carolina Department of Health and Human Services does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.



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## CHAPTER 9 - CHILD CARE RULES

### SECTION .0100 - DEFINITIONS

#### 10A NCAC 09 .0101

#### RESERVED FOR FUTURE CODIFICATION

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&  
Yellow

#### 10A NCAC 09 .0102

#### DEFINITIONS

The terms and phrases used in this Chapter are defined as follows except when the context 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 and Early Education, 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 training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project. Other equivalent training shall be approved by the Division.
- (4) "Child Care Program" means a single center or home, or a group of centers or homes or both, that 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:
  - (a) facility directors;
  - (b) administrative staff;
  - (c) teachers;
  - (d) teachers' aides;
  - (e) cooks;
  - (f) maintenance personnel; and
  - (g) drivers.
- (6) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- (7) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidence-based and with a reading component.
- (8) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- (9) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- (10) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.
- (11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer, 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 2012 is twenty-one dollars and ninety-five cents (\$21.95). 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) "Experience working with school-aged children" means working with school-age children as an administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.
- (13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford, 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 June 2012 is twenty-one dollars and ninety-five cents (\$21.95). 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.
- (14) "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.
- (15) "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.
- (16) "Health care professional" means:
  - (a) a physician licensed in North Carolina;
  - (b) a nurse practitioner approved to practice in North Carolina; or
  - (c) a licensed physician assistant.
- (17) "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.
- (18) "If weather conditions permit" means:
  - (a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf>, and is incorporated by reference and includes subsequent editions and amendments;

- (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at <http://xapps.enr.state.nc.us/aq/ForecastCenter> or call 1-888-RU4NCAIR (1-888-784-6224); and
  - (c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.
- (19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 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 June 2012 is twenty-one dollars and ninety-five cents (\$21.95). 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.
- (20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger.
- (21) "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 a facility is the licensee.
- (22) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:
- (a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010; or
  - (b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.

Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE Scale is designed for individuals working with or on behalf of children ages birth to five. The SA Scale is designed for individuals working with or on behalf of children ages 5 to 12 who are served in school age care settings.

- (23) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Credential Coursework. 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.
- (24) "Owner" means any person with a five percent or greater equity interest in a child care 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 unless they are a child care provider.
  - (25) "Parent" means a child's parent, legal guardian, or full-time custodian.
  - (26) "Part-time care" means a child care arrangement where children attend on a regular schedule but less than a full-time basis.
  - (27) "Passageway" means a hall or corridor.
  - (28) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.
  - (29) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-age child in this Rule.
  - (30) "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 June 2012 is twenty-one dollars and ninety-five cents (\$21.95). 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.
  - (31) "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.
  - (32) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).
  - (33) "Section" means Division of Child Development and Early Education.
  - (34) "Substitute" means any person who assumes the duties of a staff person for a time period not to exceed two consecutive months.
  - (35) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.
  - (36) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

*History Note: Authority G.S. 110-85; 110-88; 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;  
Temporary Amendment Eff. January 1, 1996;  
Amended Eff. May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012;  
November 1, 2007; May 1, 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1, 1998; April 1, 1997.*

## SECTION .0200 - GENERAL PROVISIONS RELATED TO LICENSING

### **10A NCAC 09 .0201 INSPECTIONS**

The Division shall periodically visit and inspect all child care centers to insure compliance with North Carolina General Statutes and those rules and regulations adopted pursuant thereto.

- (1) A representative of the Division shall conduct an announced visit prior to the initial issuance of the license. The prospective or current licensee shall be notified in advance about the visit. This Rule does not apply to the investigation of centers that are operating without a license in violation of the law.
- (2) At the beginning of each fiscal year, the Division shall prepare a written plan explaining the guidelines for making announced and unannounced visits to licensed child care centers. The plan shall be dated and signed by the Division director and shall be kept in a confidential file.
- (3) A representative of the Division may make unannounced visits to any licensed center whenever the Division receives a complaint alleging violation of the licensing law or the rules in this Subchapter, or if a representative of the Division has reason to believe an emergency exists in the center.

*History Note: Authority G.S. 110-105; 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998.*

### **10A NCAC 09 .0202 RESERVED FOR FUTURE CODIFICATION**

### **10A NCAC 09 .0203 RESERVED FOR FUTURE CODIFICATION**

### **10A NCAC 09 .0204 CHANGES REQUIRING ISSUANCE OF A NEW LICENSE**

- (a) When the operator, as defined in Rule .0102, of a licensed child care center changes, the new operator must apply for a new license at least 30 days prior to assuming ownership of the center. A child care license cannot be bought, sold, or transferred by one operator to another.
- (b) When a licensed child care center is to be moved from one location to another, the licensee must apply for a license for the new physical location as prescribed in Section .0300 of this Subchapter. The licensee must obtain the new license prior to occupying the new location. A child care license is not transferable from one location to another.
- (c) When a licensee desires to change the licensed capacity of a center, the licensee must notify the Division.
  - (1) If the licensee wishes to increase the licensed capacity by using space not currently approved for child care, the Division shall provide the licensee with appropriate forms to request approval. Once the additional space is approved, a new license shall be issued to reflect the increase in licensed capacity.
  - (2) If a licensee wishes to increase the center's licensed capacity by using space that is already approved for child care, the Division shall, upon request, issue a new license showing the increase.
  - (3) If a licensee wishes to decrease the center's licensed capacity, the Division shall, upon request, issue a new license reflecting the decrease.

(d) When a licensee decides to conform with requirements in order to remove a restriction on the age or number of children who can be served in the center, the licensee shall notify the Division. The Division shall supply forms for the licensee to use to obtain approval from the local inspectors, if necessary. When the Division is notified that the center conforms with all applicable requirements, a new license, without the restriction, shall be issued.

*History Note: Authority G.S. 110-88(8); 110-93; 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; July 1, 1988; January 1, 1987.*

#### **10A NCAC 09 .0205 PARENTAL ACCESS**

The parent, guardian or full-time custodian of a child enrolled in any child care center subject to regulation under Article 7 of Chapter 110 of the North Carolina General Statutes shall be allowed unlimited access to the center during its operating hours for the purposes of contacting the child or evaluating the center and the care provided by the center. The parent, guardian or custodian shall notify the on-site administrator of his or her presence immediately upon entering the premises.

*History Note: Authority G.S. 110-85; 110-91; 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. July 1, 1998; November 1, 1989.*

#### **10A NCAC 09 .0206 CAPACITY OF THE CENTER**

(a) The licensed capacity shall be no greater than the number of children that the total primary space, as defined in Rule .1401, used by children can accommodate at 25 square feet per child.

(b) The number of children present at the center shall not exceed the licensed capacity of the center.

(c) The number of children occupying any room of the center shall not exceed the number that the primary space in that room will accommodate at 25 square feet per child except as provided in Rule .1401 of this Subchapter.

*History Note: Authority G.S. 110-88(1a); 110-91(6); 143B-168.3;  
Eff. January 1, 1991;  
Amended Eff. July 1, 1998.*

#### **10A NCAC 09 .0207 SCHOOL-AGE CHILDREN OF THE OPERATOR**

*History Note: Authority G.S. 110-86(3); 143B-168.3;  
Eff. October 1, 1991;  
Repealed Eff. July 1, 1998.*

## SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE

### 10A NCAC 09 .0301 PRE-LICENSING REQUIREMENTS

- (a) Anyone who wishes to obtain a license to operate a child care center shall first request pre-licensing consultation from the Division.
- (b) Upon receiving a request a representative of the Division shall schedule a visit with the person requesting consultation, unless the person requesting consultation meets the criteria described in Rule .0302(g) of this Section. The Division shall furnish the forms required to be completed and submitted in order to apply for a license.
- (c) The Division shall provide regularly scheduled licensing workshops for new and existing child care centers. A schedule of these workshops may be obtained from the Division at the address given in Rule .0102 of this Chapter. The operator of a child care center shall complete the licensing workshop provided by the Division prior to the Division issuing an initial license or an initial Notice of Compliance to the child care center.

*History Note: Authority G.S. 110-88(1); 110-88(5); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 2006; July 1, 1998.*

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

- (a) An individual that is legally responsible for the operation of the center, including assuring compliance with the licensing law and standards, shall apply for a license for a child care center using the form provided by the Division. The form can be found on the Division's website at [http://ncchildcare.dhhs.state.nc.us/general/mb\\_customerservice.asp](http://ncchildcare.dhhs.state.nc.us/general/mb_customerservice.asp). 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 to the Division copies of inspection reports pursuant to G.S. 110-91(1), (4), and (5). When a center does not conform with a building, fire, or sanitation standard, the inspector may submit a written explanation of how equivalent, alternative protection is provided. The Division shall accept the inspector's documentation in lieu of compliance with the standard. Nothing in this Rule precludes or interferes with issuance of a provisional license pursuant to Section .0400 of this 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 Chapter and G.S. 110, Article 7:
- (1) daily schedules;
  - (2) activity plans;
  - (3) emergency care plan;
  - (4) discipline policy;
  - (5) incident reports; and



- (6) incident logs.
- (d) The applicant shall demonstrate to the Division representative that the following is available for review in the center's files:
- (1) staff records which include an application for employment and date of birth; documentation of education, training, and experience; medical and health records; documentation of participation in training and staff development activities; and required criminal history 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;
  - (5) records of monthly fire drills documenting the date and time of each drill, the length of time taken to evacuate the building, and the signature of the person who conducted the drill;
  - (6) records of monthly playground inspections documented on a checklist provided by the Division; and
  - (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 as follows:
- (1) if all applicable requirements of G.S. 110, Article 7 and this Section are met, the Division shall issue the license; or
  - (2) if all applicable requirements of G.S. 110, Article 7 and this Section are not met, the Division representative may recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or the representative may recommend denial of the application. Final disposition of the recommendation to deny is the decision of the Secretary.
- (g) The Secretary may deny an application for a license under the following circumstances:
- (1) if any child care facility license previously held by the applicant has been denied, revoked, or summarily suspended by the Division;
  - (2) if the Division initiated denial, revocation, or summary suspension proceedings against any child care facility license previously held by the applicant and the applicant voluntarily relinquished the license;
  - (3) during the pendency of an appeal of a denial, revocation, or summary suspension of any other child care facility license held by the applicant;
  - (4) if the Division determines that the applicant has a relationship with an operator or former operator who held a license under an administrative action described in Subparagraphs (1), (2), or (3) of this Paragraph. 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 applicant's previous non-compliance as an operator with the requirements of G.S. 110, Article 7 or this Chapter;
  - (6) if abuse or neglect has been substantiated against the applicant; or
  - (7) if the applicant is a disqualified child care provider or has a disqualified household member residing in the center.
- (h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:
- (1) any documentation provided by the applicant that describes the steps the applicant will take to prevent reoccurrence of noncompliance issues that led to any prior administrative action taken against a license previously held by the applicant;
  - (2) training certificates or original transcripts for any coursework from a nationally recognized regionally accredited institution of higher learning related to providing quality child care, and that was taken subsequent to any prior administrative action against a license previously held by the applicant. "Nationally recognized" means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the accrediting bodies;
  - (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
  - (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and
  - (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.

*History Note: Authority G.S. 110-85; 110-86; 110-88(2); 110-88(5); 110-91; 110-91(1), (4) and (5); 110-92; 110-93; 110-99; 143B-168.3; Eff. January 1, 1986; Amended Eff. March 1, 2014; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1996; November 1, 1989; July 1, 1988; January 1, 1987.*

**10A NCAC 09 .0303 RESERVED FOR FUTURE CODIFICATION**

**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 shall notify 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 is not 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 shall:

- (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:

- (1) supervision of children (6 points),
- (2) staff/child ratio (6 points),
- (3) staff qualifications and training (2 to 5 points),
- (4) health and safety practices (3 to 6 points),
- (5) discipline (6 points),
- (6) developmentally appropriate activities (2 to 4 points),
- (7) adequate space (6 points),
- (8) nutrition and feeding practices (1 to 3 points),
- (9) program records (1 to 3 points), and
- (10) transportation (1 to 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.

*History Note: Authority G.S. 110-85; 110-88(5); 110-93; 143B-168.3; 150B-3;  
Eff. July 1, 1998;  
Amended Eff. July 1, 2010; May 1, 2006.*

**10A NCAC 09 .0305 REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER**

(a) Prior to the issuance of an initial one-star rating, a center shall comply with all minimum requirements in G.S. 110-91 and this Chapter at the time the program is assessed.

(b) Nothing in this Section is to preclude or interfere with issuance of an administrative action as allowed by G.S. 110 and this Chapter.

*History Note: Authority G.S. 110-90; 110-91; 143B-168.3;  
Eff. April 1, 1999;  
Amended Eff. May 1, 2006.*

## **SECTION .0400 - ISSUANCE OF PROVISIONAL AND TEMPORARY LICENSES**

### **10A NCAC 09 .0401 PROVISIONAL LICENSES FOR FACILITIES**

(a) A provisional license may be issued in accordance with the provisions of G.S. 110-88(6) for any period of time not to exceed twelve consecutive months for any of the following reasons:

- (1) To allow a specific time period for correcting a violation of the building, fire, or sanitation requirements, provided that the appropriate inspector documents that the violation is not hazardous to the health or safety of the children but nevertheless necessitates a provisional classification until corrected.
- (2) To allow a specific time period for the facility to comply fully with all licensing requirements other than building, fire, or sanitation, and to demonstrate that compliance will be maintained, provided that conditions at the facility are not hazardous to the health or safety of the children or staff.
- (3) To allow time for the applicant or licensee to obtain a declaratory ruling pursuant to Section .2000 of this Subchapter.
- (4) As a possible administrative action for substantiation of child abuse or neglect.

(b) The provisional license may be issued upon the Division's determination that the applicant or licensee is making a reasonable effort to conform to such requirements.

(c) The provisional license and the document describing the reasons for its issuance shall be posted in a prominent place in the facility that parents are able to view daily.

(d) A licensee may obtain an administrative hearing on the issuance of a provisional license in accordance with Section .2200 of this Chapter.

*History Note: Authority G.S. 110-88(6); 110-99; 143B-168.3;*

*Eff. January 1, 1986;*

*Amended Eff. July 1, 1998; April 1, 1992; August 1, 1990; July 1, 1988; January 1, 1987.*

### **10A NCAC 09 .0402 RESERVED FOR FUTURE CODIFICATION**

### **10A NCAC 09 .0403 TEMPORARY LICENSES FOR CENTERS**

(a) A temporary license may be issued in accordance with the provisions of G.S. 110-88(10) to the operator opening a new center or to the operator of a previously licensed center when a change in ownership or location occurs provided:

- (1) the operator applied for a license, pursuant to Section .0300, or Rule .0204(a) or (b) of this Subchapter prior to the change in status; and
- (2) the center has sufficient equipment and materials to operate for the number of children enrolled.

(b) The temporary license shall be posted in a prominent place in the center that parents are able to view daily.

(c) The temporary license shall expire after six months, or upon the issuance of a license or provisional license to the operator, whichever is earlier.

(d) An operator may obtain an administrative hearing on the denial of a temporary license in accordance with Section .2200 of this Subchapter.

*History Note: Authority G.S. 110-88(10); 110-99; 143B-168.3;*

*Eff. July 1, 1988;*  
*Amended Eff. July 1, 1998; April 1, 1992; November 1, 1989.*

**SECTION .0500 - AGE AND DEVELOPMENTALLY APPROPRIATE  
ENVIRONMENTS FOR CENTERS**

**10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS**

Staff shall 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. For example, staff shall:

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

*History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;  
Eff. July 1, 2010.*

**10A NCAC 09 .0502 RESERVED FOR FUTURE CODIFICATION**

**10A NCAC 09 .0503 RESERVED FOR FUTURE CODIFICATION**

**10A NCAC 09 .0504 RESERVED FOR FUTURE CODIFICATION**

**10A NCAC 09 .0505 DEVELOPMENTAL DAY CENTERS**

Child care centers which meet the criteria for developmental day centers, as defined in 10A NCAC 09 .2901, are deemed to be in compliance with the provisions of Rules. 0508 through .0511 of this Section by complying with the requirements for activities for developmental day centers set forth in 10A NCAC 09 .2904.

*History Note: Authority G.S. 110-85; 110-88(14); 110-91(2),(12); 143B-168.3;  
Eff. January 1, 1987;  
Amended Eff. July 1, 2010; July 1, 1998; July 1, 1988.*

**10A NCAC 09 .0506 RESERVED FOR FUTURE CODIFICATION**

**10A NCAC 09 .0507 RESERVED FOR FUTURE CODIFICATION**

**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.

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

- (1) 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) Show blocks of time that are scheduled for activities for indoor and outdoor areas.
- (3) Reflect times and activities that are developmentally appropriate for the children in care.

(4) Reflect daily opportunities indoors and outdoors for free-choice activities, teacher-directed activities, and a minimum total of one hour of outdoor time throughout the day, if weather conditions permit. When children are in care for four hours or less per day the center shall provide a minimum total of 30 minutes of outdoor time daily, if weather conditions permit.

(c) 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.

(d) 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 this Paragraph. 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 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.

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

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

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#### **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:

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

(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.

(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.

(4) Developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities which allow for vigorous play and large muscle



development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The center shall provide space and time for vigorous indoor activities when children cannot play outdoors.

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

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

When preschool children two years and older are in care the following apply:

- (1) Each center shall have equipment and materials available in activity areas on a daily basis. Centers with a licensed capacity of 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.
- (2) 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.
- (3) 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.
- (4) 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:
  - (a) 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.
  - (b) 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.
  - (c) Centers with a licensed capacity of 3 to 12 children located in a residence shall have at least four types of activities available daily.
- (5) In addition to the activity areas which are available each day, each center shall have materials and equipment in sufficient quantity, as described in Item (3) 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).
- (6) Each center shall provide materials and opportunities for music and rhythm, science and nature, and sand and water play for each group of children at least weekly, indoors or outdoors.
- (7) When screen time, including television, videos, video games, and computer usage is provided, it shall be:
  - (a) Offered only as a free-choice activity,
  - (b) Used to meet a developmental goal, and
  - (c) Limited to no more than a total of two and a half hours per week, per child.

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

*History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. July 1, 2010; July 1, 1998; October 1, 1991.*

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

(a) For activities for children under two years of age the following apply:

(1) 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. The following apply:

(A) 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 on a daily basis.

(B) 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;

(C) On a daily basis caregivers shall make provisions for the promotion of physical development which shall include varied, developmentally appropriate physical activities. A safe clean, uncluttered area that allows freedom of movement shall be available, both indoors and outdoors, for infants and for toddlers; and

(D) 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 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 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 is 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) 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 television, videos, video games, and computer usage, is prohibited.

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

*Eff. July 1, 1988;*

*Amended Eff. August 1, 2010; May 1, 2004; July 1, 1998; October 1, 1991;  
January 1, 1991.*

### **10A NCAC 09 .0512 OFF PREMISE ACTIVITIES**

(a) Off premise activities refer to any activity which takes place away from a licensed and approved space. Licensed and approved space includes "primary space" as described in 10A NCAC 09 .1401(a), outdoor space as described in 10A NCAC 09 .1402, single use rooms, or other administrative areas.

(b) When children participate in off premise activities the following shall apply:

- (1) Children under the age of three shall not participate in off premise activities that involve children being transported in a motor vehicle.
- (2) When children are transported in a motor vehicle for off premise activities, the provisions in Rule .1003 (c) through (i) and (k) of this Chapter shall apply.
- (3) Before staff members walk children off premises for play or outings, the parent of each child shall give written permission for the child to be included in such activities.
- (4) Parents may provide a written statement giving standing permission which may be valid for up to 12 months for participation in off premise activities that occur on a regular basis.
- (5) The facility shall post a schedule of off premise activities in each participating classroom where it can be easily viewed by parents, and a copy shall be given to parents. The schedule shall be current and shall include the:
  - (A) location of the activity,
  - (B) purpose of the activity,
  - (C) time the activity will take place,
  - (D) date of the activity; and
  - (E) name of the person(s) to be contacted in the event of an emergency.
- (6) Each time that children are taken off the premises, staff shall take a list of the children participating in the activity with them. Staff members shall use this list to check attendance when leaving the facility, periodically when the children are involved in the activity, before leaving the activity to return to the child care facility, and upon return to the facility. A list of all children participating in the off premise activity shall also be available at the center.

(c) The provisions of Subparagraphs (b)(1) and (5) of this Rule shall be waived, to the extent necessary, to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).

*History Note: Authority G.S. 110-85; 110-91(9), (12); 143B-168.3;*

*Eff. November 1, 2007.*

## SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

### 10A NCAC 09 .0601 SAFE ENVIRONMENT

- (a) A safe indoor and outdoor environment shall be provided for the children in care.
- (b) All hazardous items, materials and equipment shall be used by children only when adult supervision is provided.
- (c) Each child care center shall provide equipment and furnishings that are child-size or which can be adapted for safe and effective use by children. Chairs and tables shall be of proper height for the children who will be using them. Outdoor play equipment shall be age and developmentally appropriate.
- (d) Separate play areas or time schedules shall be provided for children under two years of age unless fewer than 15 children are in care. If a facility shares playground space with another facility that serves children, a separate play area or time schedule shall be provided for each facility.

*History Note: Authority G.S. 110-85(2); 110-91(3),(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 1996; January 1, 1991.*

### 10A NCAC 09 .0602 CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS

- (a) All equipment and furnishings shall be in good repair and shall be maintained in useable condition. All commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer.
- (b) Equipment and furnishings shall be sturdy, stable, and free of hazards that may injure children including sharp edges, lead based paint, loose nails, and splinters.
- (c) All broken equipment or furnishings shall be removed from the premises immediately or made inaccessible to the children.

*History Note: Authority G.S. 110-91(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 1996; January 1, 1991;  
Temporary Amendment Eff. October 1, 1997;  
Amended Eff. July 1, 1998.*

### 10A NCAC 09 .0603 OVERNIGHT FURNISHINGS

A safe and comfortable bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick will be provided for each child who remains in the center after midnight.

*History Note: Authority G.S. 110-91(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 1991.*

### 10A NCAC 09 .0604 GENERAL SAFETY REQUIREMENTS

- (a) In child care centers, potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene, whether

or not intended for use by children, shall be stored in locked areas or with other 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.

(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.

(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.

(e) All electrical appliances shall be used only in accordance with the manufacturer's instructions. For appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the cord, if applicable, shall be accessible to preschool-age children.

(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.

(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.

**(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.**

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

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

(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.

(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.

(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.

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

(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.

(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.

*History Note: Authority G.S. 110-85; 110-91(3),(6); 143B-168.3;  
Eff. January 1, 1991;  
Amended Eff. January 1, 1996; November 1, 1991;  
Temporary Amendment Eff. October 1, 1997;  
Amended Eff. February 1, 2012; July 1, 2010; December 1, 2007; April 1, 2001;  
July 1, 1998.*

**10A NCAC 09 .0605 CONDITION OF OUTDOOR LEARNING ENVIRONMENT**

(a) All equipment shall be in good repair and shall be maintained in useable condition. All commercially manufactured equipment shall be assembled and installed according to procedures specified by the manufacturer.

(b) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), and pinch and crush points.

(c) All broken equipment shall be removed from the premises immediately or made inaccessible to the children.

(d) Children shall not be allowed to play on outdoor equipment that is too hot to touch.

(e) Any openings in equipment, steps, decks, and handrails shall be smaller than 3 ½ inches or greater than 9 inches to prevent entrapment.

(f) All upright angles shall be greater than 55 degrees to prevent entrapment and entanglement.

(g) The outdoor play area shall be protected by a fence or other protection. The height shall be a minimum of four feet and the top of the fence shall be free of protrusions. The requirement disallowing protrusions on the tops of fences shall not apply to fences six feet high or above. The fencing shall exclude fixed bodies of water such as ditches, quarries, canals, excavations, and fish ponds. Gates to the fenced outdoor play area shall remain securely closed while children occupy the area.

(h) All stationary outdoor equipment more than 18 inches high shall be installed over protective surfacing. Footings which anchor equipment shall not be exposed. Loose surfacing material shall not be installed over concrete. Acceptable materials to be used for surfacing include: wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing protective material in accordance with the American Society for Testing and Materials (ASTM) Standard 1292, may be used only if installed, maintained, and replaced according to the manufacturer's instructions. Pea gravel shall not be used if the area will be used by children under three years of age. The depth of the surfacing that is required shall be based on the critical height of the equipment. The critical height is defined as the maximum height a child may climb, sit, or stand.

(1) Equipment with a critical height of five feet or less shall have six inches of any of the surfacing materials listed.

(2) Equipment with a critical height of more than five feet but less than seven feet shall have six inches of any of the surfacing materials listed, except for sand.

(3) Equipment with a critical height of seven feet to 10 feet shall have nine inches of any of the surfacing materials listed, except for sand.



- (4) When sand is used as a surfacing material for equipment with a critical height of more than five feet, 12 inches is required.
- (i) The area required to have protective surfacing is the area under and around the equipment where the child is likely to fall and it is called the fall zone. The area for fall zones is as follows:
  - (1) For stationary outdoor equipment used by children under two years of age, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of three feet, except that protective surfacing is only required at all points of entrance and exit for any structure that has a protective barrier.
  - (2) For stationary outdoor equipment used by children two years of age or older, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of six feet.
- (j) Exceptions to Paragraph (i) of this Rule are as follows:
  - (1) Fall zones may overlap around spring rockers, and around equipment that is more than 18 but less than 30 inches in height. If there are two adjacent structures and one is more than 18 but less than 30 inches in height, the protective surfacing shall extend a minimum of nine feet between the two structures.
  - (2) Swings shall have protective surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing.
  - (3) Tot swings shall have protective surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats.
  - (4) Tire swings shall have protective surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.
- (k) Swing seats shall be made of plastic or soft or flexible material.
- (l) Elevated platforms shall have a guardrail or protective barrier, depending upon the height of the platform and the age of children that will have access to the piece of equipment. Guardrails shall prevent inadvertent or unintentional falls off the platform. The critical height for a platform with a guardrail is the top of the guardrail. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface. All sides of platforms shall be protected except for the area which allows entry or exit. Measurements for the guardrails and protective barriers are stated below:
  - (1) Equipment used exclusively by children under two years of age:
    - (A) Protective Barriers – an elevated surface that is more than 18 inches above the underlying surface shall have a protective barrier or protective surfacing. The minimum height of the top surface of the protective barrier shall be 24 inches.
    - (B) Maximum Height – the maximum height of a platform or elevated play surface shall be no greater than 32 inches.
  - (2) Equipment used exclusively by children two years of age up to school age:
    - (A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 29 inches and the lower edge shall be no more than 23 inches above the platform.

- (B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 29 inches.
- (3) Equipment used by children two years of age and older:
  - (A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 23 inches above the platform.
  - (B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.
- (4) Equipment used exclusively by school-age children:
  - (A) Guardrails - an elevated surface that is more than 30 inches and no more than 48 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 26 inches above the platform.
  - (B) Protective Barriers - an elevated surface that is more than 48 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.
- (m) Composite structures that were installed between January 1, 1989 and January 1, 1996 according to manufacturer's instructions that met existing safety standards for playground equipment at the time of installation and received approval from the Division, may continue to be used.
- (n) Following completion of safety training as required by Rule .0705(e) of this Chapter, a monthly playground inspection shall be conducted by a trained individual. A trained administrator or staff person shall make a record of each inspection using a playground inspection checklist provided by the Division. The checklist shall be signed by the person who conducts the inspection and shall be maintained for 12 months in the center's files for review by a representative of the Division.

*History Note: Authority G.S. 110-85; 110-91(6); 143B-168.3;  
 Temporary Adoption Eff. October 1, 1997;  
 Eff. October 29, 1998;  
 Amended Eff. November 1, 2007.*

**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, or
    - (B) for an infant older than six months, the center receives a written waiver of this requirement from a health care professional, 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; and
- (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 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 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.

*History Note: Authority G.S. 110-85; 110-91(15); 143B-168.3;*

*Eff. May 1, 2004;*

*Amended Eff. July 1, 2010.*

## **SECTION .0700 - HEALTH AND OTHER STANDARDS FOR CENTER STAFF**

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

- (a) All personnel, employed by a child care center, including the director, shall have on file within 60 days of the date of employment, a statement signed by a health care professional 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.
- (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 health care professional, 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 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 and shall be updated as changes occur and at least annually.

*History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 2010; July 1, 1998.*

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

- (a) In child care centers 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 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 Paragraph applies 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 and shall be updated as changes occur and at least annually.

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

*Eff. January 1, 1986;*

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

### **10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS**

(a) Staff counted toward meeting the staff/child ratio requirements set forth in Rules .0712 and .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have full responsibility for or be left in charge of a group of children.

(b) Anyone who is at least 13 years of age, but less than 16 years of age, may work in a child care center on a volunteer basis, as long as he or she is supervised by and works with a required staff person who is at least 21 years of age, and also meets the health standards for volunteers found in Rule .0702 of this Section. No one younger than 16 years old shall be left alone with children nor counted toward meeting the required staff/child ratio.

(c) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a child care center are hereby incorporated by reference and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion does not include parents or other persons who enter the center only for the purpose of performing parental responsibilities; nor does it include persons who enter the center for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(d) Within six months of an individual assuming lead teacher or child care administrator duties, each center shall maintain the following information in the individual's staff record:

- (1) a copy of the credential certificate;
- (2) a copy of notification from the Division that the individual meets the equivalency or that the individual does not meet the equivalency and must enroll in coursework;
- (3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency status or the opportunity to test out of the credential coursework; or
- (4) documentation of enrollment in credential coursework.

(e) If the individual does not yet meet the staff qualifications required by G.S. 110-91(8) when assuming lead teacher or administrative duties, the individual shall submit the following information to the Division within six months of assuming the duties:

- (1) a request to test out of credential coursework on a form provided by the Division; or
- (2) application for equivalency on a form provided by the Division, with documentation of completion of the coursework or credential to be considered for equivalency as required by the Division.

(f) For centers with a licensed capacity of three to 12 children, 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 requirements for lead teacher in this Section shall

apply to this individual. If the program has more than one group of children, the requirement regarding lead teacher shall apply to each group of children.

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

*Eff. January 1, 1986;*

*Amended Eff. May 1, 2013; October 29, 1998; January 1, 1990; July 1, 1988;  
January 1, 1987.*

#### **10A NCAC 09 .0704 PRESERVICE REQUIREMENTS FOR ADMINISTRATORS**

(a) A child care administrator who has not met the staff qualifications required by G.S. 110-91(8) shall meet the requirements in this Rule prior to exercising any child caring responsibilities.

- (1) Have either a high school diploma or its equivalent; and
- (2) Have two years of full-time verifiable work experience in a child care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with at least 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child care or early childhood work experience and a North Carolina Early Childhood Credential; and
- (3) Have verification of having successfully completed, or be currently enrolled in, two semester credit hours, or 32 clock hours, of training in the area of early childhood program administration; or, have one year experience performing administrative responsibilities; or

(b) An administrator who does not meet the requirements of Paragraph (a) of this Rule may share the requirements in Paragraph (a) of this Rule with another individual, provided that prior to exercising child caring responsibilities, the individual who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Subchapter shall be a full-time staff person on-site who meets Subparagraphs (a)(1) and (2) of this Rule, and the other individual shall meet Subparagraph (a)(3) of this Rule and be either on-site or off-site.

(c) Any person who is at least 21 years old and literate who was employed as an on-site administrator in a child care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and (b) of this Rule, as long as the person is employed by the same operator.

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

*Eff. January 1, 1986;*

*Amended Eff. October 29, 1998; April 1, 1997; November 1, 1989; July 1, 1988;  
January 1, 1987.*

#### **10A NCAC 09 .0705 SPECIAL TRAINING REQUIREMENTS**

(a) At least one staff member shall be knowledgeable of and able to recognize common symptoms of illness.

(b) Staff who have completed a course in basic first aid, shall be present at all times children are present. First aid training shall be renewed on or before expiration of the certification or every three years, whichever is less. The number of staff required to complete the course is based on the number of children present as shown in the following chart:

Number of children present	Number of staff trained in first aid required
1-29	1 staff
30-79	2 staff
80 and above	3 staff

Verification of each required staff person's completion of this course shall be maintained in the person's individual personnel file in the center. The basic first aid course shall address principles for responding to emergencies, and techniques for handling common childhood injuries, accidents and illnesses such as choking, burns, fractures, bites and stings, wounds, scrapes, bruises, cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and sudden changes in body temperature.

(c) A first aid information sheet shall be posted in a prominent place for quick referral. An acceptable form may be requested free of charge from the North Carolina Child Care Health and Safety Resource Center.

(d) Each child care center shall have at least one person on the premises at all times, and at least one person who accompanies the children whenever they are off the premises, who has successfully completed certification in a cardiopulmonary resuscitation (CPR) course provided by either the American Heart Association or the American Red Cross or other organizations approved by the Division. Other organizations shall be approved if the Division determines that the courses offered are substantially equivalent to those offered by the American Red Cross. CPR training shall be renewed on or before the expiration of the certification or every two years, whichever is less. Successfully completed is defined as demonstrating competency, as evaluated by the instructor, in performing CPR. The course shall provide training in CPR appropriate for the ages of children in care. Documentation of successful completion of the course from the American Heart Association, the American Red Cross, or other organization approved by the Division shall be on file in the center.

(e) Staff shall complete at least four clock hours of training in safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor area, and age and developmentally appropriate playground equipment. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. The number of staff required to complete this training shall be as follows:

- (1) In centers with a licensed capacity of less than 30 children, at least one staff person shall complete this training.
- (2) In centers with a licensed capacity of 30 or more children, at least two staff, including the administrator, shall complete this training.

(f) In centers that are licensed to care for infants ages 12 months and younger, the center director and any child care provider scheduled to work in the infant room, including volunteers counted in staff/child ratios, shall complete ITS-SIDS training. ITS-SIDS training shall be completed within four months of the individual assuming responsibilities in the infant room or as an

administrator, and shall be completed again every three years from the completion of previous ITS-SIDS training. Completion of ITS-SIDS training may be included once every three years in the number of hours needed to meet annual in-service training requirements in Section .0700 of this Chapter. Prior to an individual assuming responsibility for the care of an infant, the center's safe sleep policy for infants shall be reviewed with the individual as required by Rule .0707(a) of this Section.

*History Note: Authority G.S. 110-85; 110-91(1),(8); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 1996; January 1, 1992; January 1, 1991; January 1,  
1987; Temporary Amendment Eff. October 1, 1997;  
Amended Eff. July 1, 2008; November 1, 2005; May 1, 2004; July 1, 1998.*

## **10A NCAC 09 .0706 RESERVED FOR FUTURE CODIFICATION**

### **10A NCAC 09 .0707 IN-SERVICE TRAINING REQUIREMENTS**

(a) Each center shall assure that each new employee who is expected to have contact with children receives a minimum of 16 clock hours of on-site training and orientation within the first six weeks of employment. This training and orientation shall include:

- (1) training in the recognition of the signs and symptoms of child abuse or neglect and in the employee's duty to report suspected abuse and neglect;
- (2) review of the center's operational policies, including the center's safe sleep policy for infants;
- (3) adequate supervision of children, taking into account their age, emotional, physical, and cognitive development;
- (4) first-hand observation of the center's daily operations;
- (5) instruction in the employee's assigned duties;
- (6) instruction in the maintenance of a safe and healthy environment;
- (7) review of the center's purposes and goals;
- (8) review of the center's personnel policies;
- (9) review of the child care licensing law and rules;
- (10) an explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource; and
- (11) an explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations.

(b) As part of the training required in Paragraph (a) of this Rule, each new employee shall complete, within the first two weeks of employment, six clock hours of the training referenced in Subparagraphs (a)(1), (a)(2), and (a)(3) of this Rule.

(c) The child care administrator and any staff who have responsibility for planning and supervising a child care program, as well as staff who work directly with children, shall participate in in-service training activities annually, according to the individual's needs as assessed by the child care administrator. Staff shall choose one of the following options for meeting the in-service requirement:

- (1) persons with a four year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university may complete five clock hours of training annually.
  - (2) persons with a two year degree in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential or its equivalent may complete eight clock hours of training annually.
  - (3) persons with a certificate or diploma in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential or its equivalent may complete 10 clock hours of training annually.
  - (4) persons with at least 10 years documented, professional experience as a teacher, director, or caregiver in a licensed child care arrangement may complete 15 clock hours of training annually.
  - (5) complete 20 clock hours of training annually.
- (d) For staff listed in Subparagraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Rule, basic cardiopulmonary resuscitation (CPR) training required in Rule .0705 of this Section shall not be counted toward meeting annual in-service training. First aid training may be counted once every three years.
- (e) If a child care administrator or lead teacher is currently enrolled in coursework to meet the staff qualification requirements in G.S. 110-91(8), the coursework may be counted toward meeting the annual in-service training requirement.
- (f) For staff working less than 40 hours per week on a regular basis and choosing the option for 20 hours of in-service training, the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

*History Note: Authority G.S. 110-91(11); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 2006; May 1, 2004; October 29, 1998; October 1, 1991;  
November 1, 1989; July 1, 1988; January 1, 1987.*

#### **10A NCAC 09 .0708 IN-SERVICE TRAINING APPROVAL**

Staff may meet the in-service training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

- (1) Prior approval from the Division is not required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state or national professional organization or its affiliates, provided the content complies with G.S. 110-91(11). Government agencies or state or national professional organizations who provide training shall submit an annual training plan on a form provided by the Division for review by the Division. The



plan is not required for any state, national, or international conferences sponsored by a professional child care organization.

- (2) Prior approval from the Division is required for any agencies, organizations, or individuals not specified in Item (1) of this Rule who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall complete and submit the in-service training approval forms provided by the Division at least 20 business days prior to the training event. A training roster listing the attendees' name, the county of employment, and day time phone number shall be submitted to the Division no later than 15 days after the training event. The event sponsor shall provide training evaluations to be completed by attendees and shall keep the evaluations on file for three years.
- (3) Prior approval shall be determined based upon:
  - (a) The trainer's education, training, and experience relevant to the training topic;
  - (b) Best practice in adult learning principles;
  - (c) Content that is in compliance with G.S. 110-91(11); and
  - (d) Contact hours reasonable for the proposed content and scope of the training session.
- (4) The Division shall not approve:
  - (a) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
  - (b) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.

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

*Eff. January 1, 1986;*

*Amended Eff. November 1, 2007; October 29, 1998; November 1, 1989; July 1, 1988; January 1, 1987.*

#### **10A NCAC 09 .0709 DOCUMENTATION OF IN-SERVICE TRAINING**

Each center shall have a record of training activities in which each staff participates. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

*History Note: Authority G.S. 110-91(9),(11); 143B-168.3;*

*Eff. January 1, 1986;*

*Amended Eff. July 1, 1998; July 1, 1988.*

#### **10A NCAC 09 .0710 PRESERVICE REQUIREMENTS FOR LEAD TEACHERS, TEACHERS AND AIDES**

- (a) If an individual already has a North Carolina Early Childhood Credential or its equivalent, none of the requirements of this Rule shall apply. If an individual does not have a North Carolina Early Childhood Credential or its equivalent, the requirements of this Rule shall be met.
- (b) A lead teacher or a teacher shall be at least 18 years of age, have a high school diploma or its equivalent, and have at least one of the following:

- (1) One year of verifiable child care experience working in a child care center or two years of verifiable experience as a licensed family child care home operator; or
  - (2) Successful completion of a two year high school program of Early Childhood Education in Family and Consumer Sciences Education; or
  - (3) Twenty hours of training in child development, which could include the North Carolina Early Childhood Credential coursework, within the first six months of employment in addition to the number of annual inservice training hours required in Rule .0707 of this Section.
- (c) An aide is a person who assists the lead teacher or the teacher in planning and implementing the daily program, and shall be at least 16 years old and literate.
- (d) Individuals employed prior to July 1, 1998 are exempted from the requirements of this Rule, as long as they remain employed by the same operator.

*History Note: Authority G.S. 110-91(8); 143B-168.3;  
 Eff. July 1, 1988;  
 Amended Eff. January 1, 2005; October 29, 1998; April 1, 1997; October 1, 1991; November 1, 1989.*

**10A NCAC 09 .0711 PRESERVICE REQUIREMENTS FOR OTHER STAFF**

- (a) Any person whose job responsibility includes driving a vehicle to transport children, including any substitute driver, shall meet the requirements in Rule .1003 of this Subchapter.
- (b) Non-care giving staff or any person providing support to the operation of the program shall be at least 16 years of age; and meet the requirements of the local health department for food handlers, if applicable, when duties are related to food preparation or food service.

*History Note: Authority G.S. 110-91(8); 143B-168.3;  
 Eff. July 1, 1988;  
 Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989.*

**10A NCAC 09 .0712 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF LESS THAN 30 CHILDREN**

- (a) The staff/child ratios and group sizes for a child care center with a licensed capacity of less than 30 children are as follows:

<u>Age of Children</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 3 Years	1/10	20
3 to 5 Years	1/15	25
5 Years and Older	1/25	25

- (1) When only one caregiver is required to meet the staff/child ratio, and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties which are not direct child care responsibilities.
- (2) When only one caregiver is required to meet the staff/child ratio, the operator shall select one of the following options for emergency relief:

- (A) The center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or
- (B) There shall be a second adult on the premises who is available to provide emergency relief.

(b) The staff/child ratios for a center located in a residence with a licensed capacity of three to 12 children when any preschool aged child is enrolled, or with a licensed capacity of three to 15 children when only school-aged children are enrolled are as follows:

<u>Age of Children</u>	<u>Ratio Staff/Children</u>
0 to 12 Months	1/5 preschool children plus three additional school-aged children
12 to 24 Months	1/6 preschool children plus two additional school-aged children
2 to 13 Years	1/10
3 to 13 Years	1/12
All school-aged	1/15

(c) 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.

*History Note: Authority G.S. 110-91(7); 143B-168.3; Eff. December 1, 1988; Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990.*

**10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF 30 OR MORE CHILDREN**

(a) The staff/child ratios and group sizes for single-age groups of children in centers with a licensed capacity of 30 or more children shall be as follows:

<u>Age of Children</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 3 Years	1/10	20
3 to 4 Years	1/15	25
4 to 5 Years	1/20	25
5 Years and Older	1/25	25

(b) In any multi-age group situation, the staff/child ratio for the youngest child in the group shall be maintained for the entire group.

(c) Children younger than two years old may be cared for in groups with older children for the first and last operating hour of the day provided the staff/child ratio for the youngest child in the group is maintained.

(d) A child two years of age and older may be placed with children under one year of age when a physician certifies that the developmental age of the child makes this placement appropriate.

- (e) When determined to be developmentally appropriate by the operator and parent, a child age two or older may be placed one age level above his or her chronological age without affecting the staff/child ratio for that group. This provision shall be limited to one child per group.
- (f) Except as provided in Paragraphs (c) and (d) of this Rule, children under one year of age shall be kept separate from children two years of age and over.
- (g) Children between the ages of 12 months and 24 months shall not be grouped with older children unless all children in the group are less than three years old.
- (h) When only one caregiver is required to meet the staff/child ratio, and no children under two years of age are in care, that person may concurrently perform food preparation or other duties which are not direct child care responsibilities as long as supervision of the children as specified in Rule .0714(f) of this Section is maintained.
- (i) When only one caregiver is required to meet the staff/child ratio, the operator shall select one of the following options for emergency relief:
  - (1) The center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or
  - (2) There shall be a second adult on the premises who is available to provide emergency relief.
- (j) Except as provided in Paragraph (h) of this Rule, staff members and administrators who are counted in meeting the staff/child ratios as stated in this Rule shall not concurrently perform food preparation or other duties which are not direct child care responsibilities.
- (k) 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.

*History Note: Authority G.S. 110-91(7); 143B-168.3; Eff. December 1, 1988; Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990; November 1, 1989.*

#### **10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS**

- (a) Each child care center shall have an administrator on site on a regular basis. The administrator shall be responsible for monitoring the program and overseeing administrative duties of the center. This requirement may be met by having one or more persons on site who meet the requirements for an administrator according to the licensed capacity of the center. The following hourly requirements are based on an administrator's normal working schedule and may include times when the administrator may be off site due to administrative duties, illness, or vacation.
  - (1) Each center with a licensed capacity of less than 30 children shall have an administrator on site for at least 20 hours per week.
  - (2) Each center with a licensed capacity of 30 to 79 children shall have an administrator on site for at least 25 hours per week.
  - (3) Each center with a licensed capacity of 80 to 199 children shall have an administrator on site for at least 30 hours per week.
  - (4) Each center with a licensed capacity of 200 or more children shall have an administrator on site for at least 40 hours per week.
- (b) At least one person who meets the requirements for an administrator or lead teacher as set forth in this Section shall be on site during the center's operating hours except that a person who is at least 18 years old with at least a high school diploma or its equivalent and who has a minimum of one year's experience working with children in a child care center may be on duty at the beginning or end of the operating day provided that:
  - (1) No more than 10 children are present.
  - (2) The staff person has worked in that center for at least three months.

- (3) The staff person knows and can apply the center's operating policies and emergency procedures.
- (c) At least one person who meets the requirements for a lead teacher shall be responsible for each group of children as defined in Rule .0102 of this Chapter except as provided in Paragraph (b) of this Rule. This requirement may be met by having one or more persons who meet the requirements for a lead teacher responsible for the same group of children. Each lead teacher shall be responsible for only one group of children at a time. Each group of children shall have a lead teacher in attendance for at least two-thirds of the total daily hours of operation, based on a normal working schedule and may include times when the lead teacher may not be in attendance due to circumstances such as illness or vacation.
- (d) A teacher is a person who is responsible to the lead teacher and assists with planning and implementing the daily program.
- (e) No aide or aides shall have responsibility for a group of children except as provided in Paragraph (b) of this Rule.
- (f) Children shall be adequately supervised at all times. Adequate supervision shall mean that:
- (1) Staff must be positioned in the indoor and outdoor environment to maximize their ability to hear or see the children at all times and render immediate assistance;
  - (2) Staff must interact with the children while moving about the indoor or outdoor area;
  - (3) Staff must know where each child is located and be aware of children's activities at all times;
  - (4) Staff must provide supervision appropriate to the individual age, needs and capabilities of each child; and
  - (5) All of the conditions in this Paragraph shall apply except when emergencies necessitate that direct supervision is impossible for brief periods of time. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.
- (g) Nothing contained in this Rule shall be construed to preclude a "qualified person with a disability," as defined by G.S. 168A-3(9), or a "qualified individual with a disability," as defined by the Americans With Disabilities Act at 42 U.S.C. §12111(8), from working in a licensed child care facility.
- (h) For groups of children aged two years or older, the staff/child ratio during nap time is considered in compliance if at least one person is either in each room or is visually supervising all the children and if the total number of required staff are on the premises and within calling distance of the rooms occupied by children.
- (i) When a child is sleeping, bedding or other objects shall not be placed in a manner that covers the child's face.

*History Note: Authority G.S. 110-85(1); 110-91(7),(8); 143B-168.3; Eff. July 1, 1988; Amended Eff. July 1, 2012; May 1, 2004; July 1, 1998; January 1, 1996; October 1, 1991; November 1, 1989.*

## SECTION .0800 - HEALTH STANDARDS FOR CHILDREN

### 10A NCAC 09 .0801 APPLICATION FOR ENROLLMENT

(a) Each child in care shall have an individual application for enrollment completed and signed by the child's parent, legal guardian, or full-time custodian.

- (1) The completed, signed application shall be on file in the center on the first day the child attends and shall remain on file until the child is no longer attending.
- (2) The completed application shall include emergency medical information as specified in Rule .0802(b) of this Section.
- (3) The completed application shall give the child's full name and indicate the name the child is to be called. In addition, the application shall include the child's date of birth and any allergies, particular fears, or unique behavior characteristics that the child has.
- (4) The application shall include the names of individuals to whom the center may release the child as authorized by the person who signs the application.

(b) Each child's application shall be readily available and easily accessible to caregiving staff during the time the children are present.

*History Note: Authority G.S. 110-91(9); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. November 1, 1989.*

### 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, 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 parent's or 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; and
- (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 within sight of the telephone. A telephone located in an office in the center that is sometimes locked during the time the children are present shall not 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 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 and shall be updated as changes occur and 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 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:

- (1) the child's name, date and time of incident, part of body injured, type of injury,
- (2) the names of adult witnesses to incident,
- (3) a description of how and where incident occurred,
- (4) the piece of equipment involved (if any),
- (5) any treatment received, and
- (6) the 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.

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

*Eff. January 1, 1986;*

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

### **10A NCAC 09 .0803 ADMINISTERING MEDICATION**

The following provisions apply to the administration of medication in child care centers:

- (1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream or powder shall be administered to any child:
  - (a) without written authorization from the child's parent;
  - (b) without written instructions from the child's parent, physician or other health professional;
  - (c) in any manner not authorized by the child's parent, physician or other health professional;
  - (d) after its expiration date; or
  - (e) for non-medical reasons, such as to induce sleep.
- (2) Prescribed medications:
  - (a) shall be stored in the original containers in which they were dispensed with the pharmacy labels specifying:
    - (i) the child's name;
    - (ii) the name of the medication or the prescription number;
    - (iii) the amount and frequency of dosage;
    - (iv) the name of the prescribing physician or other health professional; and
    - (v) the date the prescription was filled; or
  - (b) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall be labeled with the child's name, and shall be accompanied by written instructions specifying:
    - (i) the child's name;
    - (ii) the names of the medication;
    - (iii) the amount and frequency of dosage;
    - (iv) the signature of the prescribing physician or other health professional; and
    - (v) the date the instructions were signed by the physician or other health professional; and
  - (c) shall be administered only to the child for whom they were prescribed.
- (3) A parent's written authorization for the administration of a prescription medication described in Item (2) of this Rule shall be valid for the length of time the medication is prescribed to be taken.
- (4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen, topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the manufacturer's original packaging on



which the child's name is written or labeled and shall be accompanied by written instructions specifying:

- (a) the child's name;
- (b) the names of the authorized over-the-counter medication;
- (c) the amount and frequency of the dosages;
- (d) the signature of the parent, physician or other health professional; and
- (e) the date the instructions were signed by the parent, physician or other health professional.

The permission to administer over-the-counter medications is valid for up to 30 days at a time, except as allowed in Items (6), (7), (8) and (9) of this Rule. Over-the-counter medications shall not be administered on an "as needed" basis, other than as allowed in Items (6), (7), (8) and (9) of this Rule.

- (5) When questions arise concerning whether any medication should be administered to a child, the caregiver may decline to administer that medication without signed, written dosage instructions from a licensed physician or authorized health professional.
- (6) A parent may give a caregiver standing authorization for up to six months to administer prescription or over-the-counter medication to a child, when needed, for chronic medical conditions and for allergic reactions. The authorization shall be in writing and shall contain:
  - (a) the child's name;
  - (b) the subject medical conditions or allergic reactions;
  - (c) the names of the authorized over-the-counter medications;
  - (d) the criteria for the administration of the medication;
  - (e) the amount and frequency of the dosages;
  - (f) the manner in which the medication shall be administered;
  - (g) the signature of the parent;
  - (h) the date the authorization was signed by the parent; and
  - (i) the length of time the authorization is valid, if less than six months.
- (7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter, topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, and powders --- such as sunscreen, diapering creams, baby lotion, and baby powder --- to a child, when needed. The authorization shall be in writing and shall contain:
  - (a) the child's name;
  - (b) the names of the authorized ointments, repellents, lotions, creams, and powders;
  - (c) the criteria for the administration of the ointments, repellents, lotions, creams, and powders;
  - (d) the manner in which the ointments, repellents, lotions, creams, and powders shall be applied;
  - (e) the signature of the parent;
  - (f) the date the authorization was signed by the parent; and
  - (g) the length of time the authorization is valid, if less than 12 months.
- (8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose of acetaminophen to a child in the event the child has a

fever and a parent cannot be reached. The authorization shall be in writing and shall contain:

- (a) the child's name;
  - (b) the signature of the parent;
  - (c) the date the authorization was signed by the parent;
  - (d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (9) A parent may give a caregiver standing authorization to administer an over-the-counter medication as directed by the North Carolina State Health Director or designee, when there is a public health emergency as identified by the North Carolina State Health Director or designee. The authorization shall be in writing, may be valid for as long as the child is enrolled, and shall contain:
- (a) the child's name;
  - (b) the signature of the parent;
  - (c) the date the authorization was signed by the parent; and
  - (d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental authorization in the event of an emergency medical condition when the child's parent is unavailable, providing the medication is administered with the authorization and in accordance with instructions from a bona fide medical care provider.
- (11) A parent may withdraw his or her written authorization for the administration of medications at any time in writing.
- (12) Any medication remaining after the course of treatment is completed or after authorization is withdrawn shall be returned to the child's parents. Any medication the parent fails to retrieve within 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.
- (13) Any time prescription or over-the-counter medication is administered by center personnel to children receiving care, including any time medication is administered in the event of an emergency medical condition without parental authorization as permitted by G.S. 110-102.1A, the child's name, the date, time, amount and type of medication given, and the name and signature of the person administering the medication shall be recorded. This information shall be noted on a medication permission slip, or on a separate form developed by the provider which includes the required information. This information shall be available for review by a representative of the Division during the time period the medication is being administered and for at least six months after the medication is administered. No documentation shall be required when items listed in Item (7) of this Rule are applied to children.

*History Note: Authority G.S. 110-91(1),(9); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. May 1, 2004; April 1, 2001; July 1, 1998; January 1, 1996.*

**10A NCAC 09 .0804      INFECTIOUS AND CONTAGIOUS DISEASES**

(a) Centers may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees axillary, or 101 degrees orally, and who remains capable of participating in routine group activities; and the child shall not have any of the following:

- (1) the sudden onset of diarrhea characterized by an increased number of bowel movements compared to the child's normal pattern and with increased stool water;
- (2) two or more episodes of vomiting within a 12 hour period;
- (3) a red eye with white or yellow eye discharge, until 24 hours after treatment has started;
- (4) scabies or lice;
- (5) known chicken pox or a rash suggestive of chicken pox;
- (6) tuberculosis, until a health professional states that the child is not infectious;
- (7) strep throat, until 24 hours after treatment has started;
- (8) pertussis, until five days after treatment has started;
- (9) hepatitis A virus infection, until one week after onset of illness or jaundice;
- (10) impetigo, until 24 hours after treatment has started; or
- (11) a physician's or other health professional's written order that the child be separated from other children.

(b) Centers that choose to provide care for mildly ill children shall:

- (1) follow all procedures to prevent the spread of communicable diseases described in 15A NCAC 18A .2800, "Sanitation of Child Care Centers", as adopted by the Commission for Public Health;
- (2) separate from the other children any child who becomes ill while in care or who is suspected of having a communicable disease or condition other than as described in Paragraph (a) of this Rule until the child leaves the center;
- (3) notify all parents at enrollment that the center will be providing care for mildly ill children;
- (4) notify the parent of any child who becomes ill or who is suspected of being ill with a communicable condition other than as described in Paragraph (a) of this Rule that the child is ill and shall leave the center;
- (5) notify the parent of any sick child in care if the child's condition worsens while the child is in care.

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

*Eff. January 1, 1986;*

*Amended Eff. December 1, 2014; July 1, 1998; November 1, 1991; November 1, 1989.*

**10A NCAC 09 .0805      SANITARY FOOD SERVICE**

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

*Eff. January 1, 1986;*

*Amended Eff. November 1, 1989;*

*Repealed Eff. December 1, 2007.*

**10A NCAC 09 .0806 TOILETING, CLOTHING AND LINENS**

- (a) Diapers will be changed whenever they become soiled or wet and not on a shift basis.
- (b) There must be clean clothes available so that when the clothes worn by a child becomes wet or soiled the child has clean clothes to put on. The change of clothing may be provided by the center or by the child's parents.
- (c) A supply of clean linen must be on hand so that linens can be changed whenever they become soiled or wet.
- (d) Staff shall not force children to use the toilet and staff shall consider the developmental readiness of each individual child during toilet training.

*History Note: Authority G.S. 110-91(1); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; November 1, 1989.*

## SECTION .0900 - NUTRITION STANDARDS

Green  
& Pink

### 10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS

(a) Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) 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 Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this 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 3 to 12 children located in a residence. A variety of food shall be included in meals and snacks. Any substitution shall be of comparable food value and shall 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 unless the child's parent or guardian opts out of the supplemental food provided by the center as set forth in G.S.110-91(2)h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the center signed by the child's parent or guardian shall be kept on file at the center. Opting out means that the center will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the center's designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the center shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.

(d) Drinking water must be freely available to children of all ages. 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 Commission for Public Health.

(e) The child care provider will provide only the following beverages:

- (1) breast milk;
- (2) formula;
- (3) water;
- (4) unflavored whole milk, for children ages 12-24 months;
- (5) unflavored skim or lowfat milk for children two years old and older; or
- (6) 100 percent fruit juice, limited to 6 ounces per day.

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

(g) The food required by special diets for medical, religious or cultural reasons, 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 professional, a statement signed by the health care professional shall be on file at the center and written instructions shall be provided by the child's parent, health care professional, or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the center.

(h) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts, etc., shall be available only for special occasions such as holidays, birthdays, and other celebrations.

(i) Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in Paragraph (a) of this Rule in the presence of children in care.

(j) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet in a place other than a bathroom.

that is shielded from view by staff and the public which may be used by mothers while they are breastfeeding or expressing milk.

*History Note:* Authority G.S. 110-85; 110-91(2); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. December 1, 2012; July 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989.

#### **10A NCAC 09 .0902 GENERAL NUTRITION REQUIREMENTS FOR INFANTS**

(a) The parent or health care provider of each child under 15 months of age shall provide the center an individual written feeding schedule for the child. This schedule must be followed at the center. This schedule must include the child's name, be signed by the parent or health care provider, and be dated when received by the center. Each infant's schedule shall be modified in consultation with the child's parent or health care provider to reflect changes in the child's needs as he or she develops. The feeding instructions for each infant shall be posted for quick reference by the caregivers, except in centers licensed for three to 12 children located in a residence.

(b) Each infant will be held for bottle feeding until able to hold his or her own bottle. Bottles will not be propped. Each child will be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

(c) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.

*History Note:* Authority G.S. 110-85; 110-91(2); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. December 1, 2012; July 1, 1998; October 1, 1991; November 1, 1989.

#### **10A NCAC 09 .0903 REQUIREMENTS FOR CHILDREN AGED 24 MONTHS AND OLDER**

Meals and snacks shall be planned according to the number of hours a child is in the center. These rules apply in all situations except during sleeping hours and nighttime care:

- (1) For preschool-aged children in the center at least two hours but less than four hours, and for all school-aged children, one snack shall be provided unless the child is present during the time the center is serving a meal, in which case, a meal shall be provided.
- (2) For children in the center at least four hours, but less than six hours, one meal shall be provided equal to at least one-third of the child's daily food needs.
- (3) For children in the center at least six hours, but less than twelve hours, two meals and one snack or two snacks and one meal shall be provided equal to at least one-half of the child's daily food needs.
- (4) For children in the center more than twelve hours, two snacks and two meals shall be provided which are equal to at least two-thirds of the child's daily food needs.
- (5) No child shall go more than four hours without a meal or a snack being provided.
- (6) A nutritious evening meal must be provided to each child who receives second shift care (from approximately 3:00 p.m. to 11:00 p.m.) and who is present when the regularly scheduled evening meal is served.

*History Note:* Authority G.S. 110-91(2); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. November 1, 1989; January 1, 1987.

## SECTION .1000 - TRANSPORTATION STANDARDS

### 10A NCAC 09 .1001 SEAT RESTRAINTS

- (a) Each adult and child shall be restrained with an individual seat belt or appropriate child restraint device when the vehicle is in motion.
- (b) Only one person shall occupy each seat belt or child restraint device.
- (c) Children shall not occupy the front seat if the vehicle is equipped with an operational passenger side airbag.
- (d) Except for when children under two years of age are transported, the restraint requirements in this Rule do not apply to vehicles not required by federal or state law to be equipped with seat restraints.

*History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; July 1, 1995; November 1, 1989; July 1, 1988;  
January 1, 1987.*

### 10A NCAC 09 .1002 SAFE VEHICLES

- (a) All vehicles used to transport children shall be in good repair, safe, and free of hazards such as torn upholstery that allows children to remove the interior padding or hurt themselves, broken windows, and holes in the floor or roof.
- (b) Vehicles shall be insured for liability as required by State laws governing transportation of passengers.
- (c) Vehicles used to transport children in snowy, icy, and other hazardous weather conditions must be equipped with snow tires, chains, or other safety equipment as appropriate.

*History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998.*

### 10A NCAC 09 .1003 SAFE PROCEDURES

- (a) The driver or other adult in the vehicle shall assure that all children are transferred to a responsible person who is indicated on the child's application as specified in Rule .0801(a)(4) of this Chapter or as authorized by the parent.
- (b) Each center shall establish safe procedures for pick-up and delivery of children. These procedures shall be communicated to parents, and a copy shall be posted in the center where they can be seen by the parents. Centers licensed for three to 12 children located in a residence are not required to post these procedures.
- (c) A first-aid kit shall be located in each vehicle used on a regular basis to transport children. The first-aid kit shall be firmly mounted or secured if kept in the passenger compartment.
- (d) For each child being transported, emergency and identifying information shall be in the vehicle.
- (e) The driver shall:
  - (1) be 21 years old or a licensed bus driver;

- (2) have a valid driver's license of the type required under North Carolina Motor Vehicle Law for the vehicle being driven or comparable license from the state in which the driver resides; and
  - (3) have no convictions of Driving While Impaired (DWI) or any other impaired driving offense within the previous three years.
- (f) Each person in the vehicle shall be seated in the manufacturer's designated areas. No child shall ride in the load carrying area or floor of a vehicle.
- (g) Children shall not be left in a vehicle unattended by an adult.
- (h) Children shall be loaded and unloaded from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards.
- (i) Before children are transported, written permission from a parent shall be obtained that shall include when and where the child is to be transported, expected time of departure and arrival, and the transportation provider.
- (j) Parents may give standing permission, valid for up to 12 months, for routine transport of children to and from the center.
- (k) When children are transported, staff in each vehicle shall have a functioning cellular telephone or other functioning two-way voice communication device with them for use in an emergency. Staff shall not use cellular telephones or other functioning two-way voice communication devices except in the case of an emergency and only when the vehicle is parked in a safe location.
- (l) For routine transport of children to and from the center, staff shall have a list of the children being transported. Staff members shall use this list to check attendance as children board the vehicle and as they depart the vehicle. A list of all children being transported shall also be available at the center.

*History Note: Authority G.S. 110-85; 110-91; 110-91(13); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. December 1, 2014; November 1, 2007; July 1, 1998; October 1,  
1991; January 1, 1987.*

#### **10A NCAC 09 .1004 STAFF/CHILD RATIOS**

- (a) When children aged two years and older are being transported, the staff/child ratios required for compliance with child care center regulations as set forth in Section .0700 of this Subchapter shall apply.
- (b) When three or more children under the age of two years are being transported, the staff/child ratio requirements for child care centers set forth in Section .0700 of this Subchapter for children under age two shall be maintained. The driver shall not be counted in the staff/child ratio.

*History Note: Authority G.S. 110-91(13); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; July 1, 1988.*



## **SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS**

### **10A NCAC 09 .1301 BUILDING CODE REQUIREMENTS IN OPERATION PRIOR TO 4/1/72**

For the purpose of carrying out the provisions of G.S. 110-91(4), the North Carolina Building Code standards for child care centers in operation prior to April 1, 1972 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and do not include any subsequent amendments. This Rule does not apply to small group facilities described in Rule .1303 of this Section. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

*History Note: Authority G.S. 110-91(4); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998.*

### **10A NCAC 09 .1302 BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS**

For the purpose of carrying out the provision of G.S. 110-91(4), the North Carolina Building Code standards for child care centers originally in operation on or after April 1, 1972 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and include subsequent amendments. This Rule does not apply to small group facilities described in Rule .1303 of this Section. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

*History Note: Authority G.S. 110-91(4); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; January 1, 1987.*

### **10A NCAC 09 .1303 BUILDING CODE REQUIREMENTS FOR SMALL GROUP FACILITIES LICENSED PRIOR TO 7/1/88**

For the purpose of carrying out the provisions of G.S. 110-91(4), the North Carolina Building Code standards for small group day care facilities (6-15 children) licensed prior to July 1, 1988 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and do not include any subsequent amendments. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

*History Note: Authority G.S. 110-91(4); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998.*

**10A NCAC 09 .1304 REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN  
A RESIDENCE**

Licensed child care centers in an occupied residence shall comply with the North Carolina Building Code developed by the Building Code Council which are hereby incorporated by reference and include subsequent amendments. For purposes of this Rule, licensed child care centers in an occupied residence include centers that are licensed for three to 12 children when any preschool-aged children are in care, or for three to 15 children when only school-aged children are in care. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

*History Note: Authority G.S. 110-91(4); 143B-168.3;  
Eff. July 1, 1998;  
Amended Eff. April 1, 2001.*

## SECTION .1400 - SPACE REQUIREMENTS

### 10A NCAC 09 .1401 INDOOR SPACE

(a) Indoor space on which licensed capacity is based will be referred to as "primary space". The licensing consultant will measure all primary space that will routinely be used by children who attend the center, except that the following will not be included: closets, hallways, storage areas, kitchens, bathrooms, utility areas; thresholds, foyers, space or rooms used for administrative activities or space occupied by adult-sized desks, cabinets, file cabinets, etc.; single-use rooms, including music rooms, isolation/sick rooms, gymnasiums, dining rooms, sleep rooms; any floor space occupied by or located under equipment, furniture, or materials not used by children; and any floor space occupied by or located under built-in equipment or furniture.

- (1) Any single-use room used by the children for sleeping only, either during nap time or any other time, will also be measured by the Division's representative to assure that the available floor space provides 200 cubic feet of air space per child for the maximum number of children who will sleep in that room at any time.
- (2) All measurements will be rounded off to the nearest inch.

- (3) Total space on which the licensed capacity is based will be the sum of the measurements of all primary space to be used by the children. However, no room will routinely be occupied by more children than the primary space in that room will accommodate at 25 square feet of space per child. This is not meant to preclude grouping children together periodically for special activities, such as to view films or slides; for special presentations, such as puppet or magic shows, a special story teller, a discussion of safety practices by a fireman or nurse, etc. However, care must be taken to assure that during such special activities, the room used is not so overcrowded that the children and staff would be endangered in case of a fire or other emergency necessitating evacuation of the center.

(b) For centers with a licensed capacity of three to 12 children located in a residence, the dining area of a kitchen may be counted if it is routinely used for children's activities in addition to eating.

(c) Paragraph (a) of this Rule shall apply only to child care centers initially licensed on or after February 1, 1985.

*History Note: Authority G.S. 110-91(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; November 1, 1989.*

### 10A NCAC 09 .1402 OUTDOOR SPACE

(a) When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child.

(b) When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children.

(c) Paragraphs (a) and (b) of this Rule apply only to child care centers initially licensed after April 1, 1984.

(d) The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods.

(e) The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

*History Note: Authority G.S. 110-85(1),(2); 110-91(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 1996.*

### **10A NCAC 09 .1403 AQUATIC ACTIVITIES**

(a) This Rule applies to children and staff in child care centers that participate in aquatic activities.

(b) 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.

(c) For every 25 children in care participating in aquatic activities, there shall be at least one person who has a 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 lifeguards shall not be counted in the required staff-child ratios referenced in Paragraph (d) of this Rule.

(d) 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).

(e) 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.

(f) Children shall be adequately supervised by center staff at all times while participating in aquatic activities. Adequate supervision means 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.

(g) 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.

(h) 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.

(i) 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.

(j) Swimming pool safety rules shall be posted in a prominent place visible to children and staff for any swimming pool located on the child care facility premises. 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.

(k) 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 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.

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

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

*Eff. January 1, 1986;*

*Amended Eff. July 1, 2010; November 1, 2007; January 1, 1996; January 1, 1992; January 1, 1987.*

**SECTION .1500 - TEMPORARY CARE REQUIREMENTS**

**10A NCAC 09 .1501 SCOPE**

**10A NCAC 09 .1502 MEDICAL EXAMINATION**

**10A NCAC 09 .1503 BEDS, COTS, MATS AND LINENS**

**10A NCAC 09 .1504 ATTENDANCE RECORDS**

*History Note: Authority G.S. 110-91; 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. November 1, 1989;  
Repealed Eff. July 1, 2012.*

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

*History Note: Authority G.S. 110-92; 143B-168.3;  
Eff. January 1, 1986;  
Repealed Eff. July 1, 2010.*

**10A NCAC 09 .1506 OUTDOOR PLAY AREA**

*History Note: Authority G.S. 110-91; 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. November 1, 1989;  
Repealed Eff. July 1, 2012.*

**SECTION .1600 - REQUIREMENTS FOR VOLUNTARY ENHANCED PROGRAM  
STANDARDS**

- 10A NCAC 09 .1601 ADMINISTRATIVE POLICIES REQUIRED**
- 10A NCAC 09 .1602 OPERATIONAL AND PERSONNEL POLICIES**

*History Note: Authority G.S. 110-88(7); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. April 1, 1999; January 1, 1991; July 1, 1988;  
Repealed Eff. May 1, 2006.*

- 10A NCAC 09 .1603 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1604 SPACE REQUIREMENTS**

*History Note: Authority G.S. 110-88(7); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. April 1, 2001; July 1, 1998;  
Repealed Eff. May 1, 2006.*

- 10A NCAC 09 .1605 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1606 STAFF/CHILD RATIOS**

*History Note: Authority G.S. 110-88(7); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. January 1, 2006; April 1, 2001; April 1, 1999; August 1, 1990; July  
1, 1988;  
Repealed Eff. May 1, 2006.*

- 10A NCAC 09 .1607 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1608 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1609 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1610 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1611 RESERVED FOR FUTURE CODIFICATION**

- 10A NCAC 09 .1612 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED  
CHILDREN**

- 10A NCAC 09 .1613 PARENT PARTICIPATION**

*History Note: Authority G.S. 110-88(7); 143B-168.3;*

*Eff. January 1, 1986;*  
*Amended Eff. April 1, 1999; October 1, 1991; November 1, 1989; July 1, 1988;*  
*Repealed Eff. May 1, 2006.*

**10A NCAC 09 .1614 RESERVED FOR FUTURE CODIFICATION**

**10A NCAC 09 .1615 NIGHT CARE**

*History Note: Authority G.S. 110-88(7); 143B-168.3;*  
*Eff. January 1, 1986;*  
*Amended Eff. January 1, 1991;*  
*Repealed Eff. May 1, 2006.*



## SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

### 10A NCAC 09 .2501 SCOPE

The rules in this Section apply to all child care centers offering care to three or more school-age children exclusively or as a component of any other program. All rules in this Chapter pertaining to care for school-age children apply except as provided in this Section.

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

### 10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE

A center providing care for school-age children exclusively on a seasonal basis between May 15 and September 15 shall be licensed as a summer day camp. A track-out program that operates all four tracks for more than four hours per day must be licensed.

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

### 10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS

(a) Building code requirements adopted by reference in Section .1300 of this Chapter apply for a facility providing care to school-age children except in the following situations:

- (1) Any building which is 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 obtain and submit copies of all applicable inspection reports to the Division.
- (2) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not covered by Subparagraph (1) of this Rule, the following North Carolina Building Codes apply to the structure described in Rule .2504(b) of this Section:
  - (A) When the authorized capacity of the facility is less than 30 children, the structure shall, meet the requirements for residential occupancy as prescribed in 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, 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, meet the North Carolina Building Code requirements for assembly occupancy, or educational occupancy or institutional occupancy.

(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 Chapter and is available for public inspection during regular business hours.

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

*Eff. July 1, 1988;*  
*Amended Eff. July 1, 2010; September 1, 1990.*

#### **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 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 10 square feet of primary space indoors, the camp shall provide notarized copies of all letters, agreements, or contracts with other facilities to the Division which guarantee that children will be accommodated comfortably indoors in the event of inclement weather.

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

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

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

- (1) A medical examination report is not required for any child enrolled in a public school or private school as described in G.S. 110-86(2)f.
- (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 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 Section .0900 of this Chapter apply.

(c) If food is prepared at the summer day camp, the rules 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 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.

*History Note: Authority G.S. 110-85; 110-91(1), (2); 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. July 1, 2010; September 1, 1990.*

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

- (a) First aid equipment shall be available regardless of where activities are provided.
- (b) All regulations in Rule .1403 of this Chapter regarding swimming pools apply.
- (c) Potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, or propane stoves, 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 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 or see each child in his or 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;
    - (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 nine years of age and older means that staff are with the group of children and able to hear or see each child in his or her care. A staff member shall accompany any children who leave the group to go indoors or outdoors; and
  - (3) When emergencies necessitate that direct supervision is impossible for brief periods of time.
- (e) Children riding bicycles must wear safety helmets.

*History Note: Authority G.S. 110-85; 110-91; 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. March 1, 2014; July 1, 2010; July 1, 1998; September 1, 1990.*

#### **10A NCAC 09 .2507 OPERATING POLICIES**

- (a) Written permission from parents shall be obtained before transporting children on field trips or leaving the premises.
- (b) Blanket permissions from parents for field trips or leaving the premises are acceptable only when a schedule of activities to be conducted off the premises is posted in a conspicuous place

for review by parents and staff in advance on a weekly basis. The schedule shall include the location, purpose, time and date, person in charge, and telephone number or method for contacting the person in charge.

(c) Cots, beds, or mats with linens shall not be required for school-age children. However, provision shall be made for children who wish to rest or who are sick to rest in a comfortable place.

*History Note: Authority G.S. 110.91; 143B-168.3;  
Eff. July 1, 1988.*

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

(a) Child care facilities which provide care to school-age children shall provide a balance of teacher directed and free choice 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.

(c) 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) Career development activities;
- (2) Community awareness activities;
- (3) Creative arts activities;
- (4) Cultural activities;
- (5) Games or manipulatives;
- (6) Hands-on academic enrichment activities including language, math, science, social studies, or foreign language activities;
- (7) Health education or wellness activities;
- (8) Homework with assistance available as needed from center personnel;
- (9) Reading activities;
- (10) Sand or water play;
- (11) Social skills, life skills or problem-solving activities;
- (12) Structured or unstructured physical activities; or
- (13) Technology skill-building activities.

(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, television, videos, video games, and computer usage, is provided, it shall be:

- (1) Offered as a free choice activity;
- (2) Used to meet a developmental goal;
- (3) Limited to no more than two and a half hours per week, per child; and
- (4) When children are in care for four hours or less per day limited to a maximum of 30 minutes per child, per day.

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

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

#### **10A NCAC 09 .2509 ACTIVITIES: OFF PREMISES**

- (a) The requirements of this Rule apply when activities for children are routinely conducted outdoors or off the premises for at least 75 percent of each day.
- (b) The facility shall develop a schedule of activities which is posted in a conspicuous place in the home base or given to the parents.
- (c) The schedule shall be current and shall contain the information listed in Rule .2507(b).
- (d) Activities shall be planned to accommodate a variety of individual interests and shall provide opportunities for choice.

*History Note: Authority G.S. 110-91(6), (12); 143B-168.3;  
Eff. July 1, 1988;  
Amended Eff. September 1, 1990.*

#### **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-age children in a licensed child care program or 600 hours of verifiable experience working with 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, or its equivalent; and
  - (3) In a part day program be on site when children are in care. For a full day program, the program coordinator must 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-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, or its equivalent.