

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 287*
Committee Substitute Favorable 3/23/99
Committee Substitute #2 Favorable 4/23/99

Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES
REGARDING CHILD CARE, TO REPEAL SECTION 4(B) OF S.L. 1997-506,
AND TO MAKE CHANGES REGARDING THE TRAINING MATERIALS THAT
MAY BE USED BY CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 110-88 reads as rewritten:

"§ 110-88. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

- (1) To develop policies and procedures for the issuance of a license to any child care facility that meets all applicable standards established under this Article.
- (1a) To adopt applicable rules and standards based upon the capacity of a child care facility.
- (2) To require inspections by and satisfactory written reports from representatives of local or State health ~~agencies and agencies,~~ fire and building inspection agencies-agencies, and from representatives of the

- 1 Department prior to the issuance of ~~a~~an initial license to any child care
2 center.
- 3 (2a) To require annually, inspections by and satisfactory written reports from
4 representatives of local or State health agencies and fire inspection
5 agencies after a license is issued.
- 6 (3) Repealed by Session Laws 1997-506, s. 4.
- 7 (4) Repealed by Session Laws 1975, c. 879, s. 15.
- 8 (5) To adopt rules and develop policies for implementation of this Article,
9 including procedures for application, approval, annual compliance visits
10 for centers, and revocation of licenses.
- 11 (6) To adopt rules for the issuance of a provisional license that shall be in
12 effect for no more than 12 consecutive months to a child care facility
13 that does not conform in every respect with the standards established in
14 this Article and rules adopted by the Commission pursuant to this
15 Article but that is making a reasonable effort to conform to the
16 standards.
- 17 (6a) To adopt rules for administrative action against a child care facility
18 when the Secretary's investigations pursuant to G.S. 110-105(a)(3)
19 substantiate that child abuse or neglect did occur in the facility. The
20 rules shall provide for types of sanctions which shall depend upon the
21 severity of the incident and the probability of reoccurrence. The rules
22 shall also provide for written warnings and special provisional licenses.
- 23 (7) **(See editor's note)** To develop and adopt voluntary enhanced program
24 standards which reflect higher quality child care than the mandatory
25 standards established by this Article. These enhanced program standards
26 must address, at a minimum, staff/child ratios, staff qualifications,
27 parent involvement, operational and personnel policies,
28 developmentally appropriate curricula, and facility square footage.
- 29 (8) To develop a procedure by which the Department shall furnish those
30 forms as may be required for implementation of this Article.
- 31 (9) Repealed by Session Laws 1985, c. 757, s. 156(66).
- 32 (10) To adopt rules for the issuance of a temporary license which shall expire
33 in six months and which may be issued to the operator of a new center
34 or to the operator of a previously licensed center when a change in
35 ownership or location occurs.
- 36 (11) To adopt rules for child care facilities which provide care for children
37 who are mildly sick.
- 38 (12) To adopt rules regulating the amount of time a child care administrator
39 shall be on-site at a child care center.

40 ~~The Department of Health and Human Services, Division of Child Development and~~
41 ~~the Child Care Commission shall not promote or require the utilization of training~~
42 ~~materials, curriculum, or policy developed or provided by the National Association for~~
43 ~~the Education of Young Children or the National Institute for Early Childhood~~

1 ~~Professional Development.~~—The Division and the Commission shall permit individual
2 facilities to make curriculum decisions."

3 Section 2. G.S. 110-91(8) reads as rewritten:

4 "(8) Qualifications for Staff. – All child care center administrators shall be at
5 least 21 years of age. All child care center administrators shall have the
6 North Carolina Early Childhood Administration Credential or its
7 equivalent as determined by the Department. All child care
8 administrators performing administrative duties as of the date this act
9 becomes law and child care administrators who assume administrative
10 duties at any time after this act becomes law and until September 1,
11 1998, shall obtain the required credential by September 1, 2000. Child
12 care administrators who assume administrative duties after September 1,
13 1998, shall begin working toward the completion of the North Carolina
14 Early Childhood Administration Credential or its equivalent within six
15 months after assuming administrative duties and shall complete the
16 credential or its equivalent within two years after beginning work to
17 complete the credential. Each child care center shall be under the
18 direction or supervision of a person meeting these requirements. All
19 staff counted toward meeting the required staff-child ratio shall be at
20 least 16 years of age, provided that persons younger than 18 years of
21 age work under the direct supervision of a ~~credentialed~~ staff person who
22 is at least 21 years of age. All lead teachers in a child care center shall
23 have at least a North Carolina Early Childhood Credential or its
24 equivalent as determined by the Department. Lead teachers shall be
25 enrolled in the North Carolina Early Childhood Credential coursework
26 or its equivalent as determined by the Department within six months
27 after becoming employed as a lead teacher or within six months after
28 this act becomes law, whichever is later, and shall complete the
29 credential or its equivalent within 18 months after enrollment.

30 For child care centers licensed to care for 200 or more children, the
31 Department, in collaboration with the North Carolina Institute for Early
32 Childhood Professional Development, shall establish categories to
33 recognize the levels of education achieved by child care center
34 administrators and teachers who perform administrative functions. The
35 Department shall use these categories to establish appropriate staffing
36 based on the size of the center and the individual staff responsibilities.

37 Effective January 1, 1998, an operator of a licensed family child care
38 home shall be at least 21 years old and have a high school diploma or its
39 equivalent. Operators of a family child care home licensed prior to
40 January 1, 1998, shall be at least 18 years of age and literate. Literate is
41 defined as understanding licensing requirements and having the ability
42 to communicate with the family and relevant emergency personnel. Any

1 operator of a licensed family child care home shall be the person on-site
2 providing child care.

3 No person shall be an operator of nor be employed in a child care
4 facility who has been convicted of a crime involving child neglect, child
5 abuse, or moral turpitude, or who is an habitually excessive user of
6 alcohol or who illegally uses narcotic or other impairing drugs, or who
7 is mentally or emotionally impaired to an extent that may be injurious to
8 children.

9 The Commission shall adopt standards to establish appropriate
10 qualifications for all ~~other~~ staff in child care centers. These standards
11 shall reflect training, experience, education and credentialing and shall
12 be appropriate for the size center and the level of individual staff
13 responsibilities. It is the intent of this provision to guarantee that all
14 children in child care are cared for by qualified people. ~~No Pursuant to~~
15 G.S. 110-106, no requirements may interfere with the teachings or
16 doctrine of any established religious organization. The staff
17 qualification requirements of this subdivision do not apply to religious-
18 sponsored child care facilities pursuant to G.S. 110-106."

19 Section 3. G.S. 110-93 reads as rewritten:

20 "**§ 110-93. Application for a license.**

21 (a) Each person who seeks to operate a child care facility shall apply to the
22 Department for a license. The application shall be in the form required by the
23 Department. Each ~~operator~~ applicant seeking a license shall be responsible for supplying
24 with the application the necessary supporting data and reports to show conformity with
25 rules adopted by the Commission for Health Services pursuant to G.S. 110-91(1) and
26 with the standards established or authorized by this Article, including any required
27 reports from the local and district health departments, local building inspectors, local
28 firemen, voluntary firemen, and others, on forms which shall be provided by the
29 Department.

30 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
31 Health Services pursuant to G.S. 110-91(1) and with the standards established or
32 authorized by this Article as shown in the application and other supporting data, the
33 Secretary shall issue a license that shall remain valid until the Secretary notifies the
34 licensee otherwise pursuant to G.S. 150B-3 or other provisions of this Article, subject to
35 suspension or revocation for cause as provided in this Article. If the applicant fails to
36 conform to the required rules and standards, the Secretary may issue a provisional license
37 under the policies of the Commission. The Department shall notify the ~~operator~~ applicant
38 in writing by registered or certified mail the reasons the Department issued a provisional
39 license.

40 (c) Repealed by Session Laws 1997-506, s. 10.

41 (d) Repealed by Session Laws 1977, c. 929, s. 1."

42 Section 4. G.S. 110-99(b) reads as rewritten:

1 "(b) A person who provides only drop-in or short-term child care as described in
2 G.S. ~~110-86(2)(d)~~-110-86(2)(d), excluding drop-in or short-term child care provided in
3 churches, shall notify the Department that the person is providing only drop-in or short-
4 term child care. Any person providing only drop-in or short-term child care as described
5 in G.S. ~~110-86(2)(d)~~-110-86(2)(d), excluding drop-in or short-term child care provided in
6 churches, shall display in a prominent place at all times a notice that the child care
7 arrangement is not required to be licensed and regulated by the Department and is not
8 licensed and regulated by the Department."

9 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

10 Section 6. Chapter 110 of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 110-88.1. Commission may not interfere with religious training offered in**
13 **religious-sponsored child care facilities.**

14 Nothing in this Article shall be interpreted to allow the State to determine the training
15 or curriculum offered in any religious-sponsored child care facility as defined in G.S.
16 110-106(a)."

17 Section 7. This act is effective when it becomes law.