

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS65142-LU-54 (3/3)

Short Title: Amend Star-Rated License for Child Care Fac. (Public)

Sponsors: Senator Purcell.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT, TO STRENGTHEN THE LAWS REGULATING STAR-RATED LICENSURE FOR CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 110-90 reads as rewritten:

"§ 110-90. Powers and duties of Secretary of Health and Human Services.

The Secretary shall have the following powers and duties under the policies and rules of the Commission:

- (1) To administer the licensing program for child care facilities.
- (1a) To establish a fee for the licensing of child care centers. The fee does not apply to a religious-sponsored child care center operated pursuant to a letter of compliance. The amount of the fee may not exceed the amount listed in this subdivision.

<u>Capacity of Center</u>	<u>Maximum Fee</u>
12 or fewer children	\$ 35.00
13-50 children	\$125.00
51-100 children	\$250.00
101 or more children	\$400.00

- (2) To obtain and coordinate the necessary services from other State departments and units of local government which are necessary to implement the provisions of this Article.
- (3) To employ the administrative personnel and staff as may be necessary to implement this Article where required services, inspections or reports are not available from existing State agencies and units of local government.

1 (4) To issue a rated license to any child care facility which meets the
2 standards established by this Article. ~~The~~ Before October 1, 2005, the
3 rating shall be based on program standards, education levels of staff,
4 and compliance history of the child care facility. On or after October 1,
5 2005, the rating shall be based on program standards and education
6 levels of staff. To maintain a license, the child care facility shall have a
7 compliance history of at least seventy-five percent (75%) as assessed
8 by the Department. When a child care facility fails to maintain a
9 compliance history of at least seventy-five percent (75%) as assessed
10 by the Department, the Department may issue a provisional license.

11 After October 1, 2005, and on or before October 1, 2007, all child
12 care facilities holding rated licenses of two to five stars shall have
13 ratings based on program standards, education levels of staff, and
14 compliance history of the child care facility. After October 1, 2007, the
15 rating shall be based on program standards and education levels of
16 staff. To maintain a license, the child care facility shall have a
17 compliance history of at least seventy-five percent (75%) as assessed
18 by the Department. When a child care facility holding a rated license
19 of two to five stars fails to maintain a compliance history of at least
20 seventy-five percent (75%) as assessed by the Department, the
21 Department may issue a provisional license.

22 On or after October 1, 2007, all child care facilities holding
23 licenses without ratings of two to five stars, including
24 religious-sponsored facilities operating with Notices of Compliance,
25 shall have a compliance history of at least seventy-five percent (75%)
26 as assessed by the Department in order to maintain the license or
27 Notice of Compliance. When a child care facility holding a license
28 without a rating of two to five stars fails to maintain a compliance
29 history of at least seventy-five percent (75%) as assessed by the
30 Department, the Department may issue a provisional license.

31 (5) To revoke the license of any child care facility that ceases to meet the
32 standards established by this Article and rules on these standards
33 adopted by the Commission, or that demonstrates a pattern of
34 noncompliance with this Article or the rules, or to deny a license to
35 any applicant that fails to meet the standards or the rules. These
36 revocations and denials shall be done in accordance with the
37 procedures set out in G.S. 150B and this Article and rules adopted by
38 the Commission.

39 (6) To prosecute or defend on behalf of the State, through the office of the
40 Attorney General, any legal actions arising out of the administration or
41 enforcement of this Article.

42 (7) To promote and coordinate educational programs and materials for
43 operators of child care facilities which are designed to improve the
44 quality of child care available in the State, using the resources of other

- 1 State and local agencies and educational institutions where
2 appropriate.
- 3 (8) Repealed by Session Laws 1997-506, s. 5.
- 4 (9) To levy a civil penalty pursuant to G.S. 110-103.1, or an
5 administrative penalty pursuant to G.S. 110-102.2, or to order
6 summary suspension of a license. These actions shall be done in
7 accordance with the procedures set out in G.S. 150B and this Article
8 and rules adopted by the Commission.
- 9 (10) To issue final agency decisions in all G.S. 150B contested cases
10 proceedings filed as a result of actions taken under this Article
11 including, but not limited to the denial, revocation, or suspension of a
12 license or the levying of a civil or administrative penalty.
- 13 (11) To issue a license to any child care arrangement that does not meet the
14 definition of child care facility in G.S. 110-86 whenever the operator
15 of the arrangement chooses to comply with the requirements of this
16 Article and the rules adopted by the Commission and voluntarily
17 applies for a child care facility license. The Commission shall adopt
18 rules for the issuance or removal of the licenses."

19 **SECTION 2.** This act becomes effective October 1, 2005.