

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS35591-LU-153B\* (5/15)

Short Title: Dept of Defense/Cert. Child Care Facility.

(Public)

Sponsors: Senator Brown.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING UNITED STATES DEPARTMENT OF DEFENSE  
CERTIFIED CHILD CARE FACILITIES TO BE LICENSED BY THE NORTH  
CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND  
ALLOWING DEPARTMENT OF DEFENSE CERTIFIED CHILD CARE  
FACILITIES TO PARTICIPATE IN THE STATE SUBSIDIZED CHILD CARE  
PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7 of Chapter 110 of the General Statutes is amended by  
adding a new section to read:

**"§ 110-106.2. Department of Defense certified child care facilities.**

(a) As used in this section, the phrase 'Department of Defense certified child care facility' shall include child development centers, family child care homes, and school-aged child care facilities operated aboard a military installation under the authorization of the United States Department of Defense (Department of Defense) certified by the Department of Defense.

(b) Procedure Regarding Department of Defense Certified Child Care Facilities.

(1) Department of Defense certified child care facilities shall file with the Department a notice of intent to operate a child care facility in a form determined by the Department of Defense. The Department shall then issue a North Carolina child care license to the Department of Defense certified child care facility.

(2) As part of its notice, each Department of Defense certified child care facility shall file a report to the Department indicating that it meets the minimum standards for child care facilities as provided by the Department of Defense.

- 1           (3)    The Department shall deem all Department of Defense rules and  
2           regulations for Department of Defense certified child care facilities  
3           equivalent to the provisions of this Article and rules adopted by the  
4           Commission. As such, Department of Defense certified child care  
5           facilities shall not be subject to regulation by the Department or  
6           subject to the provisions of this Article or rules adopted by the  
7           Commission, including inspections conducted by the Secretary or the  
8           Secretary's designee or other State or local regulatory divisions.
- 9           (4)    The Department shall rate Department of Defense certified child care  
10          facilities that have achieved accreditation by the National Association  
11          of Education for Young Children, the National Association of Family  
12          Child Care, or the National AfterSchool Association as five-star-rated  
13          child care facilities. The Department shall rate Department of Defense  
14          certified child care facilities that do not possess current accreditation  
15          status from one of the entities listed in this subdivision as four-star-  
16          rated child care facilities.
- 17          (5)    Child care facilities certified by the Department of Defense shall not  
18          be subject to a provisional license or one-star rating upon receiving  
19          Department of Defense certification.
- 20          (6)    Teachers employed by Department of Defense certified child care  
21          facilities who have successfully completed the Department of Defense  
22          Child Care Training Modules shall be qualified and recognized as lead  
23          teachers by equivalency upon submission of an Education and  
24          Equivalency form to the Workforce Section of the Division of Child  
25          Development.
- 26          (7)    Administrators employed by Department of Defense certified child  
27          care facilities shall be qualified as Level III child care administrators  
28          by equivalency upon submission of an Education and Equivalency  
29          form to the Workforce Section of the Division of Child Development.
- 30          (8)    The Department shall not assess a Department of Defense certified  
31          child care facility operating with a North Carolina child care license a  
32          fee for licensure or license renewal.
- 33          (9)    A revocation of Department of Defense certification shall result in  
34          termination of a North Carolina child care license. Revocations of  
35          Department of Defense certification shall be reported to the  
36          Department within 10 business days from the date of revocation."

37           **SECTION 2.** G.S. 143B-168.15(g) reads as rewritten:

38           "(g) Not less than thirty percent (30%) of the funds spent in each year of each  
39           local partnership's direct services allocation shall be used to expand child care subsidies.  
40           To the extent practicable, these funds shall be used to enhance the affordability,  
41           availability, and quality of child care services as described in this section. The North  
42           Carolina Partnership may increase this percentage requirement up to a maximum of fifty  
43           percent (50%) when, based upon a significant local waiting list for subsidized child  
44           care, the North Carolina Partnership determines a higher percentage is justified. Funds

1 allocated under this section shall supplement and not supplant any federal or State funds  
2 allocated to Department of Defense certified child care facilities licensed under  
3 G.S. 110-106.2."

4       **SECTION 3.** Department of Defense certified child care facilities licensed  
5 pursuant to G.S. 110-106.2, as enacted in Section 1 of this act, may participate in the  
6 State subsidized child care program that provides for the purchase of care in child care  
7 facilities for minor children in needy families; provided, that funds allocated from the  
8 State subsidized child care program to Department of Defense certified child care  
9 facilities shall supplement and not supplant funds allocated in accordance with  
10 G.S. 143B-168.15(g). Payment rates and fees for military families who choose  
11 Department of Defense certified child care facilities and who are eligible to receive  
12 subsidized child care shall be as determined by the General Assembly in the Current  
13 Operations Appropriations Act for the 2008-2009 fiscal year.

14       **SECTION 4.** There is appropriated from the General Fund to the  
15 Department of Health and Human Services, Division of Child Development, the sum of  
16 one million five hundred thousand dollars (\$1,500,000) for the 2008-2009 fiscal year for  
17 the purpose of child care subsidies paid to eligible military families using Department of  
18 Defense certified child care facilities under G.S. 110-106.2, enacted in Section 1 of this  
19 act, located aboard military installations in North Carolina.

20       **SECTION 5.** Section 4 of this act becomes effective July 1, 2008. The  
21 remainder of this act becomes effective January 1, 2009.