

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 2070*

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

(Public)

Sponsors: Senators Brown; and Preston.

Referred to: Health Care.

May 28, 2008

A BILL TO BE ENTITLED

1
2 AN ACT AUTHORIZING UNITED STATES DEPARTMENT OF DEFENSE
3 CERTIFIED CHILD CARE FACILITIES TO BE LICENSED BY THE NORTH
4 CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND
5 ALLOWING DEPARTMENT OF DEFENSE CERTIFIED CHILD CARE
6 FACILITIES TO PARTICIPATE IN THE STATE SUBSIDIZED CHILD CARE
7 PROGRAM.

8 The General Assembly of North Carolina enacts:

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

11 "**§ 110-106.2. Department of Defense certified child care facilities.**

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

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

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

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

27 (3) The Department shall deem all Department of Defense rules and
28 regulations for Department of Defense certified child care facilities
29 equivalent to the provisions of this Article and rules adopted by the

1 Commission. As such, Department of Defense certified child care
2 facilities shall not be subject to regulation by the Department or
3 subject to the provisions of this Article or rules adopted by the
4 Commission, including inspections conducted by the Secretary or the
5 Secretary's designee or other State or local regulatory divisions.

6 (4) The Department shall rate Department of Defense certified child care
7 facilities that have achieved accreditation by the National Association
8 of Education for Young Children, the National Association of Family
9 Child Care, or the National AfterSchool Association as five-star-rated
10 child care facilities. The Department shall rate Department of Defense
11 certified child care facilities that do not possess current accreditation
12 status from one of the entities listed in this subdivision as four-star-
13 rated child care facilities.

14 (5) Child care facilities certified by the Department of Defense shall not
15 be subject to a provisional license or one-star rating upon receiving
16 Department of Defense certification.

17 (6) Teachers employed by Department of Defense certified child care
18 facilities who have successfully completed the Department of Defense
19 Child Care Training Modules shall be qualified and recognized as lead
20 teachers by equivalency upon submission of an Education and
21 Equivalency form to the Workforce Section of the Division of Child
22 Development.

23 (7) Administrators employed by Department of Defense certified child
24 care facilities shall be qualified as Level III child care administrators
25 by equivalency upon submission of an Education and Equivalency
26 form to the Workforce Section of the Division of Child Development.

27 (8) The Department shall not assess a Department of Defense certified
28 child care facility operating with a North Carolina child care license a
29 fee for licensure or license renewal.

30 (9) A revocation of Department of Defense certification shall result in
31 termination of a North Carolina child care license. Revocations of
32 Department of Defense certification shall be reported to the
33 Department within 10 business days from the date of revocation."

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

35 "(g) Not less than thirty percent (30%) of the funds spent in each year of each
36 local partnership's direct services allocation shall be used to expand child care subsidies.
37 To the extent practicable, these funds shall be used to enhance the affordability,
38 availability, and quality of child care services as described in this section. The North
39 Carolina Partnership may increase this percentage requirement up to a maximum of fifty
40 percent (50%) when, based upon a significant local waiting list for subsidized child
41 care, the North Carolina Partnership determines a higher percentage is justified. Funds
42 allocated under this section shall supplement and not supplant any federal or State funds
43 allocated to Department of Defense certified child care facilities licensed under
44 G.S. 110-106.2."

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

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

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