

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 956
Committee Substitute Favorable 5/3/91

Short Title: Corporal Punishment Ban/Day-Care.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO BAN CORPORAL PUNISHMENT IN DAY-CARE PROGRAMS
3 OTHER THAN CHURCH DAY-CARE PROGRAMS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 110-91(10) reads as rewritten:

6 "(10) Each operator or staff member shall truly and honestly show each
7 child in ~~his~~that person's care true love, devotion and tender care.

8 Each day-care facility shall have a written policy on discipline,
9 ~~which policy describes~~describing the methods and practices used to
10 discipline children enrolled in that facility. This written policy shall be
11 discussed with, and a copy given to, each child's parent prior to the
12 first time the child attends the facility. Subsequently, any change in
13 discipline methods or practices shall be communicated in writing to
14 the parents prior to the effective date of the change.

15 The use of corporal punishment as a form of discipline is
16 prohibited in day-care facilities and may not be used by any operator
17 or staff member of any day-care facility, except that corporal
18 punishment may be used in church day-care facilities as defined in
19 G.S. 110-106, only if (i) the church day-care facility files with the
20 Department a notice stating that corporal punishment is part of the
21 religious training of its program, and (ii) the church day-care facility
22 clearly states in its written policy of discipline that corporal
23 punishment is part of the religious training of its program. The written

1 policy on discipline of nonchurch day-care facilities shall clearly state
2 the prohibition on corporal punishment."

3 Sec. 2. G.S. 110-101 reads as rewritten:

4 **"§ 110-101. Registration; minimum standards for child day care homes.**

5 It shall be unlawful for any person to operate a day care home unless ~~such~~ the day
6 care home is registered with the Department in accordance with the requirements for
7 registration adopted by the Commission. The person who is registered shall be the
8 individual who is on site providing care. A registration certificate shall be issued and
9 remain valid for a two-year period unless revoked, suspended or modified. Each home
10 shall display its current registration certificate in a prominent place. The registration
11 certificate shall remain the property of the State. Day care homes shall comply with the
12 reasonable minimum standards for health, safety, and sanitation adopted by the
13 Commission. Each day care home shall be located in a residence or other building
14 which meets the requirements of the North Carolina Building Code under standards
15 developed by the Building Code Council in consultation with the Division of Facility
16 Services, and subject to adoption by the Commission, specifically for day care homes.

17 The use of corporal punishment as a form of discipline is prohibited and may not be
18 used by any operator or staff person of any day care home, except that corporal
19 punishment may be used in day care homes that are religious sponsored child day care
20 homes under G.S. 110-106.1, only if the day care home files with the Department a
21 notice stating that corporal punishment is part of the religious training of its program."

22 Sec. 3. This act becomes effective October 1, 1991.