

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1384\*  
Second Edition Engrossed 6/22/94

Short Title: Amend Early Childhd. Initiatives.

(Public)

Sponsors: Senators Winner of Mecklenburg, Allran, Conder, Edwards, Walker, Ward;  
and Gunter.

Referred to: Children and Human Resources.

May 25, 1994

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE JOINT LEGISLATIVE  
2 OVERSIGHT COMMITTEE ON EARLY CHILDHOOD EDUCATION AND  
3 DEVELOPMENT INITIATIVES TO CHANGE THE SELECTION PROCESS  
4 FOR LOCAL DEMONSTRATION PROJECTS, TO ALLOW THE  
5 DEPARTMENT OF HUMAN RESOURCES TO DELEGATE CONTRACTING  
6 AUTHORITY TO LOCAL PARTNERSHIPS, THE NORTH CAROLINA  
7 PARTNERSHIP FOR CHILDREN, INC., OR A PUBLIC OR GOVERNMENTAL  
8 ENTITY, TO REQUIRE LOCAL PARTNERSHIPS TO BE NEWLY FORMED  
9 ORGANIZATIONS, TO CLARIFY THE USE OF STATE FUNDS BY LOCAL  
10 PARTNERSHIPS, TO PROVIDE THAT STATE FUNDS SHALL NOT  
11 SUPPLANT CURRENT EXPENDITURES BY COUNTIES ON BEHALF OF  
12 YOUNG CHILDREN AND THEIR FAMILIES, AND TO MAKE TECHNICAL  
13 CHANGES TO THE LAW GOVERNING THE EARLY CHILDHOOD  
14 INITIATIVES.  
15

16 The General Assembly of North Carolina enacts:

17 Section 1. Part 10B of Article 3 of Chapter 143B of the General Statutes  
18 reads as rewritten:

19 **"PART 10B. EARLY CHILDHOOD INITIATIVES.**

20 **"§ 143B-168.10. Early childhood initiatives; findings.**

21 The General Assembly finds, upon consultation with the Governor, that every child  
22 can benefit from, and should have access to, high-quality early childhood education and

1 development services. The economic future and well-being of the State depend upon it.  
2 To ensure that all children have access to quality early childhood education and  
3 development services, the General Assembly further finds that:

- 4 (1) Parents have the primary duty to raise, educate, and transmit values to  
5 young preschool children;
- 6 (2) The State can assist parents in their role as the primary caregivers and  
7 educators of young preschool children; and
- 8 (3) There is a need to explore innovative approaches and strategies for  
9 aiding parents and families in the education and development of young  
10 preschool children.

11 **"§ 143B-168.11. Early childhood initiatives; intent; ~~North Carolina Partnership for~~**  
12 **~~Children, Inc.~~ purpose; definitions.**

13 ~~(a) It is the intent of~~ The purpose of this Part is to establish a framework whereby the  
14 General Assembly, upon consultation with the Governor, to ~~may~~ support through  
15 financial and other means, the North Carolina Partnership for Children, Inc., a nonprofit  
16 corporation which has as its mission ~~Inc. and comparable local partnerships, which have as~~  
17 their missions ~~the development of a comprehensive, long-range strategic plan for early~~  
18 childhood development and the provision, through public and private means, of high-  
19 quality early childhood education and development services for children and families.  
20 It is the intent of the General Assembly that communities be given the maximum  
21 flexibility and discretion practicable in developing their plans.

22 (b) The following definitions apply in this Part:

- 23 (1) Board of Directors. – The Board of Directors of the North Carolina  
24 Partnership for Children, Inc.
- 25 (2) Department. – The Department of Human Resources.
- 26 (3) Local Partnership. – A local, private, nonprofit 501(c) organization  
27 established to coordinate a local demonstration project under this Part.
- 28 (4) North Carolina Partnership. – The North Carolina Partnership for  
29 Children, Inc.
- 30 (5) Secretary. – The Secretary of Human Resources.

31 **"§ 143B-168.12. ~~Early childhood initiatives; North Carolina Partnership for~~**  
32 **~~Children, Inc.; conditions; powers and duties; local demonstration~~**  
33 **~~projects; statewide needs and resource assessment; rule making;~~**  
34 **~~reporting requirements.~~**

35 ~~(a) As a condition for receiving funds appropriated to the North Carolina~~  
36 ~~Partnership for Children, Inc., members of the Board of Directors of the North Carolina~~  
37 ~~Partnership for Children, Inc., shall consist of four ex officio members and 29 appointed~~  
38 ~~members. The four ex officio members shall be the Secretary of the Department of~~  
39 ~~Human Resources, the Secretary of the Department of Environment, Health, and~~  
40 ~~Natural Resources, the Superintendent of Public Instruction, and the President of the~~  
41 ~~Department of Community Colleges. The appointed members shall be appointed as~~  
42 ~~follows: six by the Speaker of the House of Representatives, six by the President Pro~~  
43 ~~Tempore of the Senate, and 17 by the Governor. Each of the members appointed by the~~  
44 ~~President Pro Tempore of the Senate shall reside in a separate one of the following~~

1 congressional districts: 1st, 3rd, 5th, 7th, 9th, and 11th. Each of the members appointed  
2 by the Speaker of the House of Representatives shall reside in a separate one of the  
3 following congressional districts: 2nd, 4th, 6th, 8th, 10th, and 12th. Four of the  
4 members appointed by the Governor shall be members of the party other than the  
5 Governor's party.

6 As a further condition for receiving funding, the North Carolina Partnership for  
7 Children, Inc., shall agree that it shall adopt procedures for its operations that are  
8 comparable to those of Article 33C of Chapter 143 of the General Statutes, the Open  
9 Meetings Law, and Chapter 132 of the General Statutes, the Public Records Law, and  
10 provide for enforcement by the Department. The corporation shall be subject to audit  
11 and review by the State Auditor pursuant to Article 5A of Chapter 147 of the General  
12 Statutes. The State Auditor shall conduct annual financial and compliance audits of the  
13 corporation.

14 (b) As a condition for receiving funding appropriated to it, the North Carolina  
15 Partnership for Children, Inc., shall oversee the development and implementation of 12  
16 local demonstration projects. Each demonstration project shall be coordinated by a new  
17 local, private, nonprofit 501(c)(3) organization responsible for developing a  
18 comprehensive, collaborative, long range plan of services to children and families in the  
19 service delivery area. The board of directors of each local nonprofit organization shall  
20 consist of members including representatives of public and private nonprofit health and  
21 human service agencies, day care providers, the business community, foundations,  
22 county and municipal governments, local education units, and families. The  
23 Department of Human Resources, in cooperation with the North Carolina Partnership  
24 for Children, Inc., may specify in its requests for applications the local agencies that  
25 shall be represented on the Board.

26 As a further condition for receiving funding, these local nonprofit organizations shall  
27 agree that they shall adopt procedures for their operations that are comparable to those  
28 of Article 33C of Chapter 143 of the General Statutes, the Open Meetings Law, and  
29 Chapter 132 of the General Statutes, the Public Records Law, and provide for  
30 enforcement by the Department. The organizations shall be subject to audit and review  
31 by the State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes. The  
32 State Auditor shall conduct annual financial and compliance audits of the organizations.

33 The Department of Human Resources shall develop a statewide process, in  
34 cooperation with the North Carolina Partnership for Children, Inc., to select the local  
35 demonstration projects. The 12 local demonstration projects developed and  
36 implemented shall be located in the 12 congressional districts, one to a district.

37 An existing local, private, nonprofit 501(c)(3) organization in the community may  
38 apply to serve as the coordinator of a demonstration project if the governance of the  
39 project meets the objective of decision making by a broad range of public and private  
40 health and human services providers.

41 (c) Funds appropriated to be allocated to the local demonstration projects for  
42 services to children and families shall be used to expand coverage and improve the  
43 quality of services. These funds shall not be allocated to any local demonstration  
44 project until the Secretary of the Department of Human Resources, upon

1 recommendation of the North Carolina Partnership for Children, Inc., has approved this  
2 local allocation. All local plans shall be approved by the Secretary.

3 ~~(d) Funds appropriated to support the local strategic planning process and  
4 activities of the North Carolina Partnership for Children, Inc., the local nonprofit  
5 organizations, and start-up and related activities shall be available for these purposes  
6 upon the effective date of enactment of this Part.~~

7 ~~(e) Communities shall be given the maximum flexibility and discretion  
8 practicable in developing their plans. Depending on local, regional, or statewide needs,  
9 funds may be used to support activities and services that shall be made available and  
10 accessible to providers, children, and families on a voluntary basis. These activities and  
11 services may include:~~

12 ~~(1) Child day care services, including:~~

13 ~~a. Start-up funding for day care providers;~~

14 ~~b. Assistance to enable child day care providers to conform to  
15 licensing and building code requirements;~~

16 ~~c. Needs and resources assessments for child day care services;~~

17 ~~d. Child day care resources and referral services;~~

18 ~~e. Enhancement of the quality of child day care provided;~~

19 ~~f. Technical assistance for child day care providers; and~~

20 ~~g. Evaluation of plan implementation of child day care services;~~

21 ~~(2) Family and child centered services, including early childhood  
22 education and child development services, including:~~

23 ~~a. Enhancement of the quality of family and child centered  
24 services provided;~~

25 ~~b. Technical assistance for family and child centered services;~~

26 ~~c. Needs and resource assessments for family and child centered  
27 services;~~

28 ~~d. Home centered services; and~~

29 ~~e. Evaluation of plan implementation of family and child-  
30 centered services; and~~

31 ~~(3) Other appropriate activities and services for child day care providers  
32 and for family and child centered services, including:~~

33 ~~a. Staff and organizational development, leadership and  
34 administrative development, technology assisted education, and  
35 long range planning; and~~

36 ~~b. Procedures to ensure that infants and young children receive  
37 needed health, immunization, and related services.~~

38 ~~(f) The Department of Human Resources, in cooperation with the North Carolina  
39 Partnership for Children, Inc., shall develop a needs and resource assessment for each  
40 county. Of the funds appropriated to it to implement this Part, the Department may  
41 make available funds to each county for one year to an appropriate private nonprofit  
42 entity or to the county to perform this assessment.~~

43 ~~(g) The Department of Human Resources, in cooperation with the North Carolina  
44 Partnership for Children, Inc., shall adopt any rules necessary to implement this section,~~

1 including rules to ensure that no State funds or local funds used to supplant these State  
2 funds shall be used for personnel sick leave and annual leave benefits not allowed to  
3 State employees.

4 (h) The Department of Human Resources shall report (i) quarterly to the Joint  
5 Legislative Commission on Governmental Operations and (ii) to the General Assembly  
6 and the Governor by April 1, 1994, and by March 1, 1995, on the ongoing results of all  
7 the local demonstration projects' work, including all details of the use to which the  
8 allocations were put, and on the continuing plans of the North Carolina Partnership for  
9 Children, Inc., and of the Department of Human Resources, together with legislative  
10 proposals, including proposals to implement the program statewide.

11 **"§ 143B-168.12. North Carolina Partnership for Children, Inc.; conditions.**

12 (a) In order to receive State funds, the following conditions shall be met:

13 (1) Members of the Board of Directors shall consist of the following 33  
14 members:

15 a. The Secretary of Human Resources, ex officio;

16 b. The Secretary of Environment, Health, and Natural Resources,  
17 ex officio;

18 c. The Superintendent of Public Instruction, ex officio;

19 d. The President of the Department of Community Colleges, ex  
20 officio;

21 e. One resident from each of the 1st, 3rd, 5th, 7th, 9th, and 11th  
22 Congressional Districts, appointed by the President Pro  
23 Tempore of the Senate;

24 f. One resident from each of the 2nd, 4th, 6th, 8th, 10th, and 12th  
25 Congressional Districts, appointed by the Speaker of the House  
26 of Representatives; and

27 g. Seventeen members, of whom four shall be members of the  
28 party other than the Governor's party, appointed by the  
29 Governor.

30 (2) The North Carolina Partnership shall agree to adopt procedures for its  
31 operations that are comparable to those of Article 33C of Chapter 143  
32 of the General Statutes, the Open Meetings Law, and Chapter 132 of  
33 the General Statutes, the Public Records Law, and provide for  
34 enforcement by the Department.

35 (3) The North Carolina Partnership shall oversee the development and  
36 implementation of the local demonstration projects as they are  
37 selected.

38 (b) The North Carolina Partnership shall be subject to audit and review by the  
39 State Auditor under Article 5A of Chapter 147 of the General Statutes. The State  
40 Auditor shall conduct annual financial and compliance audits of the North Carolina  
41 Partnership.

42 **"§ 143B-168.13. Implementation of program; duties of Department and Secretary.**

43 (a) The Department shall:

- 1           (1)    Develop a statewide process, in cooperation with the North Carolina  
2           Partnership, to select the local demonstration projects. The first 12  
3           local demonstration projects developed and implemented shall be  
4           located in the 12 congressional districts, one to a district. The  
5           locations of subsequent selections of local demonstration projects shall  
6           represent the various geographic areas of the State.
- 7           (2)    Develop, in cooperation with the North Carolina Partnership, a needs  
8           and resource assessment for each county. Of the funds appropriated to  
9           it to implement this Part, the Department may make available funds to  
10          each county for one year to an appropriate private nonprofit entity or  
11          to the county to perform this assessment.
- 12          (3)    Provide technical and administrative assistance to local partnerships,  
13          particularly during the first year after they are selected under this Part  
14          to receive State funds. The Department, at any time, may authorize the  
15          North Carolina Partnership or a governmental or public entity to do the  
16          contracting for one or more local partnerships. After a local  
17          partnership's first year, the Department may allow the partnership to  
18          contract for itself.
- 19          (4)    Adopt, in cooperation with the North Carolina Partnership, any rules  
20          necessary to implement this Part, including rules to ensure that no  
21          State funds or local funds used to supplant these State funds shall be  
22          used for personnel sick leave and annual leave benefits not allowed to  
23          State employees. In order to allow local partnerships to focus on the  
24          development of long-range plans in their initial year of funding, the  
25          Department may adopt rules that limit the categories of direct services  
26          for young children and their families for which funds are made  
27          available during the initial year.
- 28          (5)    Report (i) quarterly to the Joint Legislative Commission on  
29          Governmental Operations and (ii) to the General Assembly and the  
30          Governor by April 1, 1994, and by March 1, 1995, on the ongoing  
31          results of all the local demonstration projects' work, including all  
32          details of the use to which the allocations were put, and on the  
33          continuing plans of the North Carolina Partnership and of the  
34          Department, together with legislative proposals, including proposals to  
35          implement the program statewide.

36          (b)    The Secretary shall approve, upon recommendation of the North Carolina  
37          Partnership, all allocations of State funds to local demonstration projects. The Secretary  
38          also shall approve all local plans.

39          **§ 143B-168.14. Local partnerships; conditions.**

40          (a)    In order to receive State funds, the following conditions shall be met:

- 41               (1)    Each local demonstration project shall be coordinated by a new local  
42               partnership responsible for developing a comprehensive, collaborative,  
43               long-range plan of services to children and families in the service-  
44               delivery area. The board of directors of each local partnership shall

1 consist of members including representatives of public and private  
2 nonprofit health and human service agencies, day care providers, the  
3 business community, foundations, county and municipal governments,  
4 local education units, and families. The Department, in cooperation  
5 with the North Carolina Partnership, may specify in its requests for  
6 applications the local agencies that shall be represented on a local  
7 board of directors. No existing local, private, nonprofit 501(c)(3)  
8 organization, other than one established on or after July 1, 1993, and  
9 that meets the guidelines for local partnerships as established under  
10 this Part, shall be eligible to apply to serve as the local partnership for  
11 the purpose of this Part.

12 (2) Each local partnership shall agree to adopt procedures for its  
13 operations that are comparable to those of Article 33C of Chapter 143  
14 of the General Statutes, the Open Meetings Law, and Chapter 132 of  
15 the General Statutes, the Public Records Law, and provide for  
16 enforcement by the Department.

17 (3) Each local partnership shall adopt procedures to ensure that all  
18 personnel who provide services to young children and their families  
19 under this Part know and understand their responsibility to report  
20 suspected child abuse, neglect, or dependency, as defined in G.S. 7A-  
21 517.

22 (b) Each local partnership shall be subject to audit and review by the State  
23 Auditor under Article 5A of Chapter 147 of the General Statutes. The State Auditor  
24 shall conduct annual financial and compliance audits of the local partnerships.

25 **§ 143B-168.15. Use of State funds.**

26 (a) State funds allocated to local projects for services to children and families  
27 shall be used to meet assessed needs, expand coverage, and improve the quality of these  
28 services. The local plan shall address the assessed needs of all children to the extent  
29 feasible. It is the intent of the General Assembly that the needs of young children below  
30 poverty who remain in the home, as well as the needs of young children below poverty  
31 who require services beyond those offered in child care settings, be addressed.  
32 Therefore, as local partnerships address the assessed needs of all children, they should  
33 devote an appropriate amount of their State allocations, considering these needs and  
34 other available resources, to meet the needs of children below poverty and their  
35 families.

36 (b) Depending on local, regional, or Statewide needs, funds may be used to  
37 support activities and services that shall be made available and accessible to providers,  
38 children, and families on a voluntary basis. These activities and services may include:

39 (1) Child day care services, including:

40 a. Start-up funding for day care providers;

41 b. Assistance to enable child day care providers to conform to  
42 licensing and building code requirements;

43 c. Needs and resources assessments for child day care services;

44 d. Child day care resources and referral services;

- 1                   e.     Enhancement of the quality of child day care provided;  
2                   f.     Technical assistance for child day care providers;  
3                   g.     Evaluation of plan implementation of child day care services;  
4                   h.     Raising the county child day care subsidy rate to the State  
5                         market rate, if applicable, in return for improvements in the  
6                         quality of child day care services; and  
7                   i.     Raising the income eligibility for child day care subsidies up to  
8                         seventy-five percent (75%) of the State median family income.  
9           (2)     Family- and child-centered services, including early childhood  
10                   education and child development services, including:  
11                   a.     Enhancement of the quality of family- and child-centered  
12                         services provided;  
13                   b.     Technical assistance for family- and child-centered services;  
14                   c.     Needs and resource assessments for family- and child-centered  
15                         services;  
16                   d.     Home-centered services; and  
17                   e.     Evaluation of plan implementation of family- and child-  
18                         centered services; and  
19           (3)     Other appropriate activities and services for child day care providers  
20                   and for family- and child-centered services, including:  
21                   a.     Staff and organizational development, leadership and  
22                         administrative development, technology assisted education, and  
23                         long-range planning; and  
24                   b.     Procedures to ensure that infants and young children receive  
25                         needed health, immunization, and related services.  
26           (c)     Long-term plans for local projects that do not receive their full allocation in  
27                   the first year, other than those selected in 1993, should consider how to meet the  
28                   assessed needs of low-income children and families within their neighborhoods or  
29                   communities. These plans also should reflect a process to meet these needs as  
30                   additional allocations and other resources are received.  
31           (d)     State funds designated by the Secretary for start-up and related activities may  
32                   be used for capital expenses or to support activities and services for children, families,  
33                   and providers. State funds designated by the Secretary to support activities and services  
34                   for children, families, and providers shall not be used for major capital expenses unless  
35                   the Secretary approves this use of State funds based upon a finding that a local  
36                   partnership has demonstrated that (i) this use is a clear priority need for the local plan,  
37                   (ii) it is necessary to enable the local partnership to provide services and activities to  
38                   underserved children and families, and (iii) the local partnership will not otherwise be  
39                   able to meet this priority need by using State or federal funds available to that county.  
40           (e)     State funds allocated to local partnerships shall not supplant current  
41                   expenditures by counties on behalf of young children and their families, and  
42                   maintenance of current efforts on behalf of these children and families shall be  
43                   sustained. State funds shall not be applied without the Secretary's approval where State



1 or federal funding sources, such as Head Start, are available or could be made available  
2 to that county.

3 **"§ 143B-168.16. Home-centered services; consent.**

4 No home-centered services including home visits or in-home parenting training shall  
5 be allowed under this Part unless the written, informed consent of the participating  
6 parents authorizing the home-centered services is first obtained by the local partnership,  
7 educational institution, local school administrative unit, private school, not-for-profit  
8 organization, governmental agency, or other entity that is conducting the parenting  
9 program. The participating parents may revoke at any time their consent for the home-  
10 centered services.

11 The consent form shall contain a clear description of the program including (i) the  
12 activities and information to be provided by the program during the home visits, (ii) the  
13 number of expected home visits, (iii) any responsibilities of the parents, (iv) the fact, if  
14 applicable, that a record will be made and maintained on the home visits, (v) the fact  
15 that the parents may revoke at any time the consent, and (vi) any other information as  
16 may be necessary to convey to the parents a clear understanding of the program. At the  
17 time the consent form is signed, the provider of the home-centered services shall  
18 provide in writing, and shall explain, a child abuse and neglect prevention statement that  
19 includes information on recognizing, preventing, and reporting child abuse and neglect.

20 Parents at all times shall have access to any record maintained on home-centered  
21 services provided to their family and may place in that record a written response to any  
22 information with which they disagree that is in the record."

23 Sec. 2. This act is effective upon ratification.