

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1045

Short Title: Child Care Credential Exemptions.

(Public)

Sponsors: Representative Moore.

Referred to: Children, Youth and Families.

April 14, 1999

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT CERTAIN EXPERIENCED CHILD CARE
2 ADMINISTRATORS AND LEAD TEACHERS FROM BEING REQUIRED TO
3 HAVE A NORTH CAROLINA CREDENTIAL; AND TO MAKE TECHNICAL
4 CORRECTIONS.
5

6 The General Assembly of North Carolina enacts:

7 Section 1.(a) The first paragraph of G.S. 110-91 is recodified as subsection (a).
8 The caption for this recodified subsection is "General Applicability."

9 Section 1.(b) Subdivisions (1) through (14) of G.S. 110-91 are recodified as
10 subsections (b) through (o).

11 Section 1.(c) The caption for subsection (k), as recodified by this section, is
12 "Discipline."

13 Section 1.(d) The caption for subsection (o), as recodified by this section, is
14 "False Information."

15 Section 2. G.S. 110-91(i), as recodified by Section 1 of this act, reads as
16 rewritten:

17 "(i) Qualifications for Staff. –

18 (1) Administrators of child care centers. – All child care center
19 administrators shall be at least 21 years of age. All child care center
20 administrators shall ~~have~~ obtain the North Carolina Early Childhood

1 Administration Credential or its equivalent as determined by the
2 Department. An individual is exempt from this requirement when all of
3 the following apply:

- 4 a. The individual has continuously served as a child care
5 administrator in the same child care center since September 1,
6 1989, or in two different child care centers since September 1,
7 1984.
- 8 b. The child care center that the individual has directed has had no
9 major rule violations and no instances of substantiated abuse or
10 neglect during the time that the individual served as child care
11 administrator at any child care center.

12 This exemption no longer applies when the child care administrator
13 changes employment to a different child care center. All child care
14 administrators performing administrative duties as of the date this act
15 becomes law and child care administrators who assume administrative duties
16 at any time after this act becomes law and until September 1, 1998, who are
17 not exempted from the credentialing requirement under this subdivision
18 shall obtain the required credential by September 1, 2000. Child care
19 administrators who assume administrative duties after September 1,
20 1998, shall begin working toward the completion of the North Carolina
21 Early Childhood Administration Credential or its equivalent within six
22 months after assuming administrative duties and shall complete the
23 credential or its equivalent within two years after beginning work to
24 complete the credential. Each child care center shall be under the
25 direction or supervision of a person meeting these requirements. All staff
26 counted toward meeting the required staff-child ratio shall be at least 16 years
27 of age, provided that persons younger than 18 years of age work under the
28 direct supervision of a credentialed staff person who is at least 21 years of
29 age.

30 (2) Lead teachers in child care centers. – All lead teachers in a child care
31 center shall ~~have~~ obtain at least a North Carolina Early Childhood
32 Credential or its equivalent as determined by the Department. An
33 individual is exempt from this requirement when all of the following
34 apply:

- 35 a. The individual has continuously served as a lead teacher at the
36 same child care center since September 1, 1989, or two different
37 child care centers since September 1, 1984.
- 38 b. There have been no major rule violations and no instances of
39 substantiated abuse or neglect during the course of the
40 individual's employment at any child care center that employed
41 the individual.

42 This exemption no longer applies when the lead teacher changes
43 employment to a different child care center. Lead teachers who are not

1 exempted from the credentialing requirement under this subdivision
2 shall be enrolled in the North Carolina Early Childhood Credential
3 coursework or its equivalent as determined by the Department within
4 six months after becoming employed as a lead teacher or within six
5 months after this act becomes law, whichever is later, and shall
6 complete the credential or its equivalent within 18 months after
7 enrollment.

8 (3) Age of staff at child care centers. – All staff counted toward meeting the
9 required staff-child ratio shall be at least 16 years of age, provided that
10 persons younger than 18 years of age work under the direct supervision
11 of a credentialed staff person who is at least 21 years of age.

12 (4) Categories of staff at child care centers. – For child care centers licensed
13 to care for 200 or more children, the Department, in collaboration with
14 the North Carolina Institute for Early Childhood Professional
15 Development, shall establish categories to recognize the levels of
16 education achieved by child care center administrators and teachers who
17 perform administrative functions. The Department shall use these
18 categories to establish appropriate staffing based on the size of the
19 center and the individual staff responsibilities.

20 (5) Staff standards at child care centers. – The Commission shall adopt
21 standards to establish appropriate qualifications for all other staff in
22 child care centers. These standards shall reflect training, experience,
23 education, and credentialing and shall be appropriate for the size center
24 and the level of individual staff responsibilities. It is the intent of this
25 provision to guarantee that all children in child care are cared for by
26 qualified people. No requirements may interfere with the teachings or
27 doctrine of any established religious organization.

28 (6) Operators of family child care homes. – Effective January 1, 1998, an
29 operator of a licensed family child care home shall be at least 21 years
30 old and have a high school diploma or its equivalent. Operators of a
31 family child care home licensed prior to January 1, 1998, shall be at
32 least 18 years of age and literate. ~~Literate is defined as~~ As used in this
33 subdivision, 'literate' means understanding licensing requirements and
34 having the ability to communicate with the family of the child and
35 relevant emergency personnel. Any operator of a licensed family child
36 care home shall be the person on-site providing child care.

37 (7) Ineligibility for employment in a child care facility. – No person shall be
38 an operator of nor be employed in a child care facility who has been
39 convicted of a crime involving child neglect, child abuse, or moral
40 turpitude, or who is an habitually excessive user of alcohol or who
41 illegally uses narcotic or other impairing drugs, or who is mentally or
42 emotionally impaired to an extent that may be injurious to children.

1 ~~The Commission shall adopt standards to establish appropriate qualifications for all~~
2 ~~other staff in child care centers. These standards shall reflect training, experience,~~
3 ~~education and credentialing and shall be appropriate for the size center and the level of~~
4 ~~individual staff responsibilities. It is the intent of this provision to guarantee that all~~
5 ~~children in child care are cared for by qualified people. No requirements may interfere~~
6 ~~with the teachings or doctrine of any established religious organization."~~

7 Section 3. G.S. 110-106(c) reads as rewritten:

8 "~~(c) G.S. 110-91(8), 110-91(11), 110-91(12)~~110-91(i), 110-91(l), and 110-91(m) do
9 not apply to religious sponsored child care facilities, and these facilities are exempt from
10 any requirements prescribed by subsection (b) of this section that arise out of these
11 provisions."

12 Section 4. G.S. 110-106(e) reads as rewritten:

13 "(e) Each religious sponsored child care facility shall be under the direction or
14 supervision of a literate person at least 21 years of age. All staff counted toward meeting
15 the required staff/child ratio shall be at least 16 years old, provided that persons younger
16 than 18 years old work under the direct supervision of a literate staff person at least 21
17 years old. Effective January 1, 1998, a person operating a religious sponsored child care
18 home must be at least 21 years old and literate. Persons operating religious sponsored
19 child care homes prior to January 1, 1998, shall be at least 18 years old and literate. The
20 definition of literate in G.S. ~~110-91(8)~~ shall apply 110-91(i) applies to this subsection."

21 Section 5. This act is effective when it becomes law.