

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 241*

Short Title: Child Care Law Corrections.

(Public)

Sponsors: Senators Phillips; Ballance, Cooper, Gulley, Hagan, Lee, Martin of Guilford, Metcalf, Perdue, Purcell, Rand, and Warren.

Referred to: Children & Human Resources.

March 4, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CORRECTIONS TO THE GENERAL STATUTES REGARDING
3 CHILD CARE AND TO REPEAL CERTAIN OTHER LAWS PERTAINING TO
4 CHILD CARE PROGRAM STANDARDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 110-88(2) reads as rewritten:

7 "(2) To require inspections by and satisfactory written reports from
8 representatives of local or State health agencies and fire and building
9 inspection agencies and from representatives of the Department prior to
10 the issuance of a license to any child care center."

11 Section 2. G.S. 110-91(4) reads as rewritten:

12 "(4) Building. – Each child care facility shall be located in a building which
13 meets the appropriate requirements of the North Carolina Building Code
14 under standards which shall be developed by the Building Code
15 Council, subject to adoption by the Commission specifically for child
16 care facilities, including facilities operated in a private residence. These
17 standards shall be consistent with the provisions of this Article. A local
18 building code enforcement officer shall approve any proposed alternate
19 material, design, or method of construction, provided the building code

1 enforcement officer finds that the alternate, for the purpose intended, is
2 at least the equivalent of that prescribed in the technical building codes
3 in quality, strength, effectiveness, fire resistance, durability, or safety. A
4 local building code enforcement officer shall require that sufficient
5 evidence or proof be submitted to substantiate any claim made
6 regarding the alternate. The Child Care Commission may request
7 changes to the Building Code to suit the special needs of preschool
8 children. Satisfactorily written reports from representatives of building
9 inspection agencies verifying that at the time of inspection current code
10 requirements are met shall be required prior to the issuance of ~~a license~~
11 ~~and an initial license,~~ whenever renovations are made to a child care
12 center, or when the operator requests licensure of space not previously
13 approved for child care."

14 Section 3. G.S. 110-91(8) reads as rewritten:

15 "(8) Qualifications for Staff. – All child care center administrators shall be at
16 least 21 years of age. All child care center administrators shall have the
17 North Carolina Early Childhood Administration Credential or its
18 equivalent as determined by the Department. All child care
19 administrators performing administrative duties as of the date this act
20 becomes law and child care administrators who assume administrative
21 duties at any time after this act becomes law and until September 1,
22 1998, shall obtain the required credential by September 1, 2000. Child
23 care administrators who assume administrative duties after September 1,
24 1998, shall begin working toward the completion of the North Carolina
25 Early Childhood Administration Credential or its equivalent within six
26 months after assuming administrative duties and shall complete the
27 credential or its equivalent within two years after beginning work to
28 complete the credential. Each child care center shall be under the
29 direction or supervision of a person meeting these requirements. All
30 staff counted toward meeting the required staff-child ratio shall be at
31 least 16 years of age, provided that persons younger than 18 years of
32 age work under the direct supervision of a ~~credentialed~~ staff person who
33 is at least 21 years of age. All lead teachers in a child care center shall
34 have at least a North Carolina Early Childhood Credential or its
35 equivalent as determined by the Department. Lead teachers shall be
36 enrolled in the North Carolina Early Childhood Credential coursework
37 or its equivalent as determined by the Department within six months
38 after becoming employed as a lead teacher or within six months after
39 this act becomes law, whichever is later, and shall complete the
40 credential or its equivalent within 18 months after enrollment.

41 For child care centers licensed to care for 200 or more children, the
42 Department, in collaboration with the North Carolina Institute for Early
43 Childhood Professional Development, shall establish categories to

1 recognize the levels of education achieved by child care center
2 administrators and teachers who perform administrative functions. The
3 Department shall use these categories to establish appropriate staffing
4 based on the size of the center and the individual staff responsibilities.

5 Effective January 1, 1998, an operator of a licensed family child care
6 home shall be at least 21 years old and have a high school diploma or its
7 equivalent. Operators of a family child care home licensed prior to
8 January 1, 1998, shall be at least 18 years of age and literate. Literate is
9 defined as understanding licensing requirements and having the ability
10 to communicate with the family and relevant emergency personnel. Any
11 operator of a licensed family child care home shall be the person on-site
12 providing child care.

13 No person shall be an operator of nor be employed in a child care
14 facility who has been convicted of a crime involving child neglect, child
15 abuse, or moral turpitude, or who is an habitually excessive user of
16 alcohol or who illegally uses narcotic or other impairing drugs, or who
17 is mentally or emotionally impaired to an extent that may be injurious to
18 children.

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

27 Section 4. G.S. 110-93 reads as rewritten:

28 **"§ 110-93. Application for a license.**

29 (a) Each person who seeks to operate a child care facility shall apply to the
30 Department for a license. The application shall be in the form required by the
31 Department. Each ~~operator~~ applicant seeking a license shall be responsible for supplying
32 with the application the necessary supporting data and reports to show conformity with
33 rules adopted by the Commission for Health Services pursuant to G.S. 110-91(1) and
34 with the standards established or authorized by this ~~Article~~, Article in effect at the time of
35 application, including any required reports from the local and district health departments,
36 local building inspectors, local firemen, voluntary firemen, and others, on forms which
37 shall be provided by the Department.

38 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
39 Health Services pursuant to G.S. 110-91(1) and with the standards established or
40 authorized by this Article at the time of application as shown in the application and other
41 supporting data, the Secretary shall issue a license that shall remain valid until the
42 Secretary notifies the licensee otherwise pursuant to G.S. 150B-3 or other provisions of
43 this Article, subject to suspension or revocation for cause as provided in this Article. If

1 the applicant fails to conform to the required rules and standards, the Secretary may issue
2 a provisional license under the policies of the Commission. The Department shall notify
3 the ~~operator~~ applicant in writing by registered or certified mail the reasons the Department
4 issued a provisional license.

5 (c) Repealed by Session Laws 1997-506, s. 10.

6 (d) Repealed by Session Laws 1977, c. 929, s. 1."

7 Section 5. G.S. 110-99(b) reads as rewritten:

8 "(b) A person who provides only drop-in or short-term child care as described in
9 ~~G.S. 110-86(2)(d)-110-86(2)(d), excluding drop-in or short-term child care provided in~~
10 churches, shall notify the Department that the person is providing only drop-in or short-
11 term child care. Any person providing only drop-in or short-term child care as described
12 in ~~G.S. 110-86(2)(d)-110-86(2)(d), excluding drop-in or short-term child care provided in~~
13 churches, shall display in a prominent place at all times a notice that the child care
14 arrangement is not required to be licensed and regulated by the Department and is not
15 licensed and regulated by the Department."

16 Section 6. Section 4(b) of S.L. 1997-506 is repealed.

17 Section 7. Section 28.3 of S.L. 1997-506 is repealed.

18 Section 8. This act becomes effective when it becomes law.