

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 241*

Children & Human Resources Committee Substitute Adopted 4/15/99

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Short Title: Child Care Law Corrections.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES
REGARDING CHILD CARE, TO REPEAL SECTION 4(B) OF S.L. 1997-506,
AND TO MAKE CHANGES REGARDING THE TRAINING MATERIALS THAT
MAY BE USED BY CHILD CARE FACILITIES.

The General Assembly of North Carolina enacts:

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

"(2) To require inspections by and satisfactory written reports from
representatives of local or State health ~~ageneies~~ and agencies, fire and
building inspection agencies ~~agencies~~, and from representatives of the
Department prior to the issuance of ~~a~~ an initial license to any child care
center."

Section 2. G.S. 110-91(8) reads as rewritten:

"(8) Qualifications for Staff. – All child care center administrators shall be at
least 21 years of age. All child care center administrators shall have the
North Carolina Early Childhood Administration Credential or its
equivalent as determined by the Department. All child care
administrators performing administrative duties as of the date this act

1 becomes law and child care administrators who assume administrative
2 duties at any time after this act becomes law and until September 1,
3 1998, shall obtain the required credential by September 1, 2000. Child
4 care administrators who assume administrative duties after September 1,
5 1998, shall begin working toward the completion of the North Carolina
6 Early Childhood Administration Credential or its equivalent within six
7 months after assuming administrative duties and shall complete the
8 credential or its equivalent within two years after beginning work to
9 complete the credential. Each child care center shall be under the
10 direction or supervision of a person meeting these requirements. All
11 staff counted toward meeting the required staff-child ratio shall be at
12 least 16 years of age, provided that persons younger than 18 years of
13 age work under the direct supervision of a ~~credentialed~~ staff person who
14 is at least 21 years of age. All lead teachers in a child care center shall
15 have at least a North Carolina Early Childhood Credential or its
16 equivalent as determined by the Department. Lead teachers shall be
17 enrolled in the North Carolina Early Childhood Credential coursework
18 or its equivalent as determined by the Department within six months
19 after becoming employed as a lead teacher or within six months after
20 this act becomes law, whichever is later, and shall complete the
21 credential or its equivalent within 18 months after enrollment.

22 For child care centers licensed to care for 200 or more children, the
23 Department, in collaboration with the North Carolina Institute for Early
24 Childhood Professional Development, shall establish categories to
25 recognize the levels of education achieved by child care center
26 administrators and teachers who perform administrative functions. The
27 Department shall use these categories to establish appropriate staffing
28 based on the size of the center and the individual staff responsibilities.

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

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

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

9 Section 3. G.S. 110-93 reads as rewritten:

10 **"§ 110-93. Application for a license.**

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

20 (b) If an ~~operator~~ applicant conforms to the rules adopted by the Commission for
21 Health Services pursuant to G.S. 110-91(1) and with the standards established or
22 authorized by this Article at the time of application as shown in the application and other
23 supporting data, the Secretary shall issue a license that shall remain valid until the
24 Secretary notifies the licensee otherwise pursuant to G.S. 150B-3 or other provisions of
25 this Article, subject to suspension or revocation for cause as provided in this Article. If
26 the applicant fails to conform to the required rules and standards, the Secretary may issue
27 a provisional license under the policies of the Commission. The Department shall notify
28 the ~~operator~~ applicant in writing by registered or certified mail the reasons the Department
29 issued a provisional license.

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

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

32 Section 4. G.S. 110-99(b) reads as rewritten:

33 "(b) A person who provides only drop-in or short-term child care as described in
34 G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided in
35 churches, shall notify the Department that the person is providing only drop-in or short-
36 term child care. Any person providing only drop-in or short-term child care as described
37 in G.S. ~~110-86(2)(d)~~ 110-86(2)(d), excluding drop-in or short-term child care provided in
38 churches, shall display in a prominent place at all times a notice that the child care
39 arrangement is not required to be licensed and regulated by the Department and is not
40 licensed and regulated by the Department."

41 Section 5. Section 4(b) of S.L. 1997-506 is repealed.

42 Section 6. G.S. 110-88 reads as rewritten:

43 **"§ 110-88. Powers and duties of the Commission.**

1 The Commission shall have the following powers and duties:

- 2 (1) To develop policies and procedures for the issuance of a license to any
3 child care facility that meets all applicable standards established under
4 this Article.
- 5 (1a) To adopt applicable rules and standards based upon the capacity of a
6 child care facility.
- 7 (2) To require inspections by and satisfactory written reports from
8 representatives of local or State health agencies and fire inspection
9 agencies and from representatives of the Department prior to the
10 issuance of a license to any child care center.
- 11 (2a) To require annually, inspections by and satisfactory written reports from
12 representatives of local or State health agencies and fire inspection
13 agencies after a license is issued.
- 14 (3) Repealed by Session Laws 1997-506, s. 4.
- 15 (4) Repealed by Session Laws 1975, c. 879, s. 15.
- 16 (5) To adopt rules and develop policies for implementation of this Article,
17 including procedures for application, approval, annual compliance visits
18 for centers, and revocation of licenses.
- 19 (6) To adopt rules for the issuance of a provisional license that shall be in
20 effect for no more than 12 consecutive months to a child care facility
21 that does not conform in every respect with the standards established in
22 this Article and rules adopted by the Commission pursuant to this
23 Article but that is making a reasonable effort to conform to the
24 standards.
- 25 (6a) To adopt rules for administrative action against a child care facility
26 when the Secretary's investigations pursuant to G.S. 110-105(a)(3)
27 substantiate that child abuse or neglect did occur in the facility. The
28 rules shall provide for types of sanctions which shall depend upon the
29 severity of the incident and the probability of reoccurrence. The rules
30 shall also provide for written warnings and special provisional licenses.
- 31 (7) **(See editor's note)** To develop and adopt voluntary enhanced program
32 standards which reflect higher quality child care than the mandatory
33 standards established by this Article. These enhanced program standards
34 must address, at a minimum, staff/child ratios, staff qualifications,
35 parent involvement, operational and personnel policies,
36 developmentally appropriate curricula, and facility square footage.
- 37 (8) To develop a procedure by which the Department shall furnish those
38 forms as may be required for implementation of this Article.
- 39 (9) Repealed by Session Laws 1985, c. 757, s. 156(66).
- 40 (10) To adopt rules for the issuance of a temporary license which shall expire
41 in six months and which may be issued to the operator of a new center
42 or to the operator of a previously licensed center when a change in
43 ownership or location occurs.

1 (11) To adopt rules for child care facilities which provide care for children
2 who are mildly sick.

3 (12) To adopt rules regulating the amount of time a child care administrator
4 shall be on-site at a child care center.

5 ~~The Department of Health and Human Services, Division of Child Development and~~
6 ~~the Child Care Commission shall not promote or require the utilization of training~~
7 ~~materials, curriculum, or policy developed or provided by the National Association for~~
8 ~~the Education of Young Children or the National Institute for Early Childhood~~
9 ~~Professional Development.~~—The Division and the Commission shall permit individual
10 facilities to make curriculum decisions."

11 Section 7. This act is effective when it becomes law.