

Description of Legislation

1. Summary of Legislation

An act to ban corporal punishment in day-care programs other than church day care programs.

2. Effective Date - October 1, 1991

3. Fund or Tax Affected - General Fund

4. Principal Department/Program Affected

Department of Human Resources - Office of Child Day Care

Cost or Revenue Impact on State

	<u>FY</u>	<u>FY</u>
	91-92	92-93
1. Non-Recurring Costs/Revenues	-0-	-0-
2. Recurring Costs/Revenues	-0-	-0-
3. Fiscal/Revenue Assumptions	-0-	-0-

Cost/Revenue Impact on County or Local Government

	<u>FY</u>	<u>FY</u>
	91-92	92-93
1. Non-Recurring Costs/Revenues	-0-	-0-
2. Recurring Costs/Revenues	-0-	-0-
3. Fiscal/Revenue Assumptions	-0-	-0-

Sources of Data for Fiscal Note

Department of Human Resources/Department of Health and Human Services

Technical Considerations/Comments

In preparing the fiscal note on HB 956 - Corporal Punishment Ban/Day Care consideration was given to the potential costs associated with the implementation of the bill, and the impact that a corporal punishment ban would have on federal funding for child day care services:

A. The primary thrust of HB 956 is one of addressing disciplinary practices for children that are being provided day care services. The bill, as it is currently written, would not necessitate the expenditure of additional state and/or local funds to implement. There is no information currently available to staff, that suggest that state and/or local funds will be needed to implement the bill. Any costs for the rules review process is a part of the continuation budget, and is therefore included in the Department's budget.

Since the mid 80's, the North Carolina General Assembly has provided the Department of Human Resources and child day care providers with legislative parameters that should be used to establish disciplinary practices. Currently, G.S. 110-91(10) requires that each day care facility have a written policy or discipline, including the method and practices used to

discipline children enrolled in a facility. The rules that were subsequently adopted as a result of G.S. 10-91(10) specifically mention that, "(b) No child shall be subjected to any form of corporal punishment by the owner operator director, or staff of any day care facility". HB 956 would make it clear by specifically prohibiting corporal punishment as a form of discipline, with the exception of church day care facilities.

B. On the question of whether the enactment of HB 956 would jeopardize North Carolina's receipt of funds under the federal Child Care and Development Block Grant, the following information is provided:

- Mark Ragan, Assistant Secretary for Children and Families, Department of Health and Human Services has said that states are free to set standards and regulatory requirements, and that a ban on corporal punishment does not put North Carolina in jeopardy of losing federal funds.
- Thirty states now ban corporal punishment in child care, and all are scheduled to receive block grant funds.
- Legislative legal staff's interpretation of the federal rules is that state and local rules and procedures are required to be neutral as to the categories of care and types of providers and allow parents to choose freely among them. The federal block grant clearly defines parental choice and responsibilities; enacting a corporal punishment ban in day care centers which must be licensed does not violate the federal regulations applicable to the block grant.
- The Governor's proposal for federal child care funds has been accepted by the federal agency responsible for the funding, without regards by the federal agency that our current child care administrative rules already provide for a corporal punishment ban.

Based upon the facts identified above, should HB 956 pass, North Carolina's eligibility for federal funds will not be jeopardized.

Official
Fiscal Research Division
Publication



Signed Copy Located in the NCGA Principal Clerk's Offices