

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

2

SENATE BILL 241*

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

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 ~~agencies 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 becomes law and child care administrators who assume administrative

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

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

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

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

42 The Commission shall adopt standards to establish appropriate
43 qualifications for all ~~other~~ staff in child care centers. These standards

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

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

8 **"§ 110-93. Application for a license.**

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

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

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

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

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

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

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

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

41 **"§ 110-88. Powers and duties of the Commission.**

42 The Commission shall have the following powers and duties:

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