

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 287\*  
Committee Substitute Favorable 3/23/99

Short Title: Child Care Law Corrections.

(Public)

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Sponsors:

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Referred to:

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March 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES  
3 REGARDING CHILD CARE AND TO REPEAL SECTIONS 4(B) AND 28.3 OF  
4 S.L. 1997-506.

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 ~~ageneies and agencies,~~ fire and  
9 building inspection ageneies-agencies, and from representatives of the  
10 Department prior to the issuance of ~~a~~an initial license to any child care  
11 center."

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

13 "(8) Qualifications for Staff. – All child care center administrators shall be at  
14 least 21 years of age. All child care center administrators shall have the  
15 North Carolina Early Childhood Administration Credential or its  
16 equivalent as determined by the Department. All child care  
17 administrators performing administrative duties as of the date this act  
18 becomes law and child care administrators who assume administrative  
19 duties at any time after this act becomes law and until September 1,

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

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

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

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

41 The Commission shall adopt standards to establish appropriate  
42 qualifications for all ~~other~~ staff in child care centers. These standards  
43 shall reflect training, experience, education and credentialing and shall

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

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

7 "**§ 110-93. Application for a license.**

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

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

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

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

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

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

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

39 Section 6. Section 28.3 of S.L. 1997-506 is repealed.

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