

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1233*
Corrected Copy 5/25/98

Short Title: Child Care Changes.

(Public)

Sponsors: Senators Phillips; Foxx, Kinnaird, Ledbetter, and Lucas.

Referred to: Children & Human Resources.

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THAT STATE REGULATION OF CHILD CARE IS
3 DEVELOPED AND ADMINISTERED FAIRLY AND EFFECTIVELY AS
4 RECOMMENDED BY THE LEGISLATIVE STUDY COMMISSION ON CHILD
5 CARE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 110-91(6) reads as rewritten:

8 "(6) Space and Equipment Requirements. – There shall be no less than 25
9 square feet of indoor space for each child for which a child care center
10 is licensed, exclusive of closets, passageways, kitchens, and bathrooms,
11 and this floor space shall provide during rest periods 200 cubic feet of
12 airspace per child for which the center is licensed. There shall be
13 adequate outdoor play area for each child under rules adopted by the
14 Commission which shall be related to the size of center and the
15 availability and location of outside land area. In no event shall the
16 minimum required exceed 75 square feet per child. The outdoor area
17 shall be protected to assure the safety of the children receiving child
18 care by an adequate fence or other protection. A center operated in a
19 public school shall be deemed to have adequate fencing protection. A

1 center operating exclusively during the evening and early morning
2 hours, between 6:00 P.M. and 6:00 A.M., need not meet the outdoor
3 play area requirements mandated by this subdivision.

4 Each child care facility shall provide indoor area equipment and
5 furnishings that are child size, sturdy, safe, and in good repair. Each
6 child care facility that provides outdoor area equipment and furnishings
7 shall provide outdoor area equipment and furnishings that are child size,
8 sturdy, free of hazards that pose a threat of serious ~~injury-injury~~, as
9 determined by the prescription in this subdivision, to children while
10 engaged in normal play activities, and in good repair.

11 The Commission shall determine whether a particular piece of
12 outdoor area equipment poses a threat of serious injury (i) on the basis
13 of current statewide and other states' data of equipment-related serious
14 injuries or (ii) on the basis that the equipment is or has been subject to a
15 manufacturer's recall. The Commission shall not consider any injury as
16 a serious injury if it resulted solely in splinters, bumps, bruises, or other
17 minor injury or solely in a trip to the doctor.

18 The Commission shall adopt standards to establish minimum
19 requirements pursuant to the prescriptions in this subdivision for
20 equipment appropriate for the size of child care facility.

21 Space shall be available for proper storage of beds, cribs, mats, cots,
22 sleeping garments, and linens as well as designated space for each
23 child's personal belongings."

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

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

1 have at least a North Carolina Early Childhood Credential or its
2 equivalent as determined by the Department. Lead teachers shall be
3 enrolled in the North Carolina Early Childhood Credential coursework
4 or its equivalent as determined by the Department within six months
5 after becoming employed as a lead teacher or within six months after
6 this act becomes law, whichever is later, and shall complete the
7 credential or its equivalent within 18 months after enrollment. The
8 North Carolina Early Childhood Credential or any educational
9 equivalent shall be a basic, generic introduction to early childhood
10 education that is grounded in sound child development practices.

11 For child care centers licensed to care for 200 or more children, the
12 Department, in collaboration with the North Carolina Institute for Early
13 Childhood Professional Development, shall establish categories to
14 recognize the levels of education achieved by child care center
15 administrators and teachers who perform administrative functions. The
16 Department shall use these categories to establish appropriate staffing
17 based on the size of the center and the individual staff responsibilities.

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

26 No person shall be an operator of nor be employed in a child care
27 facility who has been convicted of a crime involving child neglect, child
28 abuse, or moral turpitude, or who is an habitually excessive user of
29 alcohol or who illegally uses narcotic or other impairing drugs, or who
30 is mentally or emotionally impaired to an extent that may be injurious to
31 children.

32 The Commission shall adopt standards to establish appropriate
33 qualifications for all other staff in child care centers. These standards
34 shall reflect training, experience, education and credentialing and shall
35 be appropriate for the size center and the level of individual staff
36 responsibilities. It is the intent of this provision to guarantee that all
37 children in child care are cared for by qualified people. No
38 requirements may interfere with the teachings or doctrine of any
39 established religious organization."

40 Section 3. Section 28.2 of S.L. 1997-506 reads as rewritten:

41 "Section 28.2. (a) There is established the Legislative Study Commission on
42 Child Care. The Commission shall study ~~the substantive issues contained in Part 1 of this~~
43 ~~act.~~ the statutes, rules, and policies relating to child care and shall serve as a legislative

1 oversight body to review these statutes, rules, and policies and the State agencies and the
2 public-private agencies involved in administering and enforcing them. There shall be 20
3 members of the Commission as follows:

- 4 (1) Ten members appointed by the Speaker of the House of
5 Representatives, seven of whom shall be members of the House of
6 Representatives at the time of their appointment, and three of whom
7 shall be members of the general public interested in child care;
8 (2) Ten members appointed by the President Pro Tempore of the Senate,
9 seven of whom shall be members of the Senate at the time of their
10 appointment, and three of whom shall be members of the general public
11 interested in child care.

12 (b) Commission members shall receive no salary for serving, but shall receive
13 necessary subsistence and travel expenses in accordance with G.S. 120-3.1, 138-5, and
14 138-6 as applicable. Staff to the Commission shall be provided as authorized by the
15 Legislative Services Commission. The Commission may meet in the Legislative
16 Building or the Legislative Office Building upon approval of the Legislative Services
17 Officer.

18 (c) The Division of Child Development, Department of Health and Human
19 Services, the Child Care Commission of the Department of Health and Human Services,
20 and any other State or public-private agency charged with rulemaking for child care
21 programs and services shall present to the Commission for its oversight review all
22 documentation and data on which new child care rules and standards that are being
23 considered to be developed are based, prior to their development. The Commission shall
24 regularly review child care programs and services as well as the functioning of the State
25 and public-private agencies involved in administering these child care programs and
26 services. The Commission shall report its findings and recommendations, including
27 proposed legislation, to the ~~1997 General Assembly, Regular Session 1998, and shall make its~~
28 ~~final report to the 1999 General Assembly upon its convening. Upon issuing its final report, the~~
29 ~~Commission shall expire. General Assembly within a week of the convening of every~~
30 regular session. The Commission shall continue in existence until the General Assembly
31 acts to terminate it."

32 Section 4. (a) The Division of Child Development, Department of Health and
33 Human Services, when it uses the internet to make facilities' compliance history
34 available to the public, shall provide for the facilities' providers to submit a statement
35 relevant to the compliance history. This statement's limits shall be no less than 100
36 words.

37 (b) If the Division of Child Development, Department of Health and Human
38 Services, makes complaints from persons who have signed a complaint to the Division
39 against facilities available to the public on the internet, the Division shall provide for the
40 facilities' providers to submit a statement relevant to the complaint. This statement's
41 limits shall be no less than 100 words. The Division shall not make complaints from
42 persons who have not signed the complaint available to the public on the internet.

43 Section 5. This act becomes effective June 30, 1998.