

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1392*

Short Title: Child Care Changes.

(Public)

Sponsors: Representatives Sherrill; Warner and Capps.

Referred to: Human Resources.

May 21, 1998

A BILL TO BE ENTITLED

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

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
20 center operating exclusively during the evening and early morning

1 hours, between 6:00 P.M. and 6:00 A.M., need not meet the outdoor
2 play area requirements mandated by this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 private agencies involved in administering and enforcing them. There shall be 20
2 members of the Commission as follows:

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

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

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

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

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

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