

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 368

Short Title: Recognize Dept of Defense ChildCare Standards. (Public)

Sponsors: Senators Brown (Primary Sponsor); Pate and Rabin.

Referred to: Health Care.

March 24, 2015

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING UNITED STATES DEPARTMENT OF DEFENSE-CERTIFIED
3 CHILD CARE FACILITIES TO BE LICENSED BY THE NORTH CAROLINA
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ALLOWING
5 DEPARTMENT OF DEFENSE-CERTIFIED CHILD CARE FACILITIES TO
6 PARTICIPATE IN THE STATE-SUBSIDIZED CHILD CARE PROGRAM.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 7 of Chapter 110 of the General Statutes is amended by
9 adding a new section to read:

10 **§ 110-106.2. Department of Defense-certified child care facilities.**

11 (a) As used in this section, the phrase "Department of Defense-certified child care
12 facility" shall include child development centers, family child care homes, and school-aged
13 child care facilities operated aboard a military installation under the authorization of the United
14 States Department of Defense (Department of Defense) certified by the Department of Defense.

15 (b) Procedure Regarding Department of Defense-Certified Child Care Facilities.

16 (1) Department of Defense-certified child care facilities shall file with the
17 Department a notice of intent to operate a child care facility in a form
18 determined by the Department of Defense. The Department shall then issue a
19 North Carolina child care license to the Department of Defense-certified
20 child care facility.

21 (2) As part of its notice, each Department of Defense-certified child care facility
22 shall file a report to the Department indicating that it meets the minimum
23 standards for child care facilities as provided by the Department of Defense.

24 (3) The Department shall deem all Department of Defense rules and regulations
25 for Department of Defense-certified child care facilities equivalent to the
26 provisions of this Article and rules adopted by the Commission. As such,
27 Department of Defense-certified child care facilities shall not be subject to
28 regulation by the Department or subject to the provisions of this Article or
29 rules adopted by the Commission, including inspections conducted by the
30 Secretary or the Secretary's designee or other State or local regulatory
31 divisions.

32 (4) The Department shall rate Department of Defense-certified child care
33 facilities that have achieved accreditation by the National Association of
34 Education for Young Children, the National Association of Family Child
35 Care, or the National AfterSchool Association as five-star-rated child care
36 facilities. The Department shall rate Department of Defense-certified child



1 care facilities that do not possess current accreditation status from one of the
2 entities listed in this subdivision as four-star-rated child care facilities.

3 (5) Child care facilities certified by the Department of Defense shall not be
4 subject to a provisional license or one-star rating upon receiving Department
5 of Defense certification.

6 (6) Teachers employed by Department of Defense-certified child care facilities
7 who have successfully completed the Department of Defense Child Care
8 Training Modules shall be qualified and recognized as lead teachers by
9 equivalency upon submission of an Education and Equivalency form to the
10 Workforce Section of the Division of Child Development.

11 (7) Administrators employed by Department of Defense-certified child care
12 facilities shall be qualified as Level III child care administrators by
13 equivalency upon submission of an Education and Equivalency form to the
14 Workforce Section of the Division of Child Development.

15 (8) The Department shall not assess a Department of Defense-certified child
16 care facility operating with a North Carolina child care license a fee for
17 licensure or license renewal.

18 (9) A revocation of Department of Defense certification shall result in
19 termination of a North Carolina child care license. Revocations of
20 Department of Defense certification shall be reported to the Department
21 within 10 business days from the date of revocation."

22 **SECTION 2.** G.S. 143B-168.15(g) reads as rewritten:

23 "(g) Not less than thirty percent (30%) of the funds spent in each year of each local
24 partnership's direct services allocation shall be used to expand child care subsidies. To the
25 extent practicable, these funds shall be used to enhance the affordability, availability, and
26 quality of child care services as described in this section. The North Carolina Partnership may
27 increase this percentage requirement up to a maximum of fifty percent (50%) when, based upon
28 a significant local waiting list for subsidized child care, the North Carolina Partnership
29 determines a higher percentage is justified. Local partnerships shall spend an amount for child
30 care subsidies that provides at least fifty-two million dollars (\$52,000,000) for the Temporary
31 Assistance to Needy Families (TANF) maintenance of effort requirement and the Child Care
32 Development Fund and Block Grant match requirement. Funds allocated under this section
33 shall supplement and not supplant any federal or State funds allocated to Department of
34 Defense-certified child care facilities licensed under G.S. 110-106.2."

35 **SECTION 3.** Department of Defense-certified child care facilities licensed
36 pursuant to G.S. 110-106.2, as enacted in Section 1 of this act, may participate in the
37 State-subsidized child care program that provides for the purchase of care in child care facilities
38 for minor children in needy families; provided, that funds allocated from the State-subsidized
39 child care program to Department of Defense-certified child care facilities shall supplement and
40 not supplant funds allocated in accordance with G.S. 143B-168.15(g). Payment rates and fees
41 for military families who choose Department of Defense-certified child care facilities and who
42 are eligible to receive subsidized child care shall be as determined by the General Assembly in
43 the Current Operations Appropriations Act for the 2015-2016 fiscal year.

44 **SECTION 4.** This act becomes effective January 1, 2016.