

Summary: North Carolina Child Care Law and Rules

The N.C. Department of Health and Human Services does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services.

What Is Child Care? - The law defines child care as:

- three or more unrelated children under 13 years of age
- on a regular basis, of at least once a week
- receiving care from a non-relative
- for more than four hours per day but less than 24 hours.

It is only when all of these conditions exist that regulation is required. The North Carolina Department of Health and Human Services is responsible for regulating child care. This is done through the Division of Child Development. The purpose of regulation is to protect the well-being of children while they are away from their parents. The law defining child care is in the North Carolina General Statutes, Article 7, Chapter 110.

The North Carolina Child Care Commission is responsible for adopting rules to carry out the law. Some counties and cities in North Carolina also have local zoning requirements for child care programs.

Star Rated Licenses - Centers and homes that are meeting the minimum licensing requirements will receive a one star license. Programs that choose to voluntarily meet higher standards can apply for a two through five star license. The number of stars a program earns is based upon the education levels their staff meet & the program standards met by the program.

Family Child Care Homes - A family child care home is licensed to care for five or fewer preschool age children, and an additional three school age children. This includes preschoolers living in the home but the provider's own school-age children are not counted (Individuals caring for one or two children are exempt from being licensed.) Licenses are issued to family child care home providers who meet the following requirements:

- Home providers must be 21 years old with at least a high school education or its equivalent, and mentally and emotionally capable of caring for children.
- He or she must undergo a criminal records background check initially, and every three years thereafter.
- All household members over age 15 who are present in family child care homes when children are in care must also undergo a criminal records background check. As of December 2008, criminal records rechecks will be done every three years.
- All family child care home providers must have training in CPR each year and in ITS-SIDS and first aid every three years. They also must complete a minimum number of training hours annually.

All family child care homes must meet basic health and safety standards. Providers must maintain verification of children's immunization and health status. They must provide developmentally appropriate toys and activities, as well as nutritious meals and snacks for the children in care.

Child Care Centers - Licensing as a center is required when six or more children are cared for in a residence or when three or more children are in care in a building other than a residence. Religious-sponsored programs are exempt from some of the regulations described below if they choose not to be licensed. Programs that operate for less than four consecutive months, such as summer camps, are exempt from licensing. Child care centers may voluntarily meet higher standards and receive a license with a higher rating. Centers will be visited at least annually to make sure they are following the law and to receive technical assistance from child care consultants.

Licensed centers must meet requirements in the following areas.

Staff - The administrator of a child care center must be at least 21, & have at least a North Carolina Early Childhood Administration Credential or its equivalent. Lead teachers in a child care center must be at least 18 & have at least a North Carolina Early Childhood Credential or its equivalent. If administrators & lead teachers do not meet this requirement, they must begin credential coursework within 6 months of being hired. Staff younger than 18 years must work under the direct supervision of staff 21 years of age or older. All staff must complete a minimum number of training hours annually including ITS-SIDS training for any caregiver that works with infants 12 months of age or younger. All staff must also undergo a criminal records background check. As of December 2008, criminal records rechecks will be done every three years.

Ratios-Ratios are the number of staff required to supervise a certain number of children. Group size is the maximum number of children in one group. Ratios and group sizes for licensure are shown below and must be posted in each classroom.

Small centers in a residence that are licensed for six to twelve children may keep up to three additional school-age children, depending on the ages of the other children in care. When the group has children of different ages, staff-child ratios and group size must be met for the youngest child in the group.

Space and Equipment-To meet licensing requirements, there must be at least 25 square feet per child indoors and 75 square feet per child outdoors. Outdoor play space must be fenced. Indoor equipment must be clean, safe, well maintained, and developmentally appropriate. Outdoor equipment and furnishings must be child size, sturdy, and free of hazards that could injure children.

Curriculum-The Division of Child Development does not promote or require any specific curriculum over another. Child care programs choose the type of curriculum appropriate for the ages of the children enrolled. Activity plans must be available to parents and must show a balance of active and quiet activities. Rooms must be arranged to encourage children to explore and use materials on their own.

Health and Safety -Children must be immunized on schedule. Each licensed center must ensure the health and safety of children by sanitizing areas and equipment used by children. Meals and snacks must be nutritious, and children must have portions large enough to satisfy their hunger. Food must be offered at least once every four hours. Local health, building, and fire inspectors visit licensed programs to make sure standards are met. All children must be allowed to play outdoors each day (weather permitting) and must have space and time provided for rest.

The following requirements apply to both centers and homes.

Transportation-Child care centers or family child care homes providing transportation for children must meet all motor vehicle laws, including inspection, insurance, license, and restraint requirements. Children may never be left alone in a vehicle and child-staff ratio must be maintained.

Records-Centers & homes must keep accurate records such as children's attendance, immunizations, & emergency phone numbers. A record of monthly fire drills practiced with safe evacuation of children must also be maintained. A safe sleep policy must be developed & shared with parents if children younger than 12 months are in care.

Discipline-Each program must have a written policy on discipline, must discuss it with parents, and must give parents a copy when the child is enrolled. Changes in discipline policy must be shared with parents in writing before going into effect. Corporal punishment (spanking, slapping, or other physical discipline) is prohibited in all family child care homes and centers. Religious-sponsored programs which notify the Division of Child Development that corporal punishment is part of their religious training are exempt from that part of the law.

Parental Rights

- Parents have the right to enter a family child care home or center at any time while their child is present.
- Parents have the right to see the license displayed in a prominent place.
- Parents have the right to know how their child will be disciplined.

The law and rules are developed to establish minimum requirements. Most parents would like more than minimum care. Child care resource and referral agencies can provide help in choosing quality care. Check the telephone directory or talk with a child care provider to see if there is a child care resource and referral agency in your community. For more information visit the Resources in Child Care website at: www.ncchildcare.net. For more information on the law and rules, contact the Division of Child Development at 919-662-4499 or 1-800-859-0829, or visit our homepage at: <http://www.ncchildcare.net>.

Reviewing Files - A public file is maintained in the Division's main office in Raleigh for every center or family child care home. These files can be

- viewed during work hours;
- requested via the Division's web site at www.ncchildcare.net; or,
- requested by contacting the Division at 1-800-859-0829.

How to Report a Problem - North Carolina law requires staff from the Division of Child Development to investigate a licensed family child care home or child care center when there has been a complaint. Child care providers who violate the law or rules may be fined up to \$1,000 & may have their licenses suspended or revoked. If you believe that a child care provider fails to meet the requirements described in this pamphlet, or if you have questions, please call the Division of Child Development at 919-662-4499 or 1-800-859-0829.

Child Abuse or Neglect - Abuse occurs when a parent or caregiver injures or allows another to injure a child physically or emotionally. Abuse may also occur when a parent or caregiver puts a child at risk of serious injury or allows another to put a child at risk of serious injury. Neglect occurs when a child does not receive proper care, supervision, or discipline, or when a child is abandoned. **North Carolina law requires any person who suspects child abuse or neglect to report the case to the county department of social services.** In addition, any person can call the Division of Child Development at 919-662-4499 or 1-800-859-0829 and make a report of suspected child abuse or neglect in a child care operation. Reports can be made anonymously. A person cannot be held liable for a report made in good faith. The operator of the program must notify parents of children currently enrolled in writing of the substantiation of any abuse/neglect complaint or the issuance of any administrative action against the child care facility.

Pitt County Community Schools and Recreation
After-School Enrichment Program
Discipline and Behavior Management Policy

Praise and positive reinforcement are effective methods of the behavior management of children. When children receive positive, non-violent, and understanding interactions from adults and others, they develop good self-concepts, problem solving abilities, and self-discipline. Based on this belief of how children learn and develop values, this facility will practice the following discipline and behavior management policy:

Corporal Punishment is not to be used. The Pitt County Board of Education's Policy Manual states, "No one is to at any time, hit or spank a child or use foul language." Be careful of what is said when disciplining a child. No one is to be degraded in any way.

Discipline is best maintained by exercising a quiet firmness and by taking a personal interest in each student. The student must be made to feel that the teacher is human, has a sense of humor and is competent. Discipline should be consistent and fair to all students.

When dealing with a child and/or parent(s) concerning discipline, make sure they understand that the staff cares about them and wants the child in the program. But also make them aware that if the staff is spending time on discipline with one child, they are taking away from the other students.

Discipline will be handled by the Site Supervisor, Teacher or Assistant. Methods will include removal of child from group ("Time-out" see definition below), limiting privileges, and/or consulting with parents. Snacks may not be withheld as a discipline measure.

"Time-out"

"Time-out" is the removal of a child for a short period of time (3-5 minutes) from a situation which the child is misbehaving and has not responded to other discipline techniques. The "time-out" space, usually a chair, is located away from classroom activity but within the teacher's site. During "time-out", the child has a chance to think about the misbehavior which led to his/her removal from the group. After a brief interval of no more than 5 minutes, the teacher discusses the incident and appropriate behavior with the child. When the child returns to the group, the incident is over and the child is treated with the same affection and respect shown the other children."

Unacceptable Behavior

Certain acts of behavior by students are unacceptable within the After-School Program and may result in suspension. These include but may not be limited to the following.

- Disrespect for staff members
- Acts that may cause injury to themselves or others
- Disobedience and disruptive behavior
- Intentionally cause or attempt to cause physical injury to another student or staff member
- Disrespect for personal belongings of others
- Intentional damage to school property
- Obscene language or behavior
- Possession of any object that could be considered a weapon (gun, knife, razor, etc.)
- Possession of drugs

Procedure for Suspension

The Site Supervisor and Teacher will proceed in the following manner:

1. Document behavior problems. **Keep documentation in files.**
2. Talk with parents and make them aware of the child's behavior.
Communication with parents should take place when the problem is small.
 - A. Work with the child to resolve behavior problem.
 - B. Share problems with parents.
 - C. **Document parent/teacher conversations and keep in files.**
3. If the problems continue, a disciplinary referral form regarding the problem should be given to parents and a copy should be sent to the Community Schools & Recreation Office.
4. Following two written disciplinary referrals, the student may be suspended for one to five days depending upon the incident. If the offense is serious, suspension may be used with the first written disciplinary referral. (Ex. Deliberately hurting another child)
5. Two suspensions may result in dismissal from the Program.

NOTE: Teachers must call the Community Schools office prior to suspending a child.

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