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SENATE BILL DRS45257-LU-94

Short Title: Child Care Regulatory Reforms & Flexibilities. (Public)

Sponsors: Senators Burgin, Galey, and Corbin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHILD CARE REGULATORY REFORMS AND PROVIDE  
3 FOR FLEXIBILITIES IN SCHOOL-AGE CHILD CARE.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. VARIOUS CHILD CARE REGULATORY REFORMS**

7  
8 **EXPERIENCE EQUIVALENCY FOR LEAD TEACHERS IN LICENSED CHILD CARE**

9 **SECTION 1.1.(a)** G.S. 110-90(4) reads as rewritten:

10 "(4) To issue a rated license to any child care facility which meets the standards  
11 established by this Article as follows:

- 12 a. For any child care facility currently holding a license of two to five  
13 stars or any new license issued to a child care facility with a rating of  
14 two to five stars, the rating shall be based on (i) program standards and  
15 (ii) education levels of staff. When evaluating program standards, the  
16 Department shall consider the facility's staff/child ratios, space  
17 requirements, continuous quality improvement standards, family and  
18 community engagement practices, environmental rating scale  
19 evaluations, curriculum, child observation and assessment, staff  
20 coaching or mentoring, or accreditation by a national or regional  
21 accrediting agency with early childhood standards. When evaluating  
22 education levels of staff, the Department shall consider any early  
23 childhood and child development coursework, early childhood  
24 education certificates, Child Development Associate credentials,  
25 associate or bachelor's degrees, continuous quality improvement  
26 standards for staff, continuing education units, early childhood  
27 education competency evaluations, work experience in child care,  
28 including staff granted the North Carolina Early Childhood Credential  
29 based on experience pursuant to G.S. 110-91, coaching or mentoring  
30 completed, and education standards within an accreditation award.

31 ...."

32 **SECTION 1.1.(b)** Section 8 of S.L. 2024-34 is amended by adding a new subsection  
33 to read:

34 **"SECTION 8.(a1)** In modifying the quality rating improvement system (QRIS), the Division  
35 of Child Development and Early Education shall ensure a North Carolina Early Childhood  
36 Credential based on five years of work experience in a licensed child care facility in this State is



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1 treated as equivalent to when that credential is earned through other pathways for purposes of  
2 awarding a star rating."

3 **SECTION 1.2.** G.S. 110-91(8) reads as rewritten:

4 "(8) Qualifications for Staff. – Qualifications for child care staff are as follows:

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

24 b. All lead teachers in a child care center shall have at least a North  
25 Carolina Early Childhood Credential or its equivalent as determined  
26 by the Department. Lead teachers shall either (i) be enrolled in the  
27 North Carolina Early Childhood Credential coursework or its  
28 equivalent as determined by the Department within six months after  
29 becoming employed as a lead teacher or within six months after this  
30 act becomes law, whichever is later, and shall complete the credential  
31 or its equivalent within 18 months after ~~enrollment~~ enrollment or (ii)  
32 have a minimum of five years of documented experience teaching in a  
33 licensed child care facility in this State which shall be deemed  
34 equivalent to the North Carolina Early Childhood Credential.

35 c. For child care centers licensed to care for 200 or more children, the  
36 Department, in collaboration with the North Carolina Institute for  
37 Early Childhood Professional Development, shall establish categories  
38 to recognize the levels of education achieved by child care center  
39 administrators and teachers who perform administrative functions.  
40 The Department shall use these categories to establish appropriate  
41 staffing based on the size of the center and the individual staff  
42 responsibilities.

43 d. Effective January 1, 1998, an operator of a licensed family child care  
44 home shall be at least 21 years old and have a high school diploma or  
45 its equivalent. Operators of a family child care home licensed prior to  
46 January 1, 1998, shall be at least 18 years of age and literate. Literate  
47 is defined as understanding licensing requirements and having the  
48 ability to communicate with the family and relevant emergency  
49 personnel. Any operator of a licensed family child care home shall be  
50 the person on-site providing child care.

e. The Commission shall adopt standards to establish appropriate qualifications for all staff in child care centers. These standards shall reflect training, experience, education and credentialing and shall be appropriate for the size center and the level of individual staff responsibilities. It is the intent of this provision to guarantee that all children in child care are cared for by qualified people. Pursuant to G.S. 110-106, no requirements may interfere with the teachings or doctrine of any established religious organization. The staff qualification requirements of this subdivision do not apply to religious-sponsored child care facilities pursuant to G.S. 110-106."

**INCREASE CERTAIN MAXIMUM GROUP SIZES & REVISE NAP-TIME SUPERVISION REQUIREMENTS IN CHILD CARE**

**SECTION 1.3.** G.S. 110-91(7)a. reads as rewritten:

"a. The Commission shall adopt rules for child care centers regarding staff-child ratios, group sizes and multi-age groupings other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws.

1. Except as otherwise provided in this subdivision, the minimum staff-child ratios and group sizes for infants and toddlers in child care centers shall be no less stringent than as follows:

<b>Age</b>	<b>Ratio Staff/Children</b>	<b>Group Size</b>
0 to 12 months	1/5	<del>10</del> 15
12 to 24 months	1/6	<del>12</del> 18
2 to 3 years	1/10	20.

No child care center shall care for more than 25 children in one group. Child care centers providing care for 26 or more children shall provide for two or more groups according to the ages of children and shall provide separate supervisory personnel and separate identifiable space for each group.

1a. If a child care center is operating under voluntary enhanced requirements, the maximum group size for toddlers aged 2 to 3 years may be increased from 18 to 20 children when the child care center maintains a 1/9 staff-child ratio.

1b. If a child care center is operating under the highest voluntary enhanced requirements, the child care center may use the following maximum group sizes for infants and toddlers when the child care center maintains staff-child ratios as provided herein:

<b>Age</b>	<b>Ratio Staff/Children</b>	<b>Group Size</b>
<u>0 to 12 months</u>	<u>1/4</u>	<u>12</u>
<u>12 to 24 months</u>	<u>1/5</u>	<u>15</u>
<u>2 to 3 years</u>	<u>1/8</u>	<u>20.</u>

1c. For groups of children 1 year of age or older, the staff-child ratio during nap time shall comply with the requirements of rules adopted by the Commission if (i) at least one person remains in the room, (ii) all children are visible to that person, and (iii) the total number of required staff are on the premises and within calling distance of the rooms occupied by children.

...."

**CLARIFY RULES ON MULTIUSE CHILD CARE CENTERS**

**SECTION 1.4.** The Department of Health and Human Services, Division of Child Development and Early Education (Division), in coordination with the Child Care Commission, shall work to clarify the rules governing multiuse child care centers to ensure each of the following:

- (1) Allow the use of existing buildings to house multiunit child care centers and include mixed-age centers if they meet the requirements outlined in the rules regarding multiunit child care centers.
- (2) Grant access to applicants who meet the pre-licensing guidelines and are awarded a license by the Division.
- (3) Grant individual licenses within a multiunit child care center based on the square footage used by each owner.

**PART II. SCHOOL-AGE FLEXIBILITIES**

**SECTION 2.1.** G.S. 110-91(6) reads as rewritten:

"(6) Space and Equipment Requirements. – There shall be no less than 25 square feet of indoor space for each child for which a child care center is licensed, exclusive of closets, passageways, kitchens, and bathrooms, and this floor space shall provide during rest periods 200 cubic feet of airspace per child for which the center is licensed. There shall be adequate outdoor play area for each child under rules adopted by the Commission which shall be related to the size of center and the availability and location of outside land area. In no event shall the minimum required exceed 75 square feet per child. The outdoor area shall be protected to assure the safety of the children receiving child care by an adequate fence or other protection. A center operated in a public school shall be deemed to have adequate fencing protection. A center operating exclusively during the evening and early morning hours, between 6:00 P.M. and 6:00 A.M., need not meet the outdoor play area requirements mandated by this subdivision.

Each child care facility shall provide indoor area equipment and furnishings that are child size, sturdy, safe, and in good repair. Each child care facility that provides outdoor area equipment and furnishings shall provide outdoor area equipment and furnishings that are child size, sturdy, free of hazards that pose a threat of serious injury to children while engaged in normal play activities, and in good repair. The Commission shall adopt standards to establish minimum requirements for equipment appropriate for the size of child care facility. Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings.

The Division of Child Development of the Department of Health and Human Services shall establish and implement a policy that defines any building which is currently approved for school occupancy and which houses a public or private elementary or middle school to include the playgrounds and athletic fields as part of the school building when that building is used to serve school-age children in ~~after-school-out-of-school~~ child care programs. Playgrounds—Except as provided in subdivision (6a) of this section, playgrounds and athletic fields referenced in this section that do not meet licensure standards promulgated by the North Carolina Child Care Commission shall be noted on the program's licensure and rating information."

1           **SECTION 2.2.(a)** G.S. 110-91 is amended by adding a new subdivision to read:

2           "(6a) Certain Exemptions for School-Age Children in Out-of-School Child Care. –  
3           Notwithstanding any provision of law or rule to the contrary, any building and  
4           grounds which are currently approved for school occupancy and which house  
5           a public or private elementary or middle school shall be deemed to have met  
6           the sanitation, fire, and building code requirements for a licensed child care  
7           facility when the building and grounds are serving the same, or a subset of the  
8           same, school-age children in an out-of-school child care program."

9           **SECTION 2.2.(b)** The Child Care Commission shall adopt or amend any rules to  
10 ensure uniformity and consistency in application of the exemptions for school-age children in  
11 out-of-school child care programs as provided in this section.

12           **SECTION 2.3.** G.S. 110-91(8) reads as rewritten:

13           "(8)   Qualifications for Staff. – All child care center administrators shall be at least  
14           21 years of age. All child care center administrators shall have the North  
15           Carolina Early Childhood Administration Credential or its equivalent as  
16           determined by the ~~Department~~ Department or the School-Age Administration  
17           Credential when providing school-age child care. All child care administrators  
18           performing administrative duties as of the date this act becomes law and child  
19           care administrators who assume administrative duties at any time after this act  
20           becomes law and until September 1, 1998, shall obtain the required credential  
21           by September 1, 2000. Child care administrators who assume administrative  
22           duties after September 1, 1998, shall begin working toward the completion of  
23           the North Carolina Early Childhood Administration Credential or its  
24           ~~equivalent~~ equivalent, or the School-Age Administration Credential when  
25           providing school-age child care, within six months after assuming  
26           administrative duties and shall complete the credential or its equivalent within  
27           two years after beginning work to complete the credential. Each child care  
28           center shall be under the direction or supervision of a person meeting these  
29           requirements. All staff counted toward meeting the required staff-child ratio  
30           shall be at least 16 years of age, provided that persons younger than 18 years  
31           of age work under the direct supervision of a credentialed staff person who is  
32           at least 21 years of age. All lead teachers in a child care center shall have at  
33           least a North Carolina Early Childhood Credential or its equivalent as  
34           determined by the Department. Lead teachers shall be enrolled in the North  
35           Carolina Early Childhood Credential coursework or its equivalent as  
36           determined by the Department within six months after becoming employed as  
37           a lead teacher or within six months after this act becomes law, whichever is  
38           later, and shall complete the credential or its equivalent within 18 months after  
39           enrollment.

40           For child care centers licensed to care for 200 or more children, the  
41           Department, in collaboration with the North Carolina Institute for Early  
42           Childhood Professional Development, shall establish categories to recognize  
43           the levels of education achieved by child care center administrators and  
44           teachers who perform administrative functions. The Department shall use  
45           these categories to establish appropriate staffing based on the size of the center  
46           and the individual staff responsibilities.

47           Effective January 1, 1998, an operator of a licensed family child care home  
48           shall be at least 21 years old and have a high school diploma or its equivalent.  
49           Operators of a family child care home licensed prior to January 1, 1998, shall  
50           be at least 18 years of age and literate. Literate is defined as understanding  
51           licensing requirements and having the ability to communicate with the family

1 and relevant emergency personnel. Any operator of a licensed family child  
2 care home shall be the person on-site providing child care.

3 The Commission shall adopt standards to establish appropriate  
4 qualifications for all staff in child care centers. These standards shall reflect  
5 training, experience, education and credentialing and shall be appropriate for  
6 the size center and the level of individual staff responsibilities. It is the intent  
7 of this provision to guarantee that all children in child care are cared for by  
8 qualified people. Pursuant to G.S. 110-106, no requirements may interfere  
9 with the teachings or doctrine of any established religious organization. The  
10 staff qualification requirements of this subdivision do not apply to  
11 religious-sponsored child care facilities pursuant to G.S. 110-106."

12 **SECTION 2.4.** G.S. 110-98.5 reads as rewritten:

13 **"§ 110-98.5. Care for school-age children during state of emergency.**

14 Notwithstanding any provision of law or rule to the contrary, when remote or virtual learning  
15 is required due to a declared state of emergency issued under G.S. 166A-19.20, the following  
16 shall apply:

17 ...

- 18 (3) Care provided to school-age children pursuant to this section is not considered  
19 child care as defined under G.S. 110-86. However, if a program was licensed  
20 prior to the state of emergency, it shall be deemed licensed during the state of  
21 emergency whether it expands its capacity to provide services to more  
22 children so long as it adheres to the staff to child ratios for licensure."

23 **SECTION 2.5.** The Weikart Youth Program Quality Assessment (Weikart Program)  
24 shall be added as an assessment tool for evaluating out-of-school child care programs and  
25 awarding of a star rating. The Department of Health and Human Services, Division of Child  
26 Development and Early Education, shall complete the necessary crosswalk evaluation of the  
27 Weikart Program and have it available for applicants to use not later than six months after the  
28 date this act becomes law.

29  
30 **PART III. EFFECTIVE DATE**

31 **SECTION 3.1.** This act is effective when it becomes law.