

Child Care Regulations in North Carolina

Overview

A summary of child care regulations in North Carolina.

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Child care is regulated differently in every state, and sometimes even in different counties or cities in the same state. In North Carolina, the Department of Health and Human Services, Division of Child Development, licenses child care centers, small child care centers in residences, and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in North Carolina. Some child care programs in the state operate at this level and some well above it. North Carolina's star-ratings system is a state-supported quality indicator, a voluntary rated license wherein, after a licensed child care center or home has been in operation for a minimum of six consecutive months, an operator may apply for a star rating based on the total number of points achieved for each component of the voluntary rated license; two stars through five stars. The regulations set forth in this document are for those that meet the minimum state requirement of one star. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and regulatory requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The North Carolina Department of Health and Human Services, Division of Child Development, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In North Carolina, the following forms of child care must be licensed:

- *Child care programs.* A single center or home, or a group of centers or homes or both, which are operated by one owner or supervised by a common entity.
- *Child care centers.* A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. Rules and regulations vary somewhat according to the size of the center; specifically, fewer than 15 children, fewer than 30 children, and more than 30 children.
- *Family child care homes.* A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but fewer than nine children, receive child care.

More detailed information about child care centers and family child care homes may be found later in this guide.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In North Carolina, the following forms of child care are exempt from licensing:

- Family child care for one or two children, not including the caregiver's own children
- Care provided in the child's home if all the children in care are related and no more than two additional unrelated children are in care
- Care provided by relatives
- Recreational programs operated for fewer than four consecutive months in a year
- Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs
- Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches
- Public schools
- Nonpublic schools that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility for fewer than 6½ hours per day either on or off the school site

- Bible schools conducted during vacation periods
- Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment
- Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or fewer per day with different children attending each component

Although they are not required to be licensed, the majority of church-sponsored centers in the state have been licensed on a voluntary basis. Church programs that are not licensed, however, must meet many of the licensing requirements.

The Division of Child Development and the Department of Public Instruction are currently in the process of requiring programs run by public schools to be licensed. Previously, these programs could be voluntarily licensed and were only required to be licensed in order to receive governmental subsidy. The Division of Child Development and the Department of Public Instruction are working to ensure that there are standards and inspections of public school child care programs not receiving subsidies.

Age-group definitions

- *Infant*: child between birth and 1 year
- *Toddler*: child between 1 and 2 years (younger toddler); child between 2 and 3 years (older toddler)
- *Preschooler*: child between 3 and 5 years
- *School-age*: child 5 years and older, or child 4 years old who attends kindergarten

Subsidized child care

The North Carolina Department of Health and Human Services makes funds available to assist some families with their child care payments. Subsidized care can be provided by a licensed child care provider or by a legal nonlicensed provider (e.g., relative care) that meets certain health and safety standards. Families are eligible if they meet income guidelines and if parents are attempting to find work, are employed, are in school, or are in a job-training program. Families in a crisis situation or with special needs children may also be eligible. For further information about program availability and how to qualify, contact the local department of social services. To locate your county contact, please call 800-859-0829 (in-state residents only) or 919-662-4499, as well as visiting the Web site at <http://ncchildcare.dbhs.state.nc.us/general/home.asp>.

Whom to contact

For more detailed information regarding child care regulations in North Carolina, to obtain a copy of the state standards, or to report licensing violations, contact:

North Carolina Department of Health and Human Services Division of Child Development

Regulatory Services
2201 Mail Service Center
Raleigh, NC 27699-2201
800-859-0829 (in North Carolina only) or 919-662-4499
<http://ncchildcare.dbhs.state.nc.us/general/home.asp>

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse in child care, contact the North Carolina Department of Health and Human Services, Division of Child Development by calling 919-733-7831.

North Carolina's five-star-rating licensing system

Effective September 1, 2000, the North Carolina Division of Child Development issued star-rated licenses to child care centers and family child care homes. Religiously sponsored child care programs will continue to operate with a notice of compliance and will not receive a star rating. This rating is based on program standards, staff education levels, and compliance history with state child care regulations.

Up to three categories can earn a provider up to 15 points. The star rating is based on the total number of points in two or three component areas. Providers receive one point in each of the three areas for licensing compliance and additional points are the result of voluntarily maintaining higher standards.

	Two components	Three components
Two stars	4-6 points	5-7 points
Three stars	7-9 points	8-10 points
Four stars	10-12 points	11-13 points
Five stars	13-15 points	14-15 points

For more information on North Carolina's star-rating system, please contact the Division of Child Development.

Child care centers

Licenses

- Must be licensed.
- License must be posted.
- Liability insurance is not required.
- Licenses are nonexpiring, unless revoked.

State inspection

- Announced inspection is conducted at licensing.
- Unannounced inspections are conducted annually and after a complaint.

Staff:child ratios

Centers with fewer than 30 children

(There are differences to those centers with fewer than 15 children, or more than 30 children.)

- Birth to 1 year: one staff member for up to five children (1:5)
- 1 to 2 years: one staff for up to six children (1:6)
- 2 to 3 years: one staff for up to 10 children (1:10)
- 3 to 5 years: one staff for up to 15 children (1:15)
- 5+ years: one staff for up to 25 children (1:25)

Staff:child ratios for a center licensed for fewer than 30 children may differ for children over 2 years old.

For mixed-age groups, the staff:child ratio for the youngest child applies.

Maximum group size

Center with fewer than 30 children

(There are differences to those centers with fewer than 15 children, or more than 30 children.)

- Birth to 1 year: 10
- 1 to 2 years: 12
- 2 to 3 years: 20
- 3+ years: 25

If 15 or more children are in care, children under 2 years may not be grouped with older children.

For mixed-age groups, the group size for the youngest child applies.

Staff qualifications

Following is a basic outline of staff qualifications. Depending on the size of the staff and the star rating, different obligations either need or do not need to be met.

Administrator

- Must be at least 21 years old.
- Must have either a high school diploma or its equivalent; and
- Have two years of full-time verifiable work experience in a child care center or early childhood work experience; or an undergraduate, a graduate, or an associate's degree, with at least 12 semester hours in child development, child psychology, early childhood education, or directly related field; or a Child Development Associate (CAD) credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child care or early childhood work experience and a North Carolina Early Childhood Credential; and
- Have verification of having successfully completed, or be currently enrolled in, two semester credit hours, or 32 clock hours, of training in the area of early childhood program administration; or, have one year of experience performing administrative responsibilities.
- Any person at least 21 years old who was employed as an on-site administrator on or before September 1, 1986, shall be exempt from these provisions, as long as employed by the same operator.

Lead teacher

- Must be at least 18 years old.
- Must have a high school diploma or a general equivalency diploma (GED) equivalent.
- Must have at least one of the following:
 - One year of child care experience in a child care center or two years of experience as a licensed family child care home operator
 - Completion of a two-year high school Child Care Services Occupational Home Economics Program
 - Twenty hours of training in child development, which could include North Carolina Early Childhood Credential course work

- Any person who was employed as a lead teacher on or before July 1, 1998, shall be exempt from these provisions, as long as employed by the same operator.

Teacher

- Must be at least 18 years old.
- Must have a high school diploma or a GED before hire.

Aide

- Must be at least 16 years old and literate.
- Staff under 18 years old must be supervised.

Non-care staff

- Anyone who is at least 13 years old but less than 16 years old may work in a child care center as a volunteer, as long as he or she is supervised by and works with a required staff person who is at least 21 years old.

Staff training

- One staff member must be trained in recognizing common contagious diseases.
- Must attend 10 hours of orientation training in the first six weeks.
- Must participate annually in 20 hours of training.
- Training requirements may be reduced, depending on the amount of education and experience.
- The center director and any child care provider scheduled to work in the infant room, including volunteers counted in staff/child ratios, shall complete infant/toddler safe sleep and sudden infant death syndrome (ITS-SIDS) training.

CPR and first aid

- One staff member trained in CPR must be present at all times.
- One staff member trained in first aid must be present at all times with a ratio of the following: one staff for fewer than 30 children, two for 31 to 79, and three for more than 80 children.

Staff medical requirements

- Physical exam, including TB test, is required at initial hire.
- Must provide a statement from a physician that staff is emotionally and physically able to care for children.
- Must complete an annual health questionnaire or have an annual medical statement.

- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Must be fingerprinted for state criminal history check.
- Must have local criminal history check done by clerk of Superior Court in county of residence.
- Must have a national criminal check conducted by the FBI if a resident of the state for fewer than five years.
- Must provide a statement of criminal convictions.

Discipline

- Must have a written discipline policy.
- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents must have unlimited access to the facility and child.
- Parents must be informed immediately of any accident, injury, or illness.
- Parents must receive a copy of the discipline policy.
- Child care centers must have written authorization from a parent to administer any medication, oral or otherwise, to a child.

Health and safety requirements

- Must comply with all local zoning ordinances.
- Must comply with building and fire codes.
- Must have a written emergency plan.
- Must comply with sanitation requirements.
- Must cover electrical outlets.
- Outdoor play area and swimming pools must be surrounded with a fence at least 4 feet high.
- Outdoor play area must be inspected monthly for safety.
- Outdoor play equipment must be free of protrusions and entrapments, and must have fall zones and resilient surfacing.
- Indoor equipment and furnishings must be free of hazards.

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- There must be at least 25 square feet of indoor and 75 square feet of outdoor space per child.
- Windows and doors must have screens.
- Hazardous or toxic materials, including firearms and materials used to start fires, must be inaccessible to children.
- Must practice fire drills monthly.
- Must have a first-aid kit.
- Must have fire exits.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Must have written authorization from a parent listing to whom the child may be released.
- Swimming pools must meet health and safety requirements.
- One staff with a current lifeguard certificate must be present during water activities.
- Smoking is prohibited when children are present.
- Caregivers shall place infants aged 12 months and younger on their backs for sleeping.
- Each child care center shall have a written plan that assures that emergency medical care is available or can be obtained for children.
- Meals and snacks served shall comply with the Meal Patterns for Children in Child Care standards, which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition.

Transportation

- Each adult and child must be restrained with an appropriate restraint device while the vehicle is in motion.
- Children must not occupy the front seat if the vehicle has a passenger-side airbag.
- Vehicle must be in good repair, safe, and free of hazards.
- Vehicles must be insured for liability.
- Vehicles used to transport children in hazardous weather must be equipped with snow tires, chains, or other safety equipment as appropriate.

- A first-aid kit must be in the vehicle.
- Driver must be at least 18 years old and have a valid driver's license.
- Each center shall establish safe procedures for pick-up and delivery of children (except for centers with fewer than 12 children).

Child medical requirements

- Must have a physical exam and all age-appropriate immunizations, including hepatitis B.
- Screening for blood lead levels is not required.
- Must have parental authorization to administer medications.

Care for mildly ill children

- Children with communicable or contagious diseases as defined by the regulations may not be in care.
- A center that enrolls mildly ill children as a component of a child care center shall have approval for short-term care (no more than three consecutive days or for more than three consecutive days with written permission from a physician) for mildly ill children indicated on the center's license. A copy of the license shall be posted in the area used by mildly ill children so that it is easily seen by the public.
- A center that enrolls mildly ill children as a component of a child care center may admit mildly ill children only who regularly attend the center.
- Any child who is ill must be separated from the group; a parent or a guardian must be notified.
- Mildly ill children may be cared for if both parents and staff agree. (Child must not be contagious and must be capable of participating in routine group activities and have an oral temperature of less than 102 degrees orally, 101 degrees axillary, or 104 degrees rectally; vomiting fewer than three times in any eight-hour period, without signs of dehydration; diarrhea without signs of dehydration and without blood or mucus in the stool, fewer than five times in any eight-hour period.)

Family child care homes

Licenses

- Must be licensed.
- License must be posted.

- Liability insurance is not required.
- Licenses are nonexpiring, unless revoked.

State inspection

- Announced inspection is held initially.
- Unannounced inspection is conducted randomly and after a complaint.

Staff:child ratios and maximum group size

The staff:child ratio and group size shall be determined based on the age of the youngest child in the group and shall be as follows:

- 3 months to 2 years: one staff to three children (1:3), with a maximum of six children.
- 2 to 5 years: one staff to four children (1:4), with a maximum of eight children.
- 5+ years: one staff to five children (1:5), with a maximum of 10 children.

Staff qualifications

Provider

- Effective January 1, 1998, must be at least 21 years old and have a high school diploma or its equivalent; providers already licensed on this date do not have to meet this requirement.
- One additional star-rating point may be obtained when the provider has the Family Child Care Credential, at least four semester credit hours in early childhood education or child development, or at least 10 years of experience and six extra hours of training per year.
- Two additional star-rating points may be obtained when the provider has the Family Child Care Credential and five years of experience; or the Family Child Care Credential and at least three semester credit hours in early childhood education or child development and one year of experience; or an associate's or a bachelor's degree in any major with six semester credit hours in early childhood education or child development and six months of experience, or an associate's or a bachelor's degree in early childhood education or child development and three months of experience.
- Three additional star-rating points may be obtained when the provider has the Family Child Care Credential, at least six semester credit hours and two years of experience; or at least nine semester credit hours in early childhood education or child development and two years of experience; or an associate's or a bachelor's degree in any major with nine semester credit hours in early childhood education or child development and 18 months of experience; or an associate's or a bachelor's degree in any major and one year of experience.

Staff training

- Twelve hours per year of child development training are required.
- Eight hours of training are required for persons with at least 10 years of work experience as a caregiver.

CPR and first aid

- Certification is required 12 months prior to applying for a license.
- First-aid training to be renewed every three years.

Staff medical requirements

- TB test is required 12 months prior to licensing.
- Health questionnaire is required annually.
- No immunization requirements.
- Must provide a statement from a physician that staff is emotionally and physically able to care for children.
- AIDS test is not required.

Staff background checks

- Must be fingerprinted for a state criminal history check.
- Must have a local criminal history check done by the clerk of Superior Court in the county of residence.
- Must have a national criminal check by the FBI, if a resident of the state for fewer than five years.
- Must provide a statement of criminal convictions.
- Must not have a history of drug or alcohol abuse.
- Criminal record checks are required for all household members over 15 years old who are in the home when children are in care.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.
- Written copy of discipline procedures is required.

Parents' rights

- Parents must have unlimited access to the facility and child.
- Parents must be informed immediately of any accident, injury, or illness.

Health and safety requirements

- Must comply with all local zoning ordinances.
- Firearms and ammunition must be kept separate in respective locked storage.
- Must have a written emergency plan.
- Must practice fire drills monthly.
- Must have a first-aid kit, battery-operated smoke detectors, and a fire extinguisher.
- Hazardous or toxic materials, including firearms and materials used to start fires, must be inaccessible to children.
- Windows and doors must be screened.
- Must cover electrical outlets.
- Fans must be out of reach of children or have a mesh screen.
- Stairs must have handrails and guards.
- Pets must be vaccinated.
- Well water must be tested (if applicable).
- Must have a working phone in the home.
- Emergency numbers must be posted by the phone.
- Must have written authorization from a parent listing to whom the child may be released.
- In-ground swimming pools must be surrounded by a fence at least 4 feet high.
- Swimming pools must meet health and safety requirements.
- Children shall be supervised by persons having current life guard training certificates issued by the Red Cross.
- Children may use only floors with an exit at grade level.
- Smoking is not permitted when children are present.
- Caregivers shall place infants 12 months and younger on their backs for sleeping.
- Meals and snacks served shall comply with the Meal Patterns for Children in Child Care standards, which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition.

Transportation

- Children must be restrained in appropriate safety devices while the vehicle is in motion.
- Children must not occupy the front seat if the vehicle has a passenger-side airbag.
- Vehicle must be in good repair, safe, and free of hazards.
- Written permission for transport of children is required.
- Driver must be 18 years old and have a valid driver's license. If any child is medically fragile, then the driver needs to be 21 years old, certified in CPR, know first aid and have an additional adult, specifically an RN, in the vehicle.

Child medical requirements

- Children must have a physical exam and all age-appropriate immunizations, including hepatitis B.
- The family child care home must have parental authorization to administer medications.

Care for sick children

- The operator may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees axillary or 101 degrees orally and who remains capable of participating in routine group activities, provided the child does not have any contagious diseases.
- Mildly ill children may be cared for if both the parent and staff agree.