

Summary of Rule Changes Effective October 1, 2017 Child Care Centers

The NC Child Care Commission adopted rules effective October 1, 2017. Many of these rule changes are a result of the [CCDF Reauthorization and related federal requirements](#) and the [NC Periodic Review of Existing Rules](#). Refer to the [Child Care Rulebook](#) for complete rule text and take time to familiarize yourself with the rule changes. Minor changes such as technical wording, re-organization of rules and descriptions to clarify existing text were added throughout. A summary of the main changes follows.

Definitions:

- Biocontaminant – Revised to mean blood, bodily fluids, or excretions that may spread infectious disease. Another option added to allow disposal of biocontaminants in a covered, plastic lined receptacle. [Rule .0102(5) and .0604(v)]
- Child care provider – Revised to include uncompensated and substitute providers. [Rule .0102(8)]
- Infant – Means any child from birth through 12 months of age. [Rule .0102(24)]
- Staff or staff member – Means child care providers, substitute providers, and uncompensated providers. Does not include volunteers. [Rule .0102(44)]
- Toddler – Means any child ages 13 months to 3 years of age. [Rule .0102(48)]
- Premises – Means the entire child care building and grounds including natural areas, outbuildings, vehicles, parking lots, etc. and other structures located on the property. [Rule .0102(37)]

Licensure Requirements:

- Email – All centers must have an electronic mail address. [Rule .0302(d)(9)]
- Relocation – Specifies that children cannot be cared for at the new location prior to the issuance of a license. [Rule .0204]
- Application for a license – Allows the prospective applicant to submit current drawings of space that has been signed and sealed by an architect or engineer. A DCDEE representative may use these measurements to determine the center's licensed capacity. [Rule .0302 & .1401]

Developmentally Appropriate Activities:

- Screen time - Must be offered to stimulate a developmental domain in accordance with NC Foundations for Early Learning and Development; limited to a maximum of 30 minutes per day and no more than a total of two and a half hours per week per child; and documented on a cumulative log or activity plan. Prohibited for children under age 3. [Rule .0510(f)]
- Activity plans, schedules, and activity areas – Added requirement that activity plans include activities intended to stimulate the developmental domains found in NC Foundations for Early Learning and Development. Includes age change to schedule requirements to include “3 years of age and older” and “Under 3 years of age”. Rules are grouped and organized differently. [Rules .0508 and .0510]
- Prohibited discipline – Additional items included in the list of prohibited discipline practices such as, physical activity cannot be withheld or required as punishment; a child should not be yelled at, shamed, threatened, etc. [Rule .1803]

Safety:

- Indoor and outdoor space - Primary space measured for capacity of a center can now include a gymnasium. Square footage per child in outdoor space revised to allow more options for operators. [Rule .1401(e) and (f)]
- Transportation – A First Aid kit and fire extinguisher must be in vehicles used for transporting children. Includes specification for the tire treads of less than 2/32 of an inch. Clarification when a driver may be counted in staff/child ratio. For each child being transported, identifying information, including the child's name, photograph, emergency contact information and emergency medical care information must be in the vehicle. [Rule .1002, .1003 and .1004]
- Activities involving water - Additional staff member for supervision required. Written permission must include a statement that parents are aware of the center's aquatic policies. Clarification added to allow for educational activities. [Rule .1403 (e) & (m)]
- Safe sleep practices – Revisions to the safe sleep policy to include no wedges or other positioners, pillow-like toys, bumper pads, quilts, loose bedding, towels, wash cloths, and other objects being allowed in the sleep space. Prohibiting swaddling of infants. Pacifiers attached to infant clothing not allowed in the sleep space. Prohibiting infants from sleeping in sitting devices (car seats/swings/strollers) and infants that fall asleep in a sitting device must be moved to appropriate sleep space. Visually check a sleeping infant at least every 15 minutes. [Rule .0606]
- Jump ropes, rubber bands, and balloons – Jump ropes and rubber bands cannot be accessible to children under 5 without adult supervision. Balloons prohibited for all ages. [Rule .0604(q)]
- Outdoor learning environment - Trampolines are prohibited, except for supervised use of a mini fitness trampoline for single person use. Inflatables are allowed during a special event with some restrictions. Children may not be bare-footed while outdoors if

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equipment or surfacing is too hot to touch. Maintain manufacturer's instructions for any outdoor play structures purchased or installed on or after 9/1/17. [Rules .0605]

- Commercially manufactured equipment and furnishings - The manufacturer's instructions must be kept on file or electronically accessible for any equipment and furnishings purchased after 9/1/17. [Rules .0601(b)]
- Incident reporting - An incident report must be completed each time a child is injured or when a child receives medical treatment as a result of an incident occurring while the child is in care. The report must be signed by the parent and maintained on file. When medical treatment is required, an operator will continue to send a copy of the report to a DCDEE representative within 7 calendar days. [Rule .0802(e)]

Health:

- Smoking and tobacco restriction – Children must be in a smoke free and tobacco free environment. Centers located in a residence must be smoke free and tobacco free during operating hours. Smoking and the use of any product containing, made, or derived from tobacco, is not permitted on the premises, in vehicles used to transport children, or during off premise activities. Signage regarding the smoking and tobacco restriction must be posted at each entrance and in vehicles used to transport children. Parent must be notified, in writing, of the smoking and tobacco restriction. [Rules .0604]
- Administering medication - Fluoridated toothpaste added as an option for a parent to give standing authorization for up to 12 months. Requirements to follow if medication is given to a child in error. [Rule .0803]
- Nutrition – Centers located in a residence must post at least one dated copy of the current weeks menu and individual written feeding plans for each child under 15 months of age. Milk requirements were revised to match USDA, which allows flavored skim milk for children 6 years and older [Rule .0901and .0902]
- Infectious and contagious diseases – Conditions for exclusions were revised to match the American Academy of Pediatrics recommendations. [Rule .0804]

Staff Qualifications:

- Staff qualifications – An uncompensated provider is required to complete a medical report, TB test, emergency information form, and health questionnaire. An uncompensated provider means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. The uncompensated provider must be at least 18 years of age and literate. [Rules .0102(50) and .0701]

Continuing Education and Professional Development:

- New staff orientation – Revisions made to content of the orientation topics [Rule .1101]
- Health and safety training – Clarifying the required health and safety training must be completed within the first year of employment. Exemption requirements for substitutes and service staff such as speech therapists. [Rule .1102]
- On-going training – Child care providers will begin on-going training hours in the second year of employment (after completion of health and safety training in the first year). On-going training should cover all health and safety topics within a 5-year period. CPR and First Aid trainings do not count toward required on-going training hours. [Rule .1103]
- Professional development – Professional development plans required for all staff. Must be developed within one year of employment and reviewed annually. [Rule .1104]
- Emergency preparedness and response – Centers operated by a Local Education Agency may utilize the School Risk Management Plan and critical incident training offered by DPI in lieu of the Emergency Preparedness and Response in Child Care Training and online template required by rule for other child care centers. [Rule .0607(h)]

School-Age Care

- On-site training and orientation – Additional health and safety topics added. [Rule .2510(i)]
- Summer camp and school-age programs – Information separated out to clarify what is required for summer camp programs. [Rule .2502]

NC Pre-K:

- Children with unique needs and challenging behaviors – Outlines steps to be taken to ensure continued services for children and the prevention of expulsion or suspension of children. [Rule .3017]
- Outdoor time - Allowance for outdoor time to be a minimum of 45 minutes per day. [Rule .3002(c)]
- Staff qualifications – Some revisions made to qualification requirements. [Rules .3011 and .3012]