

Chapter 7: LICENSES

Purpose Of These Requirements

Child care arrangements that meet the definition of child care are required to be licensed by the Division of Child Development. The purpose of child care licensing is to ensure the safety and developmental well-being of children while in out-of-home care. Child care regulations reduce the risk of predictable harm to children while in child care. In addition, regulations provide basic consumer protection. Potential operators must comply with established child care rules prior to the issuance of a license.

Definitions

Child care: is defined as a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

Child Care Facility: Includes child care centers, family child care homes, and any other kind of arrangement not excluded by GS 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

Family Child Care Home: is a child care arrangement located in a residence where, at anyone time, more than two children, but less than nine children, receive child care.

Licensee: means the person or entity that is granted permission by the State of North Carolina to operate a child care facility.

Article 7, Chapter 110 of the North Carolina General Statutes allows the Department of Health and Human Services to issue the following types of permits:

For Child Care Centers

License: a permit issued by the Secretary of the Department of Health and Human Services to any child care facility that meets the statutory standards.

For Religious Sponsored Programs

Notice of Compliance: a permit issued by the Secretary of the Department of Health and Human Services to a religious sponsored child care facility opting to take certain exemptions from the child care rules but in compliance with all health and safety standards not exempted by law.

SECTION 1: TYPES OF LICENSES

Types of Licenses

NC General Statutes 110-88 & 110-90

- ★ The Division has the authority to issue the following types of licenses to family child care homes:
 - Temporary
 - Notice of Compliance
 - Star-Rated
 - Provisional
 - Special Provisional
 - Probationary

Temporary Licenses

Child Care Rule .0403

- ★ A temporary license may be issued to the operator of a family child care home when a change of location occurs. This type of license is effective for 60 days.
- ★ The operator must apply for a license prior to the location change and must have sufficient equipment and materials to operate for the number of children enrolled.
- ★ The temporary license must be posted in a prominent place in the program that parents are able to view daily.

Notice of Compliance

NC General Statute 110-106

- ★ Religious sponsored child care programs (those operated by a church, synagogue, or school of religious charter) may receive a Notice of Compliance.

- ☑ North Carolina General Statute 110-106 allows religious sponsored child care programs the option of being issued a license or a Notice of Compliance.
- ☑ If a religious-sponsored child care program elects to comply with all of the child care licensing requirements, they will be issued a license.
- ☑ If the program elects to take exemptions allowed by GS 110-106, they will be issued a “Notice of Compliance.”

Star Rated License
NC General Statute 110-90

 A star rated license is issued to a child care facility that meets standards established in child care law and rules. The rating is based on program standards and education levels of staff.

- A One Star Rated License indicates the child care operator meets minimum child care requirements and can be issued after being in operation for a minimum of six months.
- A Two through Five Star Rated License is issued to child care operators who voluntarily meet enhanced standards of child care requirements and has been in operation for a minimum of six months.
- New operators wishing to be eligible for a Two through Five Star Rated License should begin preparing for this from the time they open and let the consultant know during initial assessment visits to the program.
- The consultant will help the operator prepare to meet any voluntary enhanced standards necessary for the level license they wish to achieve. Refer to *Chapter 6 – Star Rated License* for specific requirements.

Provisional Licenses
Child Care Rule .0401

 A Provisional License is a permit that may be issued for up to one year to child care providers who fail to meet minimum licensing requirements.

- This license is issued if the Division determines that the applicant is making a reasonable effort to conform to the requirements but has yet to achieve full compliance.
- Provided that a situation is not hazardous to children, a provisional license can be issued in the following situations:
 - To allow a specific time period for the FCCH to comply fully with all licensing requirements and to demonstrate that compliance will be maintained, provided that conditions at the FCCH are not hazardous to the health or safety of the children or staff.
 - To allow time for the applicant or licensee to request a declaratory ruling when they do not agree with a violation cited or decision made by the Division.

- As an administrative action for substantiation of child abuse or neglect.
 - As an administrative action for not maintaining a compliance history score of at least 75%, for the past 18 months or during the length of time the facility has operated.
- ☑ The provisional license and the document describing the reasons for its issuance must be posted in a prominent place in the facility where parents can view it daily.
 - ☑ Written notification of the provisional license must be given to all parents of children currently enrolled and copies of documentation must be maintained on-site in a binder accessible to parents.
 - ☑ If an operator appeals the provisional license, the license does not have to be posted however written notification must be completed and distributed as stated above.
-  See *Chapter 9 – Administrative Actions* for more information on Provisional Licenses.

Special Provisional Licenses Child Care Rule .1904

 A Special Provisional License is a permit that may be issued for up to six months to child care providers when it is determined that child abuse or neglect has occurred in a facility.

- ☑ The special provisional license and the reasons for its issuance must be posted in a prominent place in the facility.
 - ☑ The special provisional license and reasons for issuance must remain posted for the entire time period covered by the license, and also during the time of any administrative proceedings.
 - ☑ In some circumstances, no new children may be enrolled in the facility until the Division is satisfied that the abusive or neglectful situation no longer exists and gives the operator written permission to accept new children.
 - ☑ Written notification of the special provisional license must be given to all parents of children currently enrolled and copies of documentation must be maintained on-site in a binder accessible to parents.
-  See *Chapter 9 – Administrative Actions* for more information on Special Provisional Licenses.

Probationary Licenses Child Care Rule .2204

- ★ A Probationary License is a permit that may be issued for up to one year to child care providers when it is determined that a violation of the child care law or rules has been willful, continual or hazardous to the health and safety of children.

- ☑ The notice describing the reasons for the issuance of the probationary license will describe the specific section of the child care law or rules violated and will specify the length of the probationary license period.
 - ☑ The probationary license and the notice describing the reasons for its issuance must be posted in a prominent place in the facility.
 - ☑ Failure of the licensee to comply with the terms of probation may result in the start of proceedings to suspend or revoke the license.
 - ☑ The probationary license and reasons for issuance must remain posted for the entire period covered by the license, and also during the time of any administrative proceedings.
 - ☑ Written notification of the probationary license must be given to all parents of children currently enrolled and copies of documentation must be maintained on-site in a binder accessible to parents.
-  See *Chapter 9 – Administrative Actions* for more information on Probationary Licenses.

SECTION 2: STATUS CHANGE

A status change is an event that requires the issuance of a new license.

Change of Location of a Family Child Care Home Child Care Rule .0204

- ★ When a licensed child care operator moves from one location to another, the operator must apply for a license for the new location.
- ★ The operator must notify the Division 30 days prior to the change of location.
- ★ The operator must obtain the new license prior to occupying the new location.

- ☑ The operator must complete a new application packet. First, the Facility Profile form must be completed and sent to the

child care consultant. Additional forms will need to be completed later in the process and will be supplied by the child care consultant.

- New building, fire and sanitation inspections must be completed for the new location prior to the issuance of a Temporary License, if applicable.
- The operator may not care for children in the new location until a license is received.

**Adding or Removing Restrictions from a License
Child Care Rule .0204**

-  A change in restriction can occur in two situations:
 1. to add a new restriction
 2. to remove an existing restriction

- A restriction on a license limits the type of care that can be given at a FCCH.
- When the operator conforms to a requirement previously found out of compliance, a restriction can be removed. Likewise, if an operator fails to conform to a requirement, a restriction can be added to the license.
- Restrictions on the number or age of children may be required by building code, fire code, local zoning requirements, sanitation requirements, or some combination of these.
- The addition or removal of a restriction is not effective until a new license has been issued reflecting the change.

**Reissuing a Current License
Child Care Rule .0204**

-  Certain situations may require that a license be reissued to reflect current information about the operator or center.

- In certain circumstances, the name of the center or the owner may change. If an operator’s name changes, such as due to marriage, a new license needs to be issued to reflect the name change.

- ☑ In some areas, street names may change or cities may switch from using route and box numbers to street number and name. A new license would need to be issued to reflect the current location address of the facility.
- ☑ If the operator wishes to change the name under which the child care facility does business, a new license can be issued to reflect the new name.
- ☑ The reissuance of a license is not effective until all reports have been reviewed and the child care facility has received a new license from the Division.
- ☑ All requests for the reissuance of a license must include a new Application - Facility Profile form to be completed.

SECTION 3: COMPLIANCE HISTORY

Compliance History
General Statute 110-90 & Child Care Rule .0304

- ★ To maintain a license or Notice of Compliance, a child care facility must have a compliance history of at least 75% for the past 18 months or during the length of time the facility has operated.
- ★ A provisional license or provisional Notice of Compliance or other administrative action may be issued when a facility fails to maintain a compliance history of at least 75%.

- ☑ All facilities will have a compliance history score generated prior to the issuance of a One to Five Star Rated License.
- ☑ The Division will assess the compliance history of a facility by evaluating compliance with the child care requirements for the past 18 months, or during the length of time the facility has been operating.
- ☑ Points are assigned for the occurrence of specific violations. The point value is based on the potential threat to the health and safety of children.
- 📁 A sample **Compliance History Assessment** sheet used to calculate the compliance history percentage is located in the resource section. The compliance score sheet show compliance points earned. Possible points earned will vary dependent upon the child care requirements monitored during visits.

 **For information on compliance monitoring see *Chapter 8***
– *Compliance Monitoring.*

- Points are assigned for each occurrence of violations of the following requirements:
- supervision of children (6 points)
 - capacity (6 points)
 - program records (1-3 points)
 - health and safety practices (3-6 points)
 - discipline (6 points)
 - nutrition and feeding practices(1-3 points)
 - staff qualifications and training (2-5 points)
 - transportation, if applicable (1-3 points)
 - developmentally appropriate activities (2-4 points)

RESOURCE SECTION

Chapter 7: LICENSES

The following pages contain resource materials related to the content in the preceding chapter.

Some of the resources are forms created by the Division of Child Development and must be used by licensed child care centers. Other materials are provided as a resource only for child care centers and can be used at the discretion of the center.

Center operators may also wish to use this section to add any additional resource materials they have that are related to the chapter or information that is specific to their child care center.

Compliance History Assessment 18 Months			
Name: ABC Child Care			
ID#12345678			
Required Components	Lic. Points	Visit Date	
		4/7/2010	10/3/2010
Type of Visit		A/C Full	Rtd Lic
Supervision			
A1. Supervision	6	6	6
Capacity			
B1. Capacity	6	6	6
Staff Qualifications and Training			
C1. Operator Qualifications	5	5	5
C2. Additional Staff Qualification	5	5	5
C3. Inservice Training Hrs	2	2	2
C4. CPR and/or ITS SIDS Training	3	3	3
C5. First Aid	2	2	2
C6. CRC Completed	2	2	2
Health			
D1. General Health	3	3	3
D2. Administering of Medication	4	4	4
D3. Mildly Ill	2	2	2
Safety			
E1. Storage of Hazardous Substances -	5	0	5
E2. Storage of Medication -	5	5	5
E3. General Safety -	3	0	3
E4. Equipment -	4	4	0
Program			
F1. Discipline -	6	6	6
F2. Age Approp Activities-	3	3	3
F3. Adequate/ Approved Space -	6	6	6
F4. Nutrition/Infant Feeding -	2	2	2
F5. General Licensing Requirements	2	2	2
Management			
G1. Staff Records -	1	1	1
G2. Children's Records -	1	1	1
G3. Program Records	1	1	1
G4. License Posted	2	2	2
Fire/Building			
H1. Fire Safety	3	3	3
H2. Building Code Requirements	3	3	3
H3. Sanitation	3	3	3
Transportation			
I2. Seat Restraints for Children	3	3	
I3. Airbags -	3	3	
I4.State and Federal Laws for Transporting Passengers	2	2	
I5. Emergency Information -	1	1	1
I6. General Transportation Safety	1	1	
Total Points		92/100	87/91
Percentage		92%	96%
Center Assigned To ABConsultant		Compliance Percentage (179/191) 94%	