

## Summary of Rule Changes Effective November 1, 2007

### 10A NCAC 09 .0512 - Off Premise Activities for Centers

Note: This is a new section. The rules did not previously have a section concerning activities that take place away from the center.

- Off premise activities refer to any activity which takes place away from a licensed and approved space.
- When children participate in off premise activities the following apply:
  - ☆ Children under the age of 3 may not participate when the activity involves children being transported, unless it is necessary to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).
  - ☆ Parents must give written permission.
  - ☆ The facility must post a schedule of off premise activities in each participating classroom and a copy must be given to parents.
  - ☆ Staff must take a list of the children participating in the activity. Staff must use the list to check attendance when leaving the facility, periodically when children are involved in the activity, before leaving to return to the facility, and upon return to the facility. A list of all children participating must also be at the center.

### 10A NCAC 09 .0604 – General Safety Requirements

Note: Rules related to the outdoor area were transferred to Rule .0605 – Condition of Outdoor Learning Environment. This will result in having all rules related to the outdoor area in one section.

### 10A NCAC 09 .0605 - Condition of Outdoor Learning Environment

Note: Most of the language added to Rule .0605 is not new, but has been transferred from Rule .0604. Rules related to the outdoor area are now located in this section.

- All stationary outdoor equipment more than 18 inches high must be installed over a protective surface.
- For stationary outdoor equipment used by children under the age of two, the protective surfacing must extend beyond the external limits of the equipment for a minimum of three feet.
- If there are two adjacent structures, and one is more than 18" but less than 30" tall, protective surfacing is only required to extend a minimum of nine feet between the two structures.

### 10A NCAC 09 .0708 – In-service Training Approval

- An annual training plan must be submitted to the Division for a review of trainings provided by a government agency or by a state or national professional organization.
- Other agencies and individual trainers must submit in-service training approval forms provided by the Division at least 20 business days prior to the training event.
- Other agencies and individual trainers must maintain and submit a training roster to the Division no later than 15 days after the training event. The event sponsor must provide training evaluations to be completed and kept on file for three years.
- The rule specifies areas that will be assessed to determine if the training will be approved.

### 10A NCAC 09 .1003 - Safe Procedures

- The driver or other adult in the vehicle must assure that all children are transferred to a responsible person as authorized by the parent.
- Emergency and identifying information for each child being transported must be in the vehicle.
- The driver must be 21 years old.

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- Before children are transported, written permission from a parent must be obtained.
- Parents may give standing permission, up to 12 months, for routine transport of children.
- Functioning cellular telephone or other functioning two-way voice communication device must be in the vehicle for use in an emergency.
- Staff must have a list of children being transported. Staff must use this list to check attendance as children board and depart the vehicle. This list of children must also be at the center.

### 10A NCAC 09 .1403 - Aquatic Activities

- Aquatic activities are defined as activities that take place in, on, or around a body of water such as swimming, swimming instruction, wading, visits to water parks, and boating.
- For every 25 children participating in aquatic activities, there must be at least one person who has a current life guard training certificate. These certified lifeguards cannot be counted in the required staff-child ratio.
- Children under the age of three may not participate in aquatic activities unless it is necessary to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).
- The following staff-child ratios must be maintained during aquatic activities:

<u>Age of Children</u>	<u>Ratio staff/Children</u>
3 to 4 years	1/8
4 to 5 years	1/10
5 years or older	1/13

- Regardless of the number of children participating, a minimum of two staff members must supervise aquatic activities.
- Adequate supervision must be maintained at all times. Half the center staff needed to meet staff-child ratios must be in the water and the other half must be out of the water.
- Staff must be positioned in pre-assigned areas that will allow them at all times to hear, see, and respond quickly to children.
- The center must develop aquatic activity policies.
- Staff must sign and date statements that they reviewed the policies.

### 10A NCAC 09 .2510 – Staff Qualifications for School Age Staff

Note: These rules are now consistent with the rules for orientation for all other staff, as required in 10A NCAC 09 .0707 – In-service Training Requirements.

- Specifies required training for new staff within the first two weeks and the first six weeks of employment.
- Increase the hours of orientation to 9 total hours.

### 10A NCAC 09 .0805 - Sanitary Food Service

Note: This section has been removed from the child care rules. These rules are enforced in the Rules for Sanitation of Child Care Centers – Section .2800, within the NC Department of Environment and Natural Resources. You can access a copy of the sanitation rules at [http://nrc.uchsc.edu/STATES/NC/nc\\_2800.pdf](http://nrc.uchsc.edu/STATES/NC/nc_2800.pdf) . This change is effective December 1, 2007.

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### Rule Changes for Centers and Family Child Care Homes

#### Section .2700 - Criminal Records Checks

##### 10A NCAC 09 .2701 – Applications for Permits

- Only one fingerprint card is required.
- Issuance of a permit and/or CRC qualification is based on convictions, pending charges or indictments, deferred prosecution, Prayer for Judgment and probation status.

##### 10A NCAC 09 .2702 – Criminal Record Check Requirements for Child Care Providers

- Requires all child care providers and household members who are employed, or remain at the same facility for three consecutive years, to have a modified criminal record check.
- Addresses three year re-qualification checks for current employees of child care centers, existing family child care home providers and household members who remain in the household, or have already been employed at the same facility for more than three consecutive years.
- Allows for a new criminal record check to be completed at any time after the initial qualification if there is an investigation referencing a child care provider conducted by the Department of Social Services or the Division of Child Development. A new check may also be performed for the discovery or indication of any new charges or indictments (pending or otherwise) that occurred after the initial qualification.
- Defines household members of family child care homes as individuals over 15 years old, including family members and non-family members who use the home on a permanent or temporary basis as their primary residence.
- Requires individuals over 15 years old who move into a family child care home or any individuals who live in the household who have had their 16<sup>th</sup> birthday after the initial licensing of a family child care home, have a complete background check within five business days of moving into the home or their 16<sup>th</sup> birthday.

Note: The Division of Child Development will implement the change in the rule that now requires a criminal record recheck during 2008. All child care providers will receive a mailing that will give instructions as well as new forms to complete. For center providers, the instructions and forms will be sent with the annual fire inspection packet. Family child care home providers will receive instructions and forms in a separate mailing.

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