

# Compliance Counts

Understanding NC Child Care  
Laws & Regulations



child care  
resources  
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**W**hen it comes to child care, parents have a lot to consider. It helps to start with the basics. That means understanding the child care laws and regulations designed to protect your child in care.

North Carolina law addresses requirements for all child care programs; child care regulations, on the other hand, are specific to the type of care you choose—for example, a family child care home adheres to a different set of regulations than a child care center.

Compliance with laws and regulations is the responsibility of every licensed child care program, regardless of type, and is regulated by the NC Division of Child Development and Early Education. But you have a role in compliance, too! As a parent whose child will be cared for outside your home, you should be in the know:

- Know the law – become familiar with the regulations that apply to the child care program you’re considering.
- Know what’s happening – stay informed by checking the program’s compliance records, not only before you enroll but also while your child attends the program.
- Know how to report a problem – learn how to file a complaint so you’ll be prepared, should the need arise.

Like all parents, you want to know that your child is healthy, safe and always learning, even when you must be away. By understanding child care laws and regulations, you’ll be able to make a good child care choice and make sure it keeps working – for you and your child!

*Compliance Counts* is the first in a series of brochures. For more information, see *Quality Counts* and *Planning Counts*!

# Child Care Licensing

The child care system includes regulated programs that operate under a variety of license types as well as programs that are license-exempt but operate legally. A major benefit of choosing a licensed program is that the program will be externally monitored for compliance with licensing requirements by the North Carolina Division of Child Development and Early Education (NCDCDEE) and, in some counties, environmental health specialists. External monitoring helps to ensure the developmental well-being and health and safety of children enrolled in licensed child care programs. By contrast, choosing a license-exempt program means that the program will not be externally monitored for compliance, a factor you will want to consider when making your child care choice.

Keep in mind that the child care law and rules establish only minimum requirements, meaning that licensing sets the floor at which programs may legally operate. For information about high quality child care, refer to the next brochure in this series – *Quality Counts* – or visit CCRI’s website at [www.childcareresourcesinc.org](http://www.childcareresourcesinc.org).

***All child care licenses must be displayed in a prominent place. Legally operating programs may operate with one of the following:***

## ***Star Rated License***

In North Carolina, star rated child care licenses range from 1-star (lowest) to 5-star (highest) based on program standards and staff education. A program may be licensed to care for up to five preschool children and three additional school-age children in a residence (this is called a “family child care home”). Programs may be licensed to care for six or more (maximum of 12) preschool children in a residence (called a “center-in-a-residence”) or three or more children in a building other than a residence (called a “child care center”). A center-in-a-residence that serves school-age children only may have a maximum of 15 children.



# Child Care Licensing (cont.)

## ***Temporary License***

Every new child care center, and any program that has a change of ownership or location, is issued a temporary license. (Family child care homes are issued a 1-star license at time of opening.) Temporary licensed programs are monitored for compliance with all licensing requirements for a six-month period, after which they may apply for a higher star rated license.

## ***Notice of Compliance (G.S. 110-106)***

Religious-sponsored child care programs may elect not to receive a license from NCDCDEE but operate with a “Notice of Compliance.” This means the program must maintain compliance with all health and safety standards not exempted by the law but has opted to be exempt from some child care requirements (including age-appropriate activities, staff qualifications and training). Although NCDCDEE does not issue a license to the facility, the program is monitored annually to review its compliance with child care requirements. Environmental health specialists in each county also monitor all child care centers operating under G.S. 110-106 status to ensure compliance with sanitation rules and regulations.

## ***License Exemptions***

Certain programs are not required to become licensed by NCDCDEE. Some examples of license-exempt programs:

- those that operate fewer than four hours per day (*ex: part-day preschools*)
- those that offer specialized activities (*ex: music, athletics, Boy Scouts, Girl Scouts, vacation bible school or other organized clubs*)
- drop-in care programs where parents remain on premises or are easily accessible (*ex: shopping malls, hotels and churches*)

Programs that operate seasonally (fewer than four consecutive months during summer) are not required to become licensed by NCDCDEE. If a program chooses to obtain a license, the program will be licensed as a “summer camp” for the duration of the camp. One exception – NCDCDEE must license any summer camp that will serve children receiving child care financial aid.

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Public schools are also exempt from licensing by NCDCDEE but may and often do elect to have their school-age child care programs licensed in order to serve children needing financial aid. This includes care provided before and after school, on teacher workdays and during school holidays.

For a complete list of license exemptions and/or a summary of the child care rules and regulations, visit NCDCDEE at <http://ncchildcare.nc.gov>.

***As a result of non-compliance with child care licensing requirements, NCDCDEE may revoke a program's license or issue one of the following licenses for a given period:***

### ***Provisional License***

Child care programs that fail to meet minimum licensing requirements may be issued a provisional license (for up to one year). If a program receives a provisional license, written notification of the provisional license and the reason for its issuance must be given to all parents.

### ***Special Provisional License***

When it is determined that child maltreatment has occurred at a child care program, NCDCDEE may issue a special provisional license (for up to six months). If a program receives a special provisional license, written notification of the special provisional license and the reason for its issuance must be given to all parents. In some circumstances, NCDCDEE may prohibit the enrollment of new children until satisfied that the situation causing the license to be issued has been resolved.

### ***Probationary License***

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, NCDCDEE may issue a probationary license (for up to one year). If a program receives a probationary license, written notification of the probationary license and the reason for its issuance must be given to all parents.

***NOTE: Programs that do not meet one of the arrangements described may be operating illegally. If you have questions or concerns about a program, call NCDCDEE at (800) 859-0829.***

# Benefits of Licensed Care

If you opt for a licensed child care program, you will reap the benefits of external monitoring by NCDCDEE that helps to ensure the developmental well-being and health and safety of enrolled children by monitoring licensed programs for:

## *Compliance*

In order to maintain its license or notice of compliance, a child care program must have a compliance history of 75% for the past 18 months or the length of time the facility has operated. A program's compliance history percentage is determined by subtracting the total number of demerits from the total merits possible and converting the total into a percentage. Demerits occur for each violation of the following child care requirements (total demerits noted):

- supervision (6)
- staff/child ratios (6)
- staff qualifications and training (2 to 5)
- health and safety (3 to 6)
- discipline (6)
- developmentally appropriate practices (2 to 4)
- space (6)
- nutrition practices (1 to 3)
- program records (1 to 3)
- transportation (1 to 3)

NCDCDEE evaluates compliance at least annually, and monitoring is conducted on an ongoing basis as warranted.

## *Staff Qualifications and Training*

All licensed programs must adhere to NCDCDEE's regulations regarding staff qualifications and training (which vary based on type of care and positions held by staff).

Programs may elect to exceed minimum standards to achieve a higher star rating. Staff regulations address minimum age, education level, criminal background checks, certification in CPR and first aid, training in Infant Toddler Sleep-Sudden Infant Death Syndrome (ITS-SIDS) and minimum number of annual training hours. (In family child care homes, all household members over age 15 who are present when children are in care must also undergo a criminal records background check, with rechecks done every three years.)

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### ***Staff-Child Ratios and Group Size***

Ratios and maximum group size (which vary based on children's ages and type of program) are designed to ensure the health and safety and developmental well-being of children in care. Ratios are the number of staff required to supervise a given number of children; maximum group size is the largest number of children permitted in one group. Programs may elect to exceed minimum staff-child ratios to achieve a higher star rating. The ratios applicable to a classroom must be posted in that classroom in an area visible to parents at all times.

#### **Staff to Child Ratios for Child Care Centers (licensed capacity = 30 or more children)**

<b>Age</b>	<b>Teacher: Child Ratio</b>	<b>Maximum Group Size</b>
Infants (Birth to 12 months)	1:5	10
Toddlers (12 to 23 months)	1:6	12
2 years old	1:10	20
3 years old	1:15	25
4 years old	1:20	25
School-Age	1:25	25

#### **Staff to Child Ratios for Child Care Centers (licensed capacity = fewer than 30 children)**

<b>Age</b>	<b>Teacher: Child Ratio</b>	<b>Maximum Group Size</b>
0 to 12 months	1:5	10
12 to 24 months	1:6	12
2 to 3 years	1:10	20
3 to 5 years	1:15	25
5 years and older	1:25	25

#### **Staff to Child Ratios for Centers-in-a-Residence**

<b>Age</b>	<b>Teacher: Child Ratio</b>
0 to 12 months	1:5 preschool children, plus three school-age children
12 to 24 months	1:6 preschool children, plus three school-age children
2 to 3 years	1:10
3 to 13 years	1:12
All school-age	1:15

*NOTE: Licensed family child care homes may serve up to five preschool-age children (including the provider's own children under age 5) and three school-age children (not including the provider's own school-age children).*

# Health and Safety

Licensed child care programs must meet the following requirements designed to ensure the health and safety of enrolled children:

1. **Meals and Snacks:** Food must be offered at least once every four hours. Meals and snacks must be nutritious (conforming to USDA-established Meal and Snack Patterns) and portions large enough to satisfy children's hunger.
2. **Space and Equipment:** Programs must meet minimum requirements for indoor and outdoor space per child based on type of care and star rating of program. All children must be allowed to play outdoors each day (weather permitting) and be provided with space and time for rest.
3. **Inspections:** Local fire inspectors and environmental health specialists visit all licensed child care centers to ensure that standards are met. Depending on local ordinances, some family child care homes may also receive these inspections.



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4. **Transportation:** Programs that provide transportation for children must meet all motor vehicle laws, including inspection, insurance, license and restraint requirements. Children may never be left alone in a vehicle and the appropriate child-staff ratio must be maintained. Child care centers are permitted to transport children under age three to and from care but not to participate in any off-premises activities (unless it is part of the child's Individualized Family Service Plan or Individualized Education Program).
5. **Records:** Programs must keep accurate records including children's attendance, immunizations (children must be immunized on schedule) and emergency phone numbers. A record of monthly fire drills practiced with safe evacuation of children must also be maintained. A safe sleep policy must be developed and shared with parents if children younger than 12 months are in care.
6. **Discipline:** Each program must have a written discipline policy that is discussed with parents and provided in hard copy for parents to sign when the child is enrolled. Changes in discipline policy must be shared with parents in writing before taking effect. Corporal punishment (spanking, slapping or other physical discipline) is prohibited in all family child care homes and centers. (If a religious-sponsored program notifies NCDCDEE that corporal punishment is part of their religious training, that program will be exempt from this part of the law.)

***Remember, all parents have the right to . . .***

- *enter a family child care home or center at any time while your child is present.*
- *know how your child will be disciplined.*
- *see the license displayed in a prominent place.*
- *review any administrative action received by the program as a result of non-compliance or a violation of licensing rules and regulations. (Documentation must be maintained for three years in a binder accessible to parents.)*

# How to Report a Problem or Ask a Question

**N**orth Carolina law requires NCDCDEE staff to investigate a licensed family child care home or child care center when there has been a complaint. Child care providers who violate the law or rules may be issued an administrative action that can range from a Written Reprimand to a License Revocation or Summary Suspension. Depending on the situation, the facility may also be fined. If you believe that a child care provider fails to meet the requirements as outlined, or if you have questions, contact NCDCDEE at (800) 859-0829 or visit [www.ncchildcare.nc.gov](http://www.ncchildcare.nc.gov).



## ***Reviewing Violations and/or Past Complaints***

You may review program files for violations and/or past complaints/investigations either online or by mail. Due to the volume of requests, it may take up to two weeks to receive information from NCDCDEE. Please remember to specify the name of the program, county in which the program is located and time frame for which you are requesting information (i.e. the past year).

To review files online, visit [www.ncchildcare.nc.gov](http://www.ncchildcare.nc.gov).

1. Click on the Parents tab (upper left corner) and follow the prompts until you reach Actions Taken and DCDEE Visits, which will tell you if NCDCDEE had to take any actions against the program and the nature of those actions.
2. Once you have this information, talk with the director to see what steps the program has taken to resolve any issues and/or actions.

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## ***Child Maltreatment***

Child maltreatment can manifest in many different ways. Child maltreatment is defined as “any act or series of acts of commission or omission by a caregiver that results in harm, potential for harm, or threat of harm to a child. Acts of commission include, but are not limited to, physical, sexual, and psychological abuse. Acts of omission include, but are not limited to, failure to provide for the physical, emotional, or medical well-being of a child, and failure to properly supervise children, which results in exposure to potentially harmful environments.” North Carolina Law requires anyone who suspects child maltreatment in a child care facility to report the information to NCDCDEE.

Any person can call NCDCDEE at (800) 859-0829 and make a report of suspected child maltreatment in a child care program. Reports can be made anonymously. A person cannot be held liable for a report made in good faith. The operator of the program must notify parents of children currently enrolled in writing of the substantiation of any child maltreatment complaints or the issuance of any administrative action against the child care facility as the result of any substantiated case of maltreatment.

***Portions of this document were adapted with permission from:***

*NC Division of Child Development and Early Education  
North Carolina Department of Health and Human Services  
820 S. Boylan Avenue  
Raleigh, NC 27603*

# About CCRI

Founded in 1982, Child Care Resources Inc. (CCRI) is a private, nonprofit, resource and referral agency that works with families and communities across the Central Carolinas region to ensure that all children have access to affordable, high quality early learning and school-age child care opportunities that enable them to succeed in school and in life.

### CCRI's services include:

- Consumer education and referrals to early care and education, school-age child care and other family and child support services for families in Mecklenburg, Cabarrus, Union, Rowan and Stanly counties (NC Child Care Resource and Referral Region 6).
- Training, technical assistance, on-site consultation and professional development to improve program quality.
- Financial assistance for income-eligible Mecklenburg County families to offset the cost of child care.
- Outreach to families to promote involvement in their children's development, learning and education.
- Child and Adult Care Food Program sponsorship for family child care homes.
- Supply and demand trends analysis leading to the development and implementation of targeted strategies to fill gaps in services.
- Consultation to employers on work-life policy development and early care and education and school-age child care community investment strategies.
- Public education to increase community awareness about and support for the needs of young and school-age children and their families.

### Main/Mecklenburg Office

4600 Park Road, Suite 400, Charlotte, NC 28209

*Child Care Search*..... (704) 348-2181  
Other calls..... (704) 376-6697  
Fax line..... (704) 376-7865

### Union County Office

105-A Cedar Street, Monroe, NC 28110

*Child Care Search*..... (704) 238-8800  
Other calls..... (704) 238-8810  
Fax line..... (704) 238-8811

### Cabarrus County

*Child Care Search*..... (704) 786-1024

### Rowan County

*Child Care Search*..... (704) 210-1008

### Stanly County

*Child Care Search*..... (704) 550-0103

Website ..... [www.childcareresourcesinc.org](http://www.childcareresourcesinc.org)  
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