

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Child Care Commission intends to adopt the rules cited as 10A NCAC 09 .3001-.3016.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.ncchildcare.net>.

Link to OSBM website for fiscal note: http://www.osbm.state.nc.us/files/pdf_files/DHHS05072012.pdf.

Proposed Effective Date: November 1, 2012

Public Hearing:

Date: June 27, 2012

Time: 1:30 p.m.

Location: NC Division of Child Development and Early Education, 319 Chapanoke Road, Suite 120, Raleigh NC 27603

Reason for Proposed Action: *The NC Child Care Commission is proposing the adoption of rules that are in direct response with S.L. 2011-145 s. 10.7(a) which transferred the More at Four program from the Department of Public Instruction to the Division of Child Development and Early Education. S.L. 2011-145 gave the Child Care Commission the rule-making authority to adopt programmatic standards for the regulation of NC Pre-Kindergarten (NC Pre-K) classrooms. The program will meet and offer the same standard of high quality early education as the More at Four program which has been maintained for the last 10 years. The rules will fall under the APA process and will be codified under 10A NCAC 09 .3000 – NC Pre-Kindergarten Services.*

Procedure by which a person can object to the agency on a proposed rule: *Objections may be submitted in writing to Dedra Alston, Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201; or by email to Dedra.Alston@dhhs.nc.gov by July 31, 2012.*

Comments may be submitted to: *Dedra Alston, 2201 Mail Service Center, Raleigh, NC 27699-2201; phone (919) 890-7060; fax (919) 662-4568; email Dedra.Alston@dhhs.nc.gov*

Comment period ends: July 31, 2012

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
Date submitted to OSBM:
- Substantial economic impact (≥\$500,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 09 - CHILD CARE RULES

SECTION .3000 – NC PRE-KINDERGARTEN SERVICES

10A NCAC 09 .3001 SCOPE

The rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten (NC Pre-K) program. The NC Pre-K program is designed to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds. All rules in this Chapter shall apply except as provided in this Section.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3002 FACILITY REQUIREMENTS

(a) Programs serving NC Pre-K children shall maintain a four or five star rated license.

(b) All NC Pre-K licensed programs shall have an assessment completed every three years using a nationally recognized assessment tool as a part of the rated license reassessment process. Classrooms that score below the "good level", as defined by the tool, shall be reassessed the following year and a minimum "good level" must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom will be chosen during the reassessment process.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3003 PROGRAM ATTENDANCE POLICY

When a child is absent for more than three consecutive days, the site-level administrator must contact the family and determine the child's participation status. The site-level administrator must document attempts to contact the family and any specified decisions regarding the child's continued participation in the program. The site-level administrator shall contact the local NC Pre-K contractor to share information related to the child's absence and to determine what further actions may be necessary to maintain the child's attendance in the program.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3004 RELIGIOUS ACTIVITIES

Activities, instruction, or communications, which promote religious beliefs, shall not be directed toward children participating in the NC Pre-K program during the NC Pre-K day.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS

(a) A health assessment is required to be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-K program and the assessment may be no more than 12 months old at the time of program entry. The health assessment must include the following:

- (1) Physical examination;
- (2) Updated immunizations;
- (3) Vision screening;
- (4) Hearing screening; and
- (5) Dental screening.

(b) Site-level administrators shall review all health assessment results and shall ensure that all necessary referrals related to the results have been made.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3006 DEVELOPMENTAL SCREENING

(a) All children enrolled in the NC Pre-K program must receive a developmental screening, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a professional trained in administering the screening. Children must be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used solely for the purpose of identifying children who should be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Children shall be screened using one of the approved screening instruments as indicated in the NC Pre-K contractual agreement.

(c) Site-level administrators shall review all developmental screening results and shall ensure that all necessary referrals related to the results have been made.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3007 EARLY LEARNING STANDARDS AND CURRICULA

(a) NC Pre-K programs shall use North Carolina's Early Learning and Development Standards (and subsequent editions), to guide their planning of developmentally appropriate, high-quality pre-kindergarten experiences for children.

(b) Each NC Pre-K classroom shall use a curriculum as defined in 10A NCAC 09 .0102.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3008 INSTRUCTIONAL ASSESSMENTS

Classroom staff are required to conduct ongoing assessments to gather information about each child's growth and skill development, as well as inform instruction. One of the approved assessment instruments as indicated in the NC Pre-K contractual agreement shall be used to meet this requirement.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE

The classroom will not exceed a maximum staff-to-child ratio of one to nine with a maximum class size of 18 children, with at least one teacher and one assistant teacher per classroom.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-Kindergarten programs shall develop a comprehensive plan for family engagement consisting of strategies designed to develop partnerships with families and build reciprocal relationships that promote shared decision-making. Examples of meaningful opportunities for families to be engaged in their child's education include, but are not limited to:

- (1) Home visits;
- (2) Formal and informal parent/teacher conferences;
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) Parent education;
- (5) Family involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular service day.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3011 SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites must have either:

- (1) A NC Principal License, or
- (2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III. If the site-level administrator has not yet earned the NCECAC Level III, the following will apply:
 - (A) Provisional approval will be given for four years from the time the site began participation with the NC Pre-K program for the administrator with NCECAC I or II to obtain the NCECAC Level III; and
 - (B) Progress toward NCECAC Level III will be considered a minimum of six documented semester hours per year.

(b) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

(c) Long term vacancies shall not exceed 12 weeks.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3012 TEACHER EDUCATION, LICENSURE AND CREDENTIALS

(a) All teachers will hold, or be working toward a North Carolina (NC) Birth through Kindergarten (B-K) Standard Professional II or Preschool Add-on licensures. Teachers working toward the required education and license shall hold a minimum of a BA/BS degree and the following requirements:

- (1) NC Initial Provisional Lateral Entry BK License, or
- (2) A North Carolina K-6 license and a provisional Preschool Add-on license, or
- (3) Another North Carolina or other state's license and an NC Provisional B-K license, or
- (4) A BA/BS degree in early childhood education, child development, or a related field, and be eligible for a NC Initial Provisional Lateral Entry B-K License.

(b) All Pre-K teachers must be enrolled with the Early Educator Support, Licensure and Professional Development Unit of the DCDEE.

(c) Pre-K teachers with a BA/BS degree shall make progress toward B-K licensure by completing a minimum of six documented semester hours per year, and achieve the B-K license within three years. The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3013 TEACHER ASSISTANT EDUCATION AND CREDENTIALS

(a) All assistants will have a high school diploma or GED and will hold, or be working toward, a minimum of an Associate Degree in early childhood education or child development (ECE/CD) or a Child Development Associate (CDA) credential. Teacher assistants working toward the Associate Degree or CDA shall make progress by completing a minimum of six documented semester hours per year. The site-level administrator shall maintain documentation available for review by the Division of the progress toward the required standard.

(b) Teacher assistants employed by public schools are exempt from this requirement to hold an ECE/CD Associate Degree or CDA if they meet the employment requirements outlined by the federal "No Child Left Behind" (NCLB) legislation, and have one of the following:

- (1) Six documented semester hours of coursework in early childhood education, or
- (2) Two years of work experience in an early childhood setting.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3014 SUBSTITUTE STAFF

(a) When a member of the NC Pre-K teaching staff is unable to work, a substitute staff person must be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and must be able to implement the program in accordance with this Section. Substitute staff must be at least 18 years of age and meet the following minimum qualifications:

- (1) Requirements for short-term vacancies, when teachers are absent from the Pre-K classroom for 15 or fewer days, include the following:
 - (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings must have at least a high school diploma or a GED, and completed at least one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or

(B) Public School Settings: Substitutes must meet the requirements of the substitute policy consistent with the local education agency (LEA).

(2) Requirements for long-term vacancies, when teachers are absent from the Pre-K classroom for 16 or more attendance days, are for substitute staff to hold at least an Associate Degree in early childhood education/child development or a four year degree in a related field.

(b) Substitutes for teacher assistants must be at least 18 years of age and have a minimum of a high school diploma or a GED.

(c) Long term vacancies shall not exceed 12 weeks.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3015 INSTRUCTIONAL STAFF STANDARDS

Instructional staff shall work in direct contact with children in the Pre-K program for at least a 30-hour work week. In addition to these direct, day-to-day instructional experiences, instructional staff will require additional time for related instructional activities, including time for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities. These related activities shall take place outside of the six and a half hour day of direct teacher-child contact.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).

10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS

(a) Licensed Administrators, Teachers, and Teacher Assistants in non-public and public schools will participate in professional development consistent with the NC State Board of Education policy.

(b) Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications will participate in a minimum of six documented semester hours per year.

Authority G.S. 110-85; 110-88; S.L. 2011-145 s. 10.7(a).