

Chapter 8: COMPLIANCE MONITORING

Purpose Of These Requirements

To ensure child care facilities provide a physically safe and healthy environment where the developmental needs of children are met. All regulated child care facilities must comply with all State laws, federal laws and local ordinances that pertain to child health, safety, and welfare. Child care facilities are monitored on a regular basis to assess compliance with these requirements.

SECTION 1: TYPES OF VISITS

GENERAL STATUTE 110-105 & CHILD CARE RULE .0201 Authority to Inspect Child Care Centers

- ★ The Division will periodically visit and inspect all child care centers to insure compliance with North Carolina General Statutes and child care.
 - ★ A representative of the Division will conduct an announced visit prior to the initial issuance of the license. The prospective or current licensee will be notified in advance about the visit. This Rule does not apply to the investigation of centers that are operating without a license in violation of the law.
 - ★ An inspection may be conducted without notice, if there is probable cause to believe an emergency situation exists or there is a complaint alleging a violation of licensing requirements.
 - ★ An inspection may be conducted without notice, when the Division is notified or receives a report alleging child abuse or neglect has occurred in a child care facility.
 - ★ If an operator refuses to allow a Division representative to inspect the child care facility, the Division can seek an administrative warrant.
- After a license is issued, the Division is responsible for monitoring the facility to assure that compliance is being maintained.

The following are the different types of visits that will be made by Division of Child Development Child Care Consultants.

- ★ Technical Assistance
- ★ Prelicensing
- ★ Initial Assessment
- ★ Temporary Time Period
- ★ Annual Compliance
- ★ Complaint Investigation
- ★ Routine Unannounced or Announced
- ★ Rated License Assessment
- ★ Follow-up

- Each type of visit will be discussed in more detail on the following pages.

Technical Assistance Visits

- ★ A technical assistance visit is used to acquaint the operator with the child care requirements or have the consultant offer suggestions for improvements to the center.

- A Technical Assistance visit can be requested by a provider at any time to receive advice and guidance for a particular part of the child care program.
- Examples of advice and guidance might involve information in programming, room arrangement, staff training, help understanding the child care regulations, violations and options for correcting them, recommendations for ways to improve quality, and community resources.

Prelicensing Visits

-  Prelicensing visits are used to verify the center is in compliance with all of the applicable child care requirements prior to the issuance of a temporary license.
-  During prelicensing visits technical assistance is also provided about ways for the potential licensee to achieve and maintain compliance as well as consultation about best practice in the field of early care and education.

- A child care consultant will make on-site visits to assess compliance with the child care requirements.
- During prelicensing visits, the child care consultant will review the following:
 - Child care law and rules
 - Available equipment and materials
 - Floor plan for all rooms to be used for children
 - Number of children each classroom/designated space can accommodate
 - Forms and paperwork that will be used at the center
 - Completed building, fire and sanitation inspections
 - Size of the center indoor and outdoor areas used by children
- If all requirements are met, the child care consultant can issue a Temporary License to the center at that time. The license will be valid for 6 months.

Temporary Time Period Visits

-  Temporary Time Period visits are conducted to monitor the center for satisfactory compliance with all applicable requirements and work with the operator to address any concerns or problem areas that have been identified during the first 6 months of operation.

- Typically a minimum of three visits may be made to child care centers during their first 6 months of operation or during the time period that the Temporary License is valid.
- At the end of the temporary time period, a One to Five Star Rated License will be issued if all requirements are in compliance and you have maintained a compliance history of 75% or better.

- ☑ If you have not achieved satisfactory compliance at the end of the temporary time period, the consultant may begin procedures for processing a license denial or other administrative action. Refer to Chapter 13 – Administrative Actions for more information.

Annual Compliance Visits

★ Annual Compliance Visits are conducted once per year to determine if the child care center continues to comply with all applicable child care requirements.

- ☑ Each year the Division will mail you a packet of materials, which includes forms to be completed prior to your annual visit.
- ☑ Although a license issued to a child care center does not expire, the center must continue to be monitored to make sure child care requirements continue to be met.
- ☑ Annual compliance visits are unannounced.
- ☑ Any violations of the requirements observed by the child care consultant during the visit will be documented and reviewed with the operator. The operator will be given the opportunity to correct the violations.
- ☑ Follow up visits may be conducted to assure that all violations have been corrected.
- ☑ You will need to contact your local fire inspector to request an annual fire inspection.
- ☑ Keep in mind that you may need to contact the local Environmental Health Specialist if a sanitation inspection has not been conducted with the last 12 months, as the child care consultant may require a copy of an inspection report during the annual compliance visit.

Licensing Complaint Visits

★ Unannounced complaint visits will be made, when the Division receives a report alleging violation of the child care requirements or when the Division has reason to believe an emergency exists in the center.

- ☑ When the complaint is related to a violation of child care licensing requirements and does not allege child abuse or neglect, it will be classified as a licensing complaint.

Licensing complaints are investigated by the child care consultant or a child care abuse/neglect consultant.

- The child care consultant may need to interview/talk to staff, review records, or observe in classrooms to investigate the complaint allegations.

**Child Abuse and Neglect Investigation Complaint Visits
Child Care Rule .1903**

- Anyone from the public may contact the Division to report suspected child abuse or neglect in a child care setting. Once a report is received, the Division initiates an investigation.
- The investigation may include interviews with you, staff, parents, or any other adult who has information regarding the allegation. Reports from law enforcement officers and other professionals, as well as photographs and other investigative tools, may be used, as appropriate.
- The Division and DSS share information with each other related to child abuse and neglect investigations.
- At any time during the investigation, a representative from the Division may conduct an evaluation for compliance with all applicable child care requirements.
- The Division will issue a written notice to you and the local DSS when the investigation is completed. The Division may also report to law enforcement officers and other professionals that have been involved in the investigation.
- A written notice of findings and any further action, if appropriate, will be made within 90 days after the Division received the allegation. If the investigation is not complete at that time, an interim report explaining the status of the investigation will be made to the operator 90 days after receipt of the allegation and every 30 days thereafter, until the final decision is made.

- When the complaint is related to a child abuse or neglect situation, it will be classified as a child abuse or neglect complaint.
- Investigations of child abuse and neglect in child care programs are conducted jointly between the local county DSS and the Division. Some investigations involve additional investigators, such as law enforcement, medical personnel, medical examiners, and others.
- The local county DSS determines whether a child or children are in need of protective services.
- The Division determines if violations of child care requirements have occurred.

- ☑ The Division must initiate an investigation for any case alleging child abuse or neglect within seven days of receiving a report.
 - ☑ The child abuse/neglect representative from the Division may interview the child or children about the allegations of abuse or neglect only in those cases where the DSS does not conduct an investigation.
 - ☑ Any information obtained during an investigation that is subject to confidentiality laws or regulations will be handled so as to preserve the confidential nature of the material.
 - ☑ The Division must receive the local DSS case conclusion report before the case can be closed.
 - ☑ After the Division receives all information from other investigators, including the DSS conclusion, the Division determines whether or not violations of child care requirements occurred related to the report. The Division notifies the facility operator of the outcome of the investigation and closes the investigation with either a letter or administrative action.
 - ☑ The local Child Care Resource and Referral Agency (CCR&R) will also be sent a notification of the child abuse or neglect report and a copy of the document closing the case. The local CCR&R may have a policy that says they will cease referring children to a facility while an investigation of child abuse or neglect is underway or after an administrative action is issued until the matter has been resolved.
-  Refer to the handout, **Investigating Allegations of Child Abuse and/or Neglect in Child Care Programs**, for more information located in the resource section.

Routine Visits

- ★ **Announced and unannounced routine visits can be conducted at any time to monitor compliance with the child care requirements.**

- ☑ There are several types of routine visits that can be made to a child care center, such as:
 - Annual compliance follow-up
 - Rated license assessment follow-up
 - Complaint follow-up
 - Administrative action follow-up
 - Monitoring visits

Follow-up Visits

- ★ Unannounced follow-up visits may be conducted to access compliance, assure Division recommendations are put into practice, or to monitor the correction of violations.

Rated License Assessment Visits

- ★ Rated license assessment visits are conducted to determine compliance with voluntary enhanced standards for the issuance of a Two to Five Star Rated License, for the three year reassessment, or for a reapplication for a higher Two to Five Star Rated License.

- North Carolina's Star Rated License System provides voluntary standards for facilities that provide child care which exceeds the state's minimum licensing standards.
- An Application for a Self Assessment packet can be obtained by contacting a customer service representative at 1-800-859-0829 or can be requested on line at www.ncchildcare.net.
- Refer to Chapter 17 – Star Rated License for complete instructions and rules for a star rated license.

RESOURCE SECTION

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The following pages contain resource materials discussed in or related to 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.