

## Frequently Asked Questions About North Carolina Family Child Care Home Licensing Requirements

### LICENSING AND THE STATE GOVERNMENT

#### ***What is the connection between the state government and licensing?***

In order to ensure the safety and well-being of young children in group care settings, each state in the United States governs its own family child care homes. State lawmakers write the laws, or **regulations and standards**, under which family child care homes are required to operate. The amount and stringency of regulation varies quite a bit from state to state. When it is determined that a family child care home is in compliance with these regulations, the state issues a **license to operate** to the family child care provider to operate a family child care home.

#### ***How does this process work in North Carolina?***

The North Carolina Department of Health and Human Services, Division of Child Development (DCD) is the government agency that issues licenses and monitors family child care homes to determine on-going compliance. Before a family child care home can be issued a license, it must be in compliance with all local zoning requirements, as well as any fire regulations if applicable. Local zoning and fire requirements vary according across the state and are decided by and enforced the local government. After these inspections occur, if required, and the appropriate documentation is secured by the potential family child care operator, a DCD licensing consultant makes a visit to the family child care home. The DCD consultant determines if the family child care home meets the DCD regulations and North Carolina laws.

If the family child care home and operator meets all the criteria to operate, a license may be issued at that time. The family child care home is issued a one star family child care license. A family child care provider must always meet any "restriction" that are placed on their license. Examples of a restriction listed on the license may be that an unvented fireplace can not be used when children are present.

The DCD publishes and distributes the ***Child Care Handbook*** in which the laws and regulations are printed. This book is purchased from the DCD of Child Development at 1-800-859-0829 or PO Box 29553, Raleigh, North Carolina 27626-0530. This information is also available on the DCD's website, [www.ncchildcare.net](http://www.ncchildcare.net).

#### ***What are the Voluntary Enhanced Standards?***

After six months, a family child care provider may chose to apply for 2-5 stars. The provider must meet additional voluntary standards to receive 2-5 stars. Star rated licenses are awarded based upon the number of points achieved primarily in two categories:

- *Program Standards*
- *Education Standards*
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There is a range of 1 through 7 points available in each category. The more items in each category the family child care home has achieved, the higher number of points the family child care home receives in each category. For example,

- in ***Program Standards***, a family child care home achieves more points if they have parent policies in place, limiting the number of infants and an Environment Rating Scale is administered to the family child care home, to assess the quality of the program.
- in ***Education Standards***, family child care homes in which the operator has higher educational levels and experience receive more points.

The points achieved in each of the categories are added together. The total points determine the number of stars the family child care home receives on its license. **Family Child Care Homes that do not apply to the DCD of Child Development for a star rated license automatically receive a one star license.**

#### ***Do all people caring for children in their home have to have a license to provide child care?***

In North Carolina, anyone who provides child care for more than 2 unrelated children for more than 4 hours per day on 2 or more consecutive days must be licensed.

***What if the program is part time?***

Any program open more than **four (4)** total hours per day must be licensed. Even a school age program in a family child care home must be licensed if it operates more than four hours total per day.

**NOTE:** If a school-age program operates less than 4 hours a day, it can operate without a state license on days when there is no school and the children attend. To receive Department of Social Services subsidy funding, a school-age must have a license, regardless of the number of hours it operates.

***Once the license is received, is the family child care program able to open?***

Yes. The license is a document that states important information about the family child care home and is required to be posted in a visibly prominent place in the family child care home. The license gives information about star rating, restrictions or limits placed on the family child care licenses, as well as licensed capacity and age range of children that can be enrolled.

***Are family child care homes monitored?***

DCD assigns a licensing consultant to a family child care home; the consultant makes annual unannounced visits to the family child care home center to monitor compliance, investigate complaints as needed, and provide technical assistance when requested. The consultant writes a summary of each visit he/she makes to the family child care home, listing any regulations that are found out-of-compliance. The consultant sets a date in which the family child care provider must submit documentations that violations have been corrected. For more serious or repeated violations, the consultant may make another unannounced follow-up visit to verify that the regulations are being met. Information about the visits can be requested from DCD.

Consultants are free to visit a family child care home at any time because they represent the DCD and are responsible to the DCD for ensuring compliance. Representatives from the Fire Department may make visits depending if it is required by the local government.

**A family child care home is expected to be in compliance at all times.**

**SPACE AND CAPACITY REQUIREMENTS**

***What determines how many children can be in the family child care home?***

Family Child Care Homes are licensed for up to 8 children (generally 0- 12 years old). Only up to 5 of those can be “preschool-age” children, including the operators own preschool-aged children. DCD defines preschool aged as birth until a child begins kindergarten. If a family child care home is operated in a single wide mobile/manufactured home, then the capacity is limited to 5 children total- with no more than three preschool-age children and no more than two children may be two years of age or younger. Though a family child care home can be licensed for 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> shift, the maximum number of children on the license can not be exceeded. So, a family child care program might enroll more than 8 children, but no more than 8 can be there at any time. A Family child care home must be operated in a space with a “grade level” exit. This generally mean on the first floor of the home. Homes with a split level design can *generally* meet this requirement, as long as the top level is not used. Finished basements may be used if they contain an exit to the outdoors.

***Can part-time children share a slot in the family child care home?***

Yes. Enrollment and capacity are not the same thing. Sometimes a family child care home will have more children enrolled because the children are scheduled to come at different times, or the family child care home. However, the actual attendance on any given day or time cannot exceed the maximum number of children (the capacity) allowed according to the license.

***What is the requirement for playground space?***

Children in a family child care home must have opportunities to play outdoors each day, weather permitting. There no requirements related to specific materials required or surfacing of the outdoor play area, though materials provided must be safe for the children. A fence is not required by licensing standards, though a DCD consultant may require it due to a specific safety concern. Local zoning may require a family child care home to have a fence. If the provider has an in-ground or above ground pool, the pool must be made inaccessible for the children.

## STAFF REQUIREMENTS

### ***What are the basic requirements for a family child care operator?***

Effective January 1, 1998, to operate a family child care home, a person must be 21 years old and have a GED or high school diploma or equivalent. Operators licensed prior to January 1, 1998 are not required to have a GED or high school diploma, but must be literate. In addition, the family child care provider must have a negative TB test at the time the license is issued. The operator must complete CPR every year and first Aid training every three years.

### ***What are the requirements for substitutes?***

Any person who is a regular substitute, who provides care during planned absences of the family child care operator, must be 21 years old have a high school diploma, as well as complete a first aid course within the last three years.

A person who provides care in an unplanned absence, such as a medical emergency, must be atleast 18 year old.

***What are the other requirements for persons involved in the operation of a family child care home?*** The state requires that family child care operators and any regular substitutes to have a negative TB test statement and submit a criminal and fingerprinting record check prior providing care in a family child care home (substitutes must submit. Substitutes for planned absences and any person residing in a licensed family child care home over the age of 15 years old, must also submit a criminal and fingerprinting record check.

### ***Why is a fingerprint and criminal record check required on each staff person?***

State law requires that people who have been convicted of a crime involving child neglect, child abuse or moral turpitude can not provide care in a child care program. Persons providing care must also be mentally and emotionally fit to care for children. If a family member has been convicted of child neglect, child abuse, moral turpitude or certain other crimes, the family child care provider ma not be approved for a licensed or there may be a restriction placed on their license that that particular family member can not be present at the home during operating hours. This will be reflected on the family child care provider's posted license.

### ***Will staff have to provide all these records every year?***

State law requires family child care provider and regular substitutes to annually complete and sign a health questionnaire (this form is available in the *Child Care Handbook*) as well as completed CPR each year and First AID every three years.

## TRAINING REQUIREMENTS

### ***Are all family child care providers required to have additional training hours each year?***

Yes. All family child care providers must receive annual in-service training hours. A family child care provider with less than 10 year work experience in child care must complete 12 hours of DCD approved training. A family child care provider with atleast 10 years experience must complete atleast 8 hours of DCD approved training.

### ***What if the family child care provider is currently enrolled in child development classes at a local college or university?***

Family Child Care Providers enrolled in child development/early childhood education classes can use these hours (once received) to count towards the required annual in-service training hours. Family Child care providers taking these courses generally greatly exceed their required DCD training hours.

***If a family child care operator accumulates more that the required annual hours, can these hours carry over into the next year?***

In-service training hours that exceed the required annual amount may be carried forward to meet up to 1/2 of the next year's requirements. For example, if the requirement is 12 hours, and the staff person earned 30 hours then 6 hours (half of the next year's 12 hour requirement) of the extra 18 hours earned may be carried over.

***Is first aid or CPR training required?***

A family child care provider is required to have CPR every year and First Aid every three years.

***Is any other type of training required?***

Yes. There may be other trainings required such as Safe Sleep Training (ITS-SIDS), if the family child care is licensed to care for children 12 months or younger.

A family child care provider must be knowledgeable about and able to recognize common contagious and infectious diseases. The family child care provider may be required to complete fire safety training if required by their local fire regulations.

## **SUPERVISION AND ACTIVITIES FOR CHILDREN**

***What are the rules regarding supervision of children?***

Children that are awake, regardless of age, must be visually supervised (able to be seen and heard). A family child care provider must be able to hear and quickly respond to children who are asleep. The provider must be able to hear and quickly respond to children that are asleep.

***What happens if the family child care provide has an emergency?***

Each family child care provider should have an emergency action plan to follow in the event of an emergency. The provider should have a person that can provide care in the event of an emergency. The children of an emergency caregiver will not be counted in the licensed capacity for the first day of the emergency caregiver's service.

***Must activities be planned?***

Family child care homes must post a general daily schedule, but are not required to post daily lesson plans with specific activities. The schedule need to show block of time for activities and include periods of time for both active play and quiet or rest. All activities are required to be developmentally appropriate as well as opportunities for free-choice and adult-guided activities. The schedule must be displayed where parents can view it.

***Are activity areas or learning centers required?***

Though not specifically required for minimum licensing standards, many family child care provider may choose to provide learning centers, such as-

- art and creative play
- children's books/literacy
- blocks and block building
- manipulatives
- housekeeping/dramatic play.

***What types of activities stimulate each developmental area?***

Though family child care providers are not required to plan specific activities, many providers chose to provide activities and learning centers such as blocks, art, etc.

- **Social development:** activities which encourage children to play together, share, and to take turns (songs, stories, dramatic play, block play, setting the table together)
- **Emotional development:** activities which help children learn about different feelings and how to express them (dramatic play, books, pictures of emotions)
- **Intellectual development:** activities which encourage children to think and be creative (manipulative toys such as Lego's, games which teach ideas such as "near and far")
- **Physical development:** activities such as running, jumping, skipping and riding a tricycle that stimulate large motor development; activities such as string beads, holding a crayon, and putting a puzzle together that stimulate small motor development

In addition, family child care providers can take advantage of the home atmosphere and mixed ages to extend learning. Though a family child care home may look like a preschool, a family home or a combination of the two, children can experience high quality in any of these environments.

## **ENROLLMENT REQUIREMENTS**

### ***What types of records are required when enrolling a child?***

Each child has a file that contains information that includes an emergency and information form containing general information about the child and family, adults to whom the family child care operator may release the child, and a medical statement (signed by a physician). Parents also sign the family child care program's discipline policy, keeping their own copy as well as one placed in the child's file. Regulations prohibit any physical (corporal) punishment. Forms for all these requirements are available in the *Child Care Handbook* and the DCD website, [www.ncchildcare.net](http://www.ncchildcare.net) .

### ***Can parents visit a center at any time?***

State law ensures enrolled families the right to enter a family child care home at any time during operating hours for the purposes of communicating with their child or evaluating the program.