

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 896  
Committee Substitute Favorable 4/24/97

Short Title: Day Care Changes.

(Public)

Sponsors:

Referred to:

April 8, 1997

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 110-91(7) reads as rewritten:

"(7) Staff-Child Ratio. – In determining the staff-child ratio, all children younger than 13 years shall be counted. The Commission shall adopt rules regarding staff-child ratios, group sizes and multi-age groupings for each category of facility other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws. The staff-child ratios and group sizes for infants and toddlers for all facilities except child day care large homes for infants and toddlers shall be no less stringent than as follows:

Age	Ratio	Group Size
0 to 12 months	5	10

1	12 to 24 months	6	12
2	2 to 3 years	10	20.

3       The staff-child ratio for child day care large homes for all children  
 4 shall be no less stringent than as follows:

5	<u>Age</u>	<u>Ratio</u>	<u>Qualifications</u>
6	<u>0 to 13 years</u>		<u>8a. There is no specific group size</u>
7			<u>requirement. No more than two</u>
8			<u>children may be less than 12</u>
9			<u>months old with one caregiver.</u>
10			<u>b. When only one caregiver is</u>
11			<u>required to meet this staff-child</u>
12			<u>ratio, the operator shall make</u>
13			<u>available to parents the name,</u>
14			<u>address, and phone number of an</u>
15			<u>adult who is nearby and available</u>
16			<u>for emergency relief.</u>
17			<u>c. Children shall be supervised at</u>
18			<u>all times. All children who are not</u>
19			<u>asleep or resting shall be visually</u>
20			<u>supervised. Children may sleep or</u>
21			<u>rest in another room as long as a</u>
22			<u>caregiver can hear them and</u>
23			<u>respond immediately."</u>

24 (b) This section becomes effective October 1, 1997.

25 Section 2. G.S. 110-91(6) reads as rewritten:

26 "(6) Space and Equipment Requirements. – There shall be no less than 25  
 27 square feet of indoor space for each child for which a child day care  
 28 facility is licensed, exclusive of closets, passageways, kitchens, and  
 29 bathrooms, and this floor space shall provide during rest periods 200  
 30 cubic feet of airspace per child for which the facility is licensed. There  
 31 shall be adequate outdoor play area for each child under rules adopted  
 32 by the Commission which shall be related to the size and type of  
 33 facility, availability and location of outside land area, except in no event  
 34 shall the minimum required exceed 75 square feet per child, which area  
 35 shall be protected to assure the safety of the children receiving day care  
 36 by an adequate fence or other protection; provided, however, that a  
 37 facility operated in a public school shall be deemed to have adequate  
 38 fencing protection; provided, also, that a facility operating exclusively  
 39 during the evening and early morning hours, between 6:00 P.M. and  
 40 6:00 A.M., need not meet the outdoor play area requirements mandated  
 41 by this subdivision.

42       Each child day care facility shall provide indoor area equipment and  
 43 furnishings that are child size, sturdy, safe, and in good repair. Each

1 child day care facility shall provide outdoor area equipment and  
2 furnishings that are child size, sturdy, free of hazards that pose threat of  
3 serious injury to children while engaged in normal play activities, and in  
4 good repair. The Commission shall adopt standards to establish  
5 minimum requirements for equipment appropriate for the size facility  
6 being operated pursuant to G.S. 110-86(3). Space shall be available for  
7 proper storage of beds, cribs, mats, cots, sleeping garments, and linens  
8 as well as designated space for each child's personal belongings."

9 Section 3. Article 7 of Chapter 110 of the General Statutes is amended by  
10 adding the following new section to read:

11 "**§ 110-105.3. Assistance to day care center operators regarding outdoor playground**  
12 **equipment and surfacing.**

13 The Commission shall develop guidelines pertaining to outdoor play area equipment  
14 and furnishings at day care facilities. The guidelines are not considered rules under  
15 Chapter 150B of the General Statutes and are not binding upon day care operators. The  
16 guidelines shall be designed to assist operators in determining whether the equipment and  
17 surfacing they currently or intend to provide is child size, sturdy, safe, and in good repair.  
18 Inspection of outdoor equipment and surfacing shall be included in facility inspections  
19 conducted pursuant to this Article for the purpose of informing operators of conditions  
20 that may pose safety hazards. The Department shall make the guidelines available to  
21 operators and shall also make available information and technical assistance that will  
22 better enable operators to provide and maintain a safe outdoor play environment. Day  
23 care center operators shall make available to consumers of the center's services the most  
24 recent inspection report findings with respect to outdoor play area equipment and  
25 surfacing at the day care center."

26 Section 4. Sections 2 and 3 of this act limit the authority of the Child Day Care  
27 Commission to adopt rules to ensure that outdoor play area equipment and surfacing at  
28 day care facilities are free of hazards that pose imminent danger and threat of serious  
29 injury to children while engaged in normal play activities. Accordingly, pursuant to G.S.  
30 150B-21.7, rules adopted by the Child Day Care Commission pertaining to outdoor play  
31 area equipment and surfacing at day care facilities adopted prior to this act becoming  
32 effective are repealed.

33 Section 5. Except as otherwise provided in this act, this act is effective when it  
34 becomes law.