

1 **10A NCAC 09 .0102 has been amended with changes as published in 26:20 NCR 1533-1536 as follows:**

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3 **10A NCAC 09 .0102 DEFINITIONS**

4 The terms and phrases used in this Chapter are defined as follows except when the context of the rule requires a  
5 different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

6 (1) "Agency" as used in Section .2200 of this Chapter, means Division of Child Development and  
7 Early Education, Department of Health and Human Services located at 319 Chapanoke Road,  
8 Suite 120, Raleigh, North Carolina 27603.

9 (2) Appellant" means the person or persons who request a contested case hearing.

10 (3) Basic School-Age Care" training (BSAC training) means the training on the elements of quality  
11 afterschool care for school-age children, developed by the North Carolina State University  
12 Department of 4-H Youth Development and subsequently revised by the North Carolina School-  
13 age Quality Improvement Project. Other training shall be approved as equivalent if the Division  
14 determines that the content of the training offered is substantially equivalent to the BSAC  
15 training.

16 (4) "Child Care Program" means a single center or home, or a group of centers or homes or both,  
17 which are operated by one owner or supervised by a common entity.

18 (5) "Child care provider" as defined by G.S. 110-90.2 (a) (2) a. and used in Section .2700 of this  
19 Chapter, includes the following employees who have contact with the children in a child care  
20 program: facility directors, administrative staff, teachers, teachers' aides, cooks, maintenance  
21 personnel, and drivers.

22 (6) "Child Development Associate Credential" means the national early childhood credential  
23 administered by the Council for Early Childhood Professional Recognition.

24 (7) "Curriculum" means a curriculum that has been approved by the NC Child Care Commission.

25 ~~(7)~~ (8) "Developmentally appropriate" means suitable to the chronological age range and developmental  
26 characteristics of a specific group of children.

27 ~~(8)~~ (9) "Division" means the Division of Child Development and Early Education within the Department  
28 of Health and Human Services.

29 ~~(9)~~(10) "Drop-in care" means a child care arrangement where children attend on an intermittent,  
30 unscheduled basis.

31 ~~(10)~~(11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer,  
32 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the  
33 quality of care received by a group of children in a child care center, when the majority of children  
34 in the group are two and a half years old through five years old, to achieve three or more points for  
35 the program standards of a rated license. This instrument is incorporated by reference and  
36 includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College  
37 Press at 1-800-575-6566. The cost of this scale in **May 2010 is nineteen dollars and ninety five**

1 ~~cents (\$19.95).~~ April 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this  
2 instrument is on file at the Division at the address given in Item (1) of this Rule and is available  
3 for public inspection during regular business hours.

4 ~~(11)~~(12) "Experience working with school-aged children" means working with school-age children as an  
5 administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or  
6 aide.

7 ~~(12)~~(13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford,  
8 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the  
9 quality of care received by children in family child care homes to achieve three or more points for  
10 the program standards of a rated license. This instrument is incorporated by reference and  
11 includes subsequent editions. Individuals wishing to purchase a copy may call Teachers College  
12 Press at 1-800-575-6566. The cost of this scale in ~~May 2010 is nineteen dollars and ninety five~~  
13 ~~cents (\$19.95).~~ April 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this  
14 instrument is on file at the Division at the address given in Item (1) of this Rule and is available  
15 for public inspection during regular business hours.

16 ~~(13)~~(14) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable  
17 nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor  
18 injuries or stabilization of major injuries.

19 ~~(14)~~(15) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child  
20 ratios set forth in G.S. 110-91(7) and this Chapter, using space which is identifiable for each  
21 group.

22 ~~(15)~~(16) "Health care professional" means:

- 23 (a) a physician licensed in North Carolina;
- 24 (b) a nurse practitioner approved to practice in North Carolina; or
- 25 (c) a licensed physician assistant.

26 ~~(16)~~(17) "Household member" means a person who resides in a family home as evidenced by factors  
27 including maintaining clothing and personal effects at the household address, receiving mail at the  
28 household address, using identification with the household address, or eating and sleeping at the  
29 household address on a regular basis.

30 ~~(17)~~(18) "If weather conditions permit" means:

- 31 (a) temperatures that fall within the guidelines developed by the Iowa Department of Public  
32 Health and specified on the Child Care Weather Watch chart. These guidelines shall be  
33 used when determining appropriate weather conditions for taking children outside for  
34 outdoor learning activities and playtime. This chart may be downloaded free of charge  
35 from <http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf>, and is incorporated  
36 by reference and includes subsequent editions and amendments;

1 (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air  
2 Quality Color Guide can be found on the Division's web site at  
3 <http://xapps.enr.state.nc.us/aq/ForecastCenter> or call 1-888-RU4NCAIR (1-888-784-  
4 6224); and

5 (c) no active precipitation. Caregivers may choose to go outdoors when there is active  
6 precipitation if children have appropriate clothing such as rain boots and rain coats, or if  
7 they are under a covered area.

8 ~~(18)~~(19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003,  
9 published by Teachers College Press, New York, NY) is the instrument used to evaluate the  
10 quality of care received by a group of children in a child care center, when the majority of children  
11 in the group are younger than thirty months old, to achieve three or more points for the program  
12 standards of a rated license. This instrument is incorporated by reference and includes subsequent  
13 editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-  
14 6566. The cost of this scale in ~~May 2010 is nineteen dollars and ninety five cents (\$19.95).~~ April  
15 2012 is twenty-one dollars and ninety-five cents (\$21.95). A copy of this instrument is on file at  
16 the Division at the address given in Item (1) of this Rule and is available for public inspection  
17 during regular business hours.

18 ~~(19)~~(20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training  
19 developed by the NC Healthy Start Foundation for the Division of Child Development and Early  
20 Education for caregivers of children ages 12 months and younger.

21 ~~(20)~~(21) "Licensee" means the person or entity that is granted permission by the State of North Carolina to  
22 operate a child care facility. The owner of a facility is the licensee.

23 ~~(21)~~(22) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an  
24 individual's verified level of educational achievement based on a standardized scale. The North  
25 Carolina Institute for Child Development Professionals certifies individuals and assigns a  
26 certification level on two scales: the Early Care and Education Professional Scale (ECE Scale) in  
27 effect as of July 1, 2010 or the School Age Professional Scale (SA Scale) in effect as of May 19,  
28 2010. Each scale reflects the amount of education earned in the content area pertinent to the ages  
29 of children served. The ECE Scale is designed for individuals working with or on behalf of  
30 children ages birth to five. The SA Scale is designed for individuals working with or on behalf of  
31 children ages 5 to 12 who are served in school age care settings.

32 ~~(22)~~(23) "North Carolina Early Childhood Credential" means the state early childhood credential that is  
33 based on completion of required early childhood coursework taken at any NC Community  
34 College. Other post secondary curriculum coursework shall be approved as equivalent if the  
35 Division determines that the content of the other post secondary curriculum coursework offered is  
36 substantially equivalent to the NC Early Childhood Credential Coursework. A copy of the North  
37 Carolina Early Childhood Credential requirements is on file at the Division at the address given in

1 Item (1) of this Rule and is available for public inspection or copying at no charge during regular  
2 business hours.

3 ~~(23)~~(24) "Owner" means any person with a five percent or greater equity interest in a child care facility,  
4 however stockholders of corporations who own child care facilities are not subject to mandatory  
5 criminal history checks pursuant to G.S. 110-90.2 and G.S. 110-91(8) unless they are a child care  
6 provider.

7 ~~(24)~~(25) "Parent" means a child's parent, legal guardian, or full-time custodian.

8 ~~(25)~~(26) "Part-time care" means a child care arrangement where children attend on a regular schedule but  
9 less than a full-time basis.

10 ~~(26)~~(27) "Passageway" means a hall or corridor.

11 ~~(27)~~(28) "Person" means any individual, trust, estate, partnership, corporation, joint stock company,  
12 consortium, or any other group, entity, organization, or association.

13 ~~(28)~~(29) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-  
14 age child in this Rule.

15 ~~(29)~~(30) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by  
16 Teachers College Press) is the instrument used to evaluate the quality of care received by a group  
17 of children in a child care center, when the majority of the children in the group are older than five  
18 years, to achieve three or more points for the program standards of a rated license. This  
19 instrument is incorporated by reference and includes subsequent editions. Individuals wishing to  
20 purchase a copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in  
21 May 2010 is nineteen dollars and ninety five cents (\$19.95). April 2012 is twenty-one dollars and  
22 ninety-five cents (\$21.95). A copy of this instrument is on file at the Division at the address given  
23 in Item (1) of this Rule and is available for public inspection during regular business hours.

24 ~~(30)~~(31) "School-age child" means any child who is attending or who has attended, a public or private  
25 grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.

26 ~~(31)~~(32) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

27 ~~(32)~~(33) "Section" means Division of Child Development and Early Education.

28 ~~(33)~~(34) "Substitute" means any person who assumes the duties of a staff person for a time period not to  
29 exceed two consecutive months.

30 ~~(34)~~(35) "Track-Out Program" means any child care provided to school-age children when they are out of  
31 school on a year-round school calendar.

32 ~~(35)~~(36) "Volunteer" means a person who works in a child care facility and is not monetarily compensated  
33 by the facility.

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35 *History Note: Authority G.S. 110-85; 110-88; 143B-168.3;*  
36 *Eff. January 1, 1986;*  
37 *Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;*

1                    *Temporary Amendment Eff. January 1, 1996;*  
2                    *Amended Eff. September 1, 2012; July 3, 2012; July 1, 2012; November 1, 2007; May 1, 2006;*  
3                    *May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1, 1998; April 1, 1997.*