



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**  
Division of Child Development  
and Early Education

## March 18, 2020

# DCDEE Announces Flexibility in Policy and Regulatory Requirements

The Division of Child Development and Early Education (DCDEE) appreciates all the hard work and continued sacrifices that NC's child care facilities have made during the COVID-19 outbreak to serve families, fuel the state's economy, and protect the state and nation's security.

With the closure of North Carolina's public schools, DCDEE knows the demand on the state's licensed child care facilities is elevated. In order to provide relief and flexibility to child care facilities serving families, DCDEE has been actively working to identify policy and regulatory requirements that can be temporarily waived, while still ensuring the health, safety, and well-being of children.

While DCDEE asks that facilities attempt to continue to maintain compliance with all child care rules to the extent possible, the ones included in the enclosed chart have been identified to provide flexibility to centers during this time of crisis. DCDEE will continue to evaluate and determine if there is a need to include additional regulatory flexibility as the situation progresses.

Additionally, during this time, all monitoring visits and environment rating scale assessments will not take place. This temporary change ***does not*** include investigations of complaints and investigations of child maltreatment. Other flexibilities include areas such as Staff/Child Ratios and Group Size, Training Requirements, Record Retention, Activity Areas, and Nutritional Standards. Be assured that a child care facility's star rating will not be impacted if a facility temporarily utilizes these flexibilities. A NC Pre-K classroom that discontinues operation as an NC Pre-K classroom will need to operate according to the regular child care licensing standards identified in the attached chart.

Thank you for supporting North Carolina and its families by providing vital care and services.

RULE TOPIC	EMERGENCY DESCRIPTION	REGULATION
Inspections of Child Care Facilities	The Division will not be conducting visits and inspections other than in response to a complaint or investigation of child maltreatment.	10A NCAC 09 .0201
On-Going Requirements for a License	The Division will not enforce required inspections under (a) and (b) to the extent such inspections cannot take place due to COVID-19.	10A NCAC 09 .0304(a) and (b)
Activity Schedules and Plans	Temporarily allow flexibility to child care facilities for the completion and posting of activity schedules and plans.	10A NCAC 09 .0508
Activity Areas	Allow flexibility in the requirements for activity areas and focus on providing age appropriate activities for children in care. Temporarily may allow up to 2 hours of screen time per day for children three years old and older.	10A NCAC 09 .0510
Staff Qualifications	If child care facilities are required to add new staff, the Medical Report and Tuberculin (TB) Test Requirements may be temporarily waived to allow staff to begin work, provided they are not symptomatic and all requirements can be completed within 60 days.	10A NCAC 09 .0701(a)
Staff Qualifications	Temporarily waiving the requirements to maintain certain information in an individual's staff record.	10A NCAC 09 .0703(c), (d)
Staff/Child Ratio and Group Size	<p>Temporary allowance for all child care facility programs, regardless of star-rating, to operate using the minimum allowable staff/child ratios and group sizes.</p> <p>Temporarily allow increasing the maximum group size provided the staff/child ratios are maintained for the youngest child in the group, not to exceed two groupings of children. Must adhere to the CDC Guidance of not gathering more than 50 people in a single space.</p>	10A NCAC 09 .0713(a).
Nutritional Requirements	Temporarily waive the requirements to provide additional food to meet the USDA Meal Patterns for Child Care requirements when meals/snacks are brought from home.	10A NCAC 09 .0901

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Staff Orientation	Temporarily waive/suspend the time frame for staff to complete orientation. Some staff may have just been hired and it may be a hardship for programs to get these orientation hours completed within the required time frames.	10A NCAC 09 1101(a)
Training Requirements	Provide an additional six months for administrators and any child care provider to complete CPR, FA and ITS-SIDS training. This change is allowed <b><i>as long as one child care provider who has completed the CPR, FA training is present while children are in care, and as long as one child care provider in the infant room who has completed the ITS-SIDS training is present while infants are in care.</i></b>	10A NCAC 09 .1102
Indoor/Outdoor Space	Temporary allowance for child care facilities to exceed current indoor and outdoor space capacity requirements.	10A NCAC 09 1401(a), (f) 10A NCAC 1402(b) 10A NCAC 09 .2504
Family Child Care Home - Nutrition Standards	Temporarily waive compliance with Meal Pattern requirements if availability and access to food components is impacted due to COVID-19, including if a parent brings in their own food for meals and snacks.	10A NCAC 09 .1706
Family Child Care Home - Inspections	Temporarily waive requirement for announced or unannounced visits other than in response to a complaint or investigation of child maltreatment.	10A NCAC 09 .1709
Family Child Care Home - Daily Operations	Temporarily allow flexibly to child care facilities for the completion and posting of activity schedules and plans. Temporarily allow up to 2 hours of screen time per day, and unlimited usage time periods when working on school assignments.	10A NCAC 09 .1718(a)(6), (b)
Family Child Care Home - Records	Temporarily waive the requirement that the Child's Health Assessment and Child Immunization Record be included in the Child's Record within the first 30 days of enrollment. These records should be provided within 60 days.	10A NCAC 09 .1721(a)(1),(2)

RULE TOPIC	EMERGENCY DESCRIPTION	REGULATION
Record Retention	Temporarily waive the requirement that the Child Medical Report and Child Immunization Record be included in the Child's Record within the first 30 days of enrollment. These records should be provided within 60 days.	10A NCAC 09 .2318(6)
School-Age Children - Age Appropriate Activities	Continue focusing on providing age appropriate activities daily. Temporarily may allow up to 2 hours of screen time per day, and unlimited usage time periods when working on school assignments. Make rest areas available if a child wants to rest, but not required due to space and number of cots/mats available.	10A NCAC 09 .2508
Star Rating	The Division will not be conducting announced or unannounced visits to assess compliance for star-rating.	10A NCAC 09 .2830
NC Pre-K Attendance	Temporarily waive the requirement to contact parents for more than three consecutive absences when such absences are related to COVID-19.	10A NCAC 09 .3003
NC Pre-K Child Health Assessment	Temporarily extend the 30-day requirement for completion of the health assessment to 60 days.	10A NCAC 09 .3005

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