

1 **10A NCAC 09 .3013 is amended with changes as published in 35:14 NCR 1557 as follows:**

2

3 **10A NCAC 09 .3013 NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS**

4 (a) All teacher assistants shall have a high school diploma or its equivalent and shall either:

5 (1) hold a Child Development Associate (CDA) credential; or

6 (2) hold or be working toward an Associate Degree or higher in birth-through-kindergarten,  
7 child development, early childhood education, or an early childhood education related  
8 field. Teacher assistants working toward the Associate Degree shall make  
9 progress by completing a minimum of six **documented** semester hours per year.

10 ~~(1) have a high school diploma or GED and shall hold, or be working toward, an Associate Degree in~~  
11 ~~birth through kindergarten, child development, early childhood education, or an early childhood~~  
12 ~~education related field or a Child Development Associate (CDA) credential. Teacher assistants~~  
13 ~~working toward the minimum of an Associate Degree or CDA shall make progress by completing~~  
14 ~~a minimum of six documented semester hours per year; or~~

15 ~~(2) meet the employment requirements outlined by the Every Student Succeeds Act (ESSA), Pub.L.~~  
16 ~~114-95, and have one of the following:~~

17 ~~(a) six documented semester hours of coursework in early childhood education, or~~

18 ~~(b) two years of work experience in an early childhood setting.~~

19 (b) All teacher assistants shall complete **at least** a minimum of 15 hours of annual in-service professional  
20 development. A combination of college coursework, Continuing Education Units **(CEUs)** **(CEUs)**, or clock hours  
21 may be used to complete the requirements of this Rule.

22 (c) The site-level administrator shall ~~maintain~~ document the progress of any teacher assistants who are working toward  
23 the required education. This documentation must be maintained in the individual's staff record  
24 available for review by the Division. ~~Division of the progress in accordance with this Rule.~~

25

26 *History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);*

27 *Eff. November 1, 2012;*

28 *Readopted Eff. October 1, 2017. 2017;*

29 *Amended Eff. October 1, 2021.*

1 **10A NCAC 09 .3101 is adopted with changes as published in 35:23 NCR 2516 as follows:**

2

3 **SECTION .3100 – CARE FOR SCHOOL-AGE CHILDREN DURING STATE OF EMERGENCY**

4

5 **10A NCAC 09 .3101 SCOPE**

6 The rules in this Section apply to care for school-age children, as defined by 10A NCAC 09 ~~.0102(41)~~, .0102(42),  
7 during the declared State of Emergency to coordinate the State's response and protective actions to address the  
8 Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of  
9 residents and visitors located in North Carolina ("Declaration of a State of Emergency") and any subsequent declared  
10 State of Emergency arising out of or related to the COVID-19 public health emergency. All rules in Section .2500 of  
11 this Chapter ~~apply~~ shall apply, except as provided in this Section.

12

13 *History Note: Authority G.S. 110-85; ~~110-86~~; 110-88; 110-91;*  
14 *Emergency Adoption Eff. August 13, 2020;*  
15 *Temporary Adoption Eff. October 23, 2020;*  
16 *Eff. October 1, 2021.*

1 **10A NCAC 09 .3102 is adopted with changes as published in 35:23 NCR 2516-2517 as follows:**

2  
3 **10A NCAC 09 .3102 DEFINITIONS**

4 The terms and phrases used in this ~~Chapter-Section~~ are defined as follows; ~~follows except when the context of the rule~~  
5 ~~requires a different meaning.~~

- 6 (1) "Public schools" means:
- 7 (a) any building that is approved for school occupancy and ~~which that~~ houses school-age  
8 children as part of the public school system during the school year; or
- 9 (b) a remote learning facility.
- 10 (2) "Remote learning facility" means any building that is used by a public school system, pursuant to a  
11 contractual arrangement, to house school-age children enrolled in that public school system during  
12 the school year for the purpose of facilitating online or remote learning programs, and that follows  
13 any and all guidance or considerations offered by the Centers for Disease Control and Prevention  
14 related to mitigation strategies, the protection of students, teachers, and staff, or slowing the spread  
15 of COVID-19 in K-12 schools. The ~~information and documents~~ guidance and considerations are  
16 hereby incorporated by reference, including subsequent amendments and editions, and may be  
17 accessed at [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html)  
18 [childcare/schools.html](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html) at no cost.
- 19 (3) "Contractual arrangement" means a written agreement wherein the public school unit, as defined in  
20 G.S. ~~115C-5(7A)~~, 115C-5(7a), agrees as follows:
- 21 (a) to be responsible for the enrollment and attendance of school-age children at a remote  
22 learning facility; and
- 23 (b) that it shall be liable for any incidents or occurrences at the remote learning facility in the  
24 same way it would be liable if the school-age child(ren) were in a building that is approved  
25 for school occupancy and ~~which that~~ houses any part of the public school system.  
26 ~~Notwithstanding the foregoing, this~~ This provision shall not prohibit the public school unit  
27 from obtaining liability insurance or from contracting with the remote learning facility  
28 regarding indemnification or other terms regarding the apportionment of liability between  
29 themselves for incidents or occurrences.

30  
31 *History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;*  
32 *Emergency Adoption Eff. August 13, 2020;*  
33 *Temporary Adoption Eff. October 23, 2020;*  
34 *Eff. October 1, 2021.*

1 **10A NCAC 09 .3103 is adopted with changes as published in 35:23 NCR 2517 as follows:**

2

3 **10A NCAC 09 .3103 PUBLIC SCHOOLS**

4 Pursuant to G.S. 110-86(2)(e), public schools are not child care and are, therefore, exempt from licensure.  
5 Notwithstanding any other provision of this Section, all NC Pre-K programs, as defined in Section .3000 of this  
6 Chapter, and Developmental Day Services, as defined in Section .2900 of this Chapter, and any program or  
7 arrangement housed in a public school that is not operated by the public school unit and provides care to three or more  
8 infants, toddlers, or preschoolers on a regular basis of at least once per week for more than four hours from persons  
9 other than their guardians or ~~full time~~ full-time custodians or from persons not related to them by birth, marriage, or  
10 adoption are child care as defined in G.S. 110-86(2) and requires a child care license.

11

12 *History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;*  
13 *Emergency Adoption Eff. August 13, 2020;*  
14 *Temporary Adoption Eff. October 23, 2020;*  
15 *Eff. October 1, 2021.*

1 **10A NCAC 09 .3104 is adopted with changes as published in 35:23 NCR 2517 as follows:**

2

3 **10A NCAC 09 .3104        **ADDING SPACE AT LICENSED CENTERS FOR CARE OF SCHOOL-AGE****  
4 ****CHILDREN****

5 If an operator of a licensed child care center wishes to use additional space not previously approved for child care,  
6 regardless of location, to care for school-age children during the Declaration of a State of Emergency, the operator  
7 shall notify the Division of the desired change pursuant to 10A NCAC 09 .0204, but shall have six months to obtain  
8 any required inspections of the additional space by the local health, building, and fire inspections in accordance with  
9 G.S. 110-91(1), (4), and (5). If all other standards set forth in G.S. 110-91 and this Chapter are met, the operator may  
10 provide care to school-age children in the additional space and the Division shall document the same in a manner that  
11 will notify parents and the public of the change. Once the operator provides documentation that the additional space  
12 conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110,  
13 Article 7 and this Chapter are met, the Division shall issue a new license pursuant to 10A NCAC 09 .0204. If a health,  
14 building, or fire inspection reveals that the additional space does not conform to the required standards, the Division  
15 may issue a provisional license as set forth in 10A NCAC 09 .2204. Any space that the operator desires to use as  
16 additional space for care of school-age ~~children, which children that~~ children that is not located within the currently licensed ~~facility,~~  
17 facility shall not be required to meet the outdoor space and fencing requirements of G.S. 110-91(6). If there is no  
18 outdoor space at the additional space to be used for care of school-age ~~children, children~~ children that is not located within the  
19 currently licensed facility, operators shall not be required to meet the requirements of 10A NCAC 09 .0508(c).  
20 Notwithstanding any other provision in this Section, operators shall provide indoor space for daily gross motor  
21 activities when outdoor space is not available.

22

23 *History Note:     Authority G.S. 110-85; ~~110-86~~; 110-88; 110-91;*  
24 *Emergency Adoption Eff. August 13, 2020;*  
25 *Temporary Adoption Eff. October 23, 2020;*  
26 *Eff. October 1, 2021.*