



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

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
ARIEL FORD • Director

MEMO

To: Ed Norman, Environmental Program Manager
Children's Environmental Health/Health Hazards Control

From: Tamara Barnes, Assistant Director *Tamara Barnes*

Date: May 3, 2024

RE: Clarifications of Licensed Space and Auxiliary Space in Child Care Facilities

The purpose of this document is to provide clarification of the types of child care facilities and how the spaces children access within a facility are monitored, measured, and calculated for licensing purposes. In each facility the Division considers all spaces children have access to. Depending on the size and spaces within a building, the Division's primary concern is ensuring areas where children have access are safe for use.

Family Child Care Homes:

- A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than eleven children, receive child care.
 - Capacity options of eight, nine, or ten children are outlined in statute and are determined based on the ages served.
 - This is a recent change and therefore currently most family child care homes are operating with a capacity of eight, regardless of the ages served.
- All children are cared for on the ground level and cared for in designated space children have access to as the caregiving area on a floor plan provided by the operator to the Division. Changes to the designated caregiving space shall be submitted to the Division 30 days prior to the new space being used by children.
- During pre-licensing, prior to the issuance of an initial license, DCDEE licensing consultants inspect the entire premises of the family child care home with consideration to children having potential access.
- "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.
- After the initial issuance of a license, DCDEE typically only inspects the designated caregiving space. DCDEE may inspect the entire premises of the home if there is cause to believe an emergency exists, during an unannounced visit when the DCDEE receives a complaint alleging violation of child care law or rules or possible child maltreatment, evidence that children are being cared for in undesignated space, and when the DCDEE has cause to believe conditions in the undesignated spaces pose a risk to the health, safety and well-being of children in care.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

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Child Care Centers:

- A child care center is defined as an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.
 - Premises is defined as the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.
 - To determine the licensed capacity for a child care center, DCDEE measures each of the primary spaces of the child care center. Primary space means the indoor space designated by the operator that will be used by children who attend the center.
 - The following spaces are monitored during visits to ensure the safety of children, but are not included when measuring primary space and are not considered when determining the center's licensed capacity; however, children may have access to these spaces: closets; hallways; storage areas; kitchens; bathrooms; utility areas; thresholds; foyers; space used for administrative activities (offices); space occupied by adult-sized desks, cabinets, file cabinets, and other office equipment; any floor space occupied by or located under structures, equipment, and furniture not used by children; and any floor space occupied by or located under built-in equipment or furniture.
- Centers located in a residence are defined as a child care center in an occupied residence licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care. During pre-licensing, prior to the issuance of an initial license, DCDEE licensing consultants inspect the entire premises of the center located in a residence with consideration to children having potential access. The floor plan only includes the primary areas designated for child care. The dining area of a kitchen may be counted as primary space if it is used for children's activities in addition to eating.
- In a public school, the primary space used to determine the center's licensed capacity is the area(s) or classroom space(s) where the children will spend the majority of their time. Only primary spaces must be included on the floor plan, and these are the areas the DCDEE inspects during visits to ensure they are meeting applicable child care requirements.
- Within any child care center, auxiliary space means other areas of the center the children may use occasionally. Auxiliary spaces are not always included on floor plans, are only monitored by DCDEE when children are using the space or intend to use the space. Example of auxiliary spaces may include library, cafeteria, music, art, computer, other multi-purpose classrooms, fellowship halls, additional rooms for bible school classes, activity gyms, and church administrative offices that are separate for the child care component. In some child care centers a gymnasium or other single use room may be used as primary space for school age children. In this situation, the space would be measured and counted as part of the licensed capacity.