

10A NCAC 09 .3222 MAINTAINING THE STAR RATING

(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with requirements of a star rating after it has been issued. When the division representative documents violations with the standards that determine a rating, the representative shall take one or more of the following actions:

- (1) advise the operator to submit written verification that the violation has been corrected;
- (2) return to the facility for an unannounced visit at a later date to determine if compliance has been achieved;
- (3) require a program assessment be conducted pursuant to Rule .3203 or .3204 of this Section, if applicable to the licensure pathway;
- (4) request verification of accreditation award status from the accrediting organization, if applicable to the licensure pathway;
- (5) request verification of Head Start designation from grantee, if applicable to the licensure pathway;
- (6) require a complete assessment of requirements of the star rating issued to the facility;
- (7) require that the star rating be reduced; or
- (8) recommend administrative action in accordance with G.S. 110, Article 7 of this Chapter.

(b) If changes unrelated to employment occur at a facility that result in noncompliance with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(c) If employment-related changes occur at a facility that result in noncompliance with or failure to meet the standards in the Section for the star rating issued, the operator shall correct the noncompliance within six months. If the operator does not correct the noncompliance within six months, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(d) Each child care facility licensed under this Section with a two through five-star rated license shall be reassessed by the Division at least once every three years to ensure compliance with pathway requirements.

(e) The Division shall provide for one evaluation using an approved program assessment tool referenced in Rules .3202 and .3204 of this Section, free of charge, once every three years when reassessing the ratings of operators that select the program assessment licensure pathway.

(f) Notwithstanding the above, if a facility loses its accreditation or Head Start designation, it shall notify the Division within 30 calendar days from the date of termination and submit an application at that time for a two through five-star rated license that indicates the alternate licensure pathway selection. The operator of the child care facility shall have a complete assessment conducted within six months from the date of termination or be reduced to one-star so long as the requirements for a one-star rating described in G.S. 110-91 and this Chapter are met.

(g) Notwithstanding the above, if a facility allows its accreditation or Head Start designation to lapse or expire prior to applying for a two through five- star rated license using an alternate licensure pathway, the license shall be reduced to one-star so long as the requirements for a one-star rating described in G.S. 110-91 and this Chapter are met.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45;
Eff. July 1, 2025.*