

10A NCAC 70I .0302 RESPONSIBILITIES OF THE GOVERNING BODY

The governing body shall:

- (1) adopt administrative, personnel, and program policies and review them at least every two years;
- (2) review and approve a budget prior to the beginning of the fiscal year;
- (3) establish and review policies on fundraising and investment management at least every two years;
- (4) in the case of a private residential child-care facility, annually review and accept the financial audit;
- (5) employ an executive director (also called CEO, director, president, superintendent) and delegate authority to that person to employ and dismiss staff, implement board policies, and manage day-to-day operation of the facility;
- (6) ensure that the criminal history of the executive director is checked prior to employment, and based on the criminal history, determine the individual's fitness for employment. The governing body shall ensure that searches of the North Carolina Sex Offender and Public Protection Registry and the North Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256) are completed prior to employment, and based on these searches, determine the individual's fitness for employment. The governing body shall submit authorization to the licensing authority to search the Responsible Individuals List, as defined in 10A NCAC 70I .0102, to determine if the executive director has had child protective services involvement resulting in a substantiation of child abuse or serious neglect, and based on this search, determine the individual's fitness for employment. The governing body shall require that the executive director provide a signed statement prior to employment that he or she has not abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child. The governing body shall require that the executive director provide a signed statement that the executive director has not abused, neglected, or exploited a disabled adult and that the executive director has never committed an act of domestic violence upon another person. Agencies or applicants that do not have a governing body shall provide this information directly to the licensing authority;
- (7) not employ an executive director who has ever been convicted of a felony involving:
 - (A) child abuse or neglect;
 - (B) spouse abuse;
 - (C) a crime against a child or children (including child pornography); or
 - (D) a crime of rape, sexual assault, or homicide;
- (8) not employ an executive director who has been convicted of a felony within the last five years involving:
 - (A) assault;
 - (B) battery; or
 - (C) a drug-related offense;
- (9) permit the executive director or his or her designee to attend all meetings of the governing body and committees with the exception of those held for the purpose of reviewing his or her performance, status, or compensation;
- (10) annually evaluate and document the executive director's performance through criteria and objectives;
- (11) annually evaluate the effectiveness of the agency's services to its clients. This evaluation shall include the agency's services to ensure client safety;
- (12) annually review facility needs related to risk management;
- (13) maintain a long range plan and review annually;
- (14) develop and implement policies and procedures to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, all of which are hereby incorporated by reference, including subsequent amendments and editions. Copies of the Civil Rights Act of 1964 may be accessed free of charge at <https://www.justice.gov/crt/fcs/TitleVI-Overview>. Copies of the Rehabilitation Act of 1973 may be accessed free of charge at <https://www.gpo.gov>. Copies of the Americans with Disabilities Act may be accessed free of charge at <https://www.ada.gov>;
- (15) ensure that the agency complies with the Multiethnic Placement Act (MEPA) of 1994, P.L. 103-82, as amended by the Interethnic Adoption Provisions (IEP) of 1996; which is incorporated by

- reference including subsequent amendments and editions. The MEPA may be accessed free of charge at <https://www.gpo.gov>; and
- (16) ensure the agency complies with the terms and conditions of State and Federal requirements to participate in procurement contracts and covered non-procurement transactions as required by Title 2 of the Code of Federal Register, which is incorporated by reference, including subsequent amendments and editions, and may be accessed free of charge at <https://www.ecfr.gov>, and G.S. Chapter 64, Article 2.

History Note: Authority G.S. 131D-10.5; 131D-10.6; 143B-153;
Eff. July 1, 1999 (See S.L. 1999, c.237, s. 11.30);
Amended Eff. June 1, 2010; October 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016;
Amended Eff. October 1, 2017.