

GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1031 (Second Edition)

SHORT TITLE: Bldg. Stds. / Pre-K Classes in Public Schools.

SPONSOR(S): Representatives Carney, Goforth, Dollar, and Folwell

FISCAL IMPACT

Yes () No () No Estimate Available (x)

FY 2009-10 FY 2010-11 FY 2011-12 FY 2012-13 FY 2013-14

REVENUES

EXPENDITURES Indeterminate local savings for school districts applying for voluntary child care licensure.

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Public Instruction, Department of Health and Human Services, Department of Environment and Natural Resources, and Local School Districts

EFFECTIVE DATE: When the bill becomes law

BILL SUMMARY: Amends the public school building standards (G.S. 115C-521) by adding a new section that allows any public school that voluntarily applies for a child care facility license to use any existing or newly constructed classroom in a public school for three and four-year-old preschool students without modifications to the classroom or the building if the classroom (1) has at least one toilet and one hand sink for hand washing, (2) meets kindergarten standards for overhead light fixtures, and (3) meets kindergarten standards for floors, walls, and ceilings. The bill also amends G.S. 110-90(11) to require that a classroom meeting the standards of G.S. 115C-521.1 for the erection of school buildings will satisfy the physical classroom components of the child care facility licensure requirements, notwithstanding other provisions of law or Child Care Commission rules.

ASSUMPTIONS AND METHODOLOGY: Public school classrooms are not included in the definition of child care facilities under G.S. 110, Article 7 and are not required to be licensed by the Child Care Commission (the Commission). However, many public school classrooms do seek voluntary licensure by the Commission and may be given a license by the Secretary of Health and

Human Services per G.S. 110-90(11). Schools may seek this licensure as an assurance to parents that its program is meeting the same quality standards as licensed private centers or to meet eligibility requirements for Federal Child Care Subsidy funding.

Part of the Commission's standards is an assessment of compliance with various State rules and standards regarding the physical composition of the classroom. These standards have been difficult for some classrooms to meet, especially older schools. H.B. 1031v2 would adjust some of these standards as follows:

- 1) "Has at least one toilet and one sink for hand washing"-- North Carolina Plumbing Code requires 1 toilet for every 15 children and 1 sink for every 25 children. Some Pre-K settings may have class sizes as high as 25 students, making this requirement potentially expensive in older classrooms that would require retrofitting for the voluntary certification. The new language would waive the 1:15 requirement (no classes are allowed to have more than 25 students). There would be savings associated with any classroom not needing to modify its existing physical classroom to comply with the Plumbing Code requirement.
- 2) "Meets kindergarten standards for overhead light fixtures"—The North Carolina Department of Environment and Natural Resources (DENR) Code 15A NCAC 18A .2826 has different standards for overhead light fixtures than apply for kindergarten classrooms. The DENR requirements require that, "Shielded or shatterproof bulbs shall be used in food preparation, storage, and serving areas and in all rooms used by children." Meanwhile, DENR requirements for the Sanitation of Public Schools (15A NCAC 18A .2400) hold that, "All windows and fixtures (grills, vents, blinds, drapes, lighting fixtures, etc.) shall be kept clean and in good repair." There would be savings associated with any classroom not needing to modify its existing physical classroom to comply with the DENR Pre-K requirement.
- 3) "Meets kindergarten standards for floors, walls and ceilings"—DENR Code 15A NCAC 18A .2825(a) has slightly more stringent standards for floors, walls and ceilings than apply for kindergarten classrooms. There would be savings associated with any classroom not needing to modify its existing physical classroom to comply with the DENR Pre-K requirements for floors, walls and ceilings.

In 2005, Winston-Salem/Forsyth County Public Schools (WSFCS) performed an analysis on the costs of retrofitting its classrooms to meet the more stringent requirements described above. The average cost of meeting the requirements was estimated to be approximately \$2,000 per classroom, with major expenditures required for shielding lights, adding sinks, and other remediation. This estimate is by no means a usable statewide average, but does provide a reference point for how one school district estimated the cost of compliance with the existing DENR requirements. Sufficient information is not available to know how WSFCS classrooms compare to other potential child care classrooms across the State.

Other standards related to staffing levels and qualification, as well as all other Commission standards, would continue to apply to public schools voluntarily seeking licensure and would not be affected by H.B. 1031v2.

SOURCES OF DATA: Department of Health and Human Services, Department of Public Instruction, Winston-Salem/Forsyth County Public Schools

TECHNICAL CONSIDERATIONS: There is no reliable way to estimate the number of public school classrooms desiring a voluntary child care facility license that have been deterred from pursuing the license by the costs of the retrofitting addressed by H.B. 1031v2. The savings from this bill would be realized at a local level, as the State does provide specific funding to support public school classroom retrofitting for the purposes addressed above.

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