



2023-2024 General Assembly

# HOUSE BILL 259: 2023 Appropriations Act, Sec. 9D.1: NC Pre-K Programs/Standards for Four- and Five-Star Rated Facilities

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 9D.1 of S.L. 2023-134

**Date:** December 5, 2023  
**Prepared by:** Debbie Griffiths  
Staff Attorney

**OVERVIEW:** *Section 9D.1 of S.L. 2023-134 requires the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE) to continue implementation of the prekindergarten program (NC Pre-K).*

*Eligibility requirements for the NC Pre-K program include the following:*

- *The child must be four years old on or before August 31 of the program year.*
- *Income cannot exceed seventy-five percent (75%) of the State median income.*
  - *Up to twenty percent (20%) of the enrolled children can exceed this limitation if they also have other designated risk factors.*
- *Any age-eligible child whose parent is a member of the Armed Forces of the United States is eligible for enrollment if one of the following conditions is met:*
  - *A parent was ordered to active duty within the last 18 months or is expected to be ordered to active duty within the next 18 months.*
  - *A parent was killed in action while on active duty.*
  - *The Armed Forces of the United States includes the North Carolina National Guard, State military forces, or a reserve component of the Armed Forces.*
- *Eligibility determinations can continue through partnerships with local education agencies and local North Carolina Partnership for Children, Inc.*
- *The maximum staff-to-child ratio must not exceed one staff per 10 children and the classroom size cannot exceed 20 children.*
  - *A classroom with 11 to 20 students must have at least one teacher and one teacher assistant.*
  - *A classroom with 10 or less students must have at least one teacher.*
- *The Child Care Commission must adopt rules and DCDEE must revise rules or policies necessary to implement the staff-to-child ratio and classroom size rules.*
- *DCDEE must require the NC Pre-K contractor to issue multiyear contracts for licensed private child care centers providing NC Pre-K classrooms.*
- *Private child care providers and public schools providing NC Pre-K classrooms must meet building requirements for preschool students provided by law (G.S. 115C-521.1) and notwithstanding the mandatory building standards for a license (G.S. 110-91(4)).*

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- *NC Pre-K classrooms must comply with all policies by DCDEE regarding program standards and classroom requirements except as provided.*
- *Local Pre-K committees must use the standards developed by DCDEE for awarding classroom slots and student selection.*
- *DCDEE must submit an annual report by March 15 to the Joint Legislative Oversight Committee on Health and Human Services, Office of State Budget and Management, and the Fiscal Research Division of the General Assembly. This report must include the following:*
  - *The number of children participating in the program broken down by county.*
  - *The number of children participating in the program who have never been served by any other early education program.*
  - *The expected expenditures for the programs and the source of local funds.*
  - *The results of an annual evaluation of the program.*
- *The administration of the program by local partners is subject to financial and compliance audits authorized under G.S. 143B-168.14(b).*

*This section became effective July 1, 2023.*