

10A NCAC 09 .3017 CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS

(a) For purposes of this Rule, "challenging behavior" shall mean any repeated pattern of behavior, or perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children's learning, development, and success at play, is harmful to the child, other children, or adults, that put a child at high risk for later social problems or school failure (<http://challengingbehavior.fmhi.usf.edu/explore/glossary.htm>).

(b) When a child demonstrates challenging behaviors that prevent his or her progress in any developmental domain as referenced in the "North Carolina Foundations for Early Learning and Development" impeding the child's access to and participation in the assigned NC Pre-K classroom learning activities, the following shall apply:

- (1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system's Preschool Exceptional Children Program for assistance if a child's cognitive, language and communication, emotional, social, health and physical needs exceed the program's capacity to address as indicated by one or more of the following:
 - (A) developmental needs assessments;
 - (B) home visits;
 - (C) consultations with the family members;
 - (D) daily recorded classroom teacher observations; and
 - (E) modified instructional plans and differentiated lessons based on the child's individual goals.
- (2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and family members in consultation with the school system's Preschool Exceptional Children Program and other available community and state resources, such as Birth-through-Kindergarten licensed mentors, evaluators, Healthy Social Behavioral specialists, child care health consultants, mental health specialists, social workers, and other local child developmental experts, shall develop a coordinated support plan to support the NC Pre-K child's placement and participation in the NC Pre-K Program.
- (3) The Division of Child Development and Early Education shall be notified when support plans recommended by the local school system's Exceptional Children Program require an alternative placement and support services for a child.
- (4) A site administrator shall not suspend or expel a child from a NC Pre-K Program until the site administrator has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph.
- (5) Unless the operator determines the child poses a risk of harm to himself or herself or others, and has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph, no child shall receive less than the 6.5-hour NC Pre-K day. Risk of harm to oneself or others includes:
 - (A) physical aggression such as hitting, kicking, punching, spitting, throwing objects pinching, pushing, and biting;
 - (B) destroying property;
 - (C) tantrum behaviors that might include behaviors such as kicking, screaming, pushing an object or person, stomping feet, or head banging;
 - (D) verbal aggression including yelling, threats, and screaming;
 - (E) persistent or prolonged crying that is loud or disruptive or crying that interferes with the child's engagement in activities; and
 - (F) touching other children's private areas, and removing clothing from themselves or others.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. October 1, 2017.