

Impact Analysis – Corporal Punishment Rule Amendments August 2025

Agency: DHHS/Division of Child Development and Early Education

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Rule Citations: 10A NCAC 09 .2102 Use of Corporal Punishment

Statutory Authority: G.S. 110-85; 110-91(10); 143B-168.3

Impact Summary: State Government Impact: Minimal
Local Government Impact: No
Substantial Economic Impact: No
Private Sector Impact: Minimal

Purpose and Need:

The NC Child Care Commission ("Commission") is proposing amendments to Rule 10A NCAC 09 .2102 to further define "corporal punishment" and clarify discipline policy requirements for religious-sponsored child care facilities as defined in G.S. 110-91(10). These amendments aim to provide clear regulations for such facilities that opt to administer corporal punishment. The proposed parameters are intended to ensure compliance with statutory allowances and protect children from maltreatment.

Although prohibited forms of discipline in child care centers and family child care homes are currently addressed in Rules 10A NCAC 09 .1803 and .1722, respectively, a specific definition for corporal punishment is not currently included in the rules applying to exempt religious-sponsored child care facilities. This lack of specificity regarding the allowable application of corporal punishment increases the risk of misapplication by a frustrated child care provider, thereby constituting physical discipline that meets the statutory definition of child maltreatment.

Since 10A NCAC 09 .2102(e) explicitly states that, "A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint alleging inappropriate discipline of a child or child maltreatment as specified in G.S. 110-105.3," the lack of additional clarification in the childcare rule specifically defining corporal punishment implies that any form of corporal punishment could be considered and investigated as child maltreatment.

Implementing the proposed amendments should also enable the Division of Child Development and Early Education (DCDEE) to collect and analyze more detailed data about the use of corporal punishment in religious-sponsored child care facilities. This data can inform further discussions and decisions by the Commission, as well as guide Division policies and procedures.

Proposed Rule Changes:

In an effort to provide a clear framework for administering corporal punishment in religious-sponsored child care facilities, the proposed rule changes include several key provisions:

- A definition of corporal punishment administered by facility staff as one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result in a mark that lasts more than two hours or bruising.
- Requirement for a witness to be present when corporal punishment is administered.
- Specification that corporal punishment may only be administered by the facility administrator or other designated staff member.
- Inclusion of notification to parents prior to and by the end of the day after their child has received corporal punishment, including information on who will be administering the punishment.
- Prohibition of administering corporal punishment more than once per day per child.
- Requirement for the facility's administrator to complete an incident report any time corporal punishment is administered at the facility.

Key Statutory Requirements:

G.S. 110-91(10) specifies that (emphasis added) "The use of corporal punishment as a form of discipline is prohibited in child care facilities and may not be used by any operator or staff member of any child care facility, *except* that corporal punishment may be used in religious sponsored child care facilities as defined in G.S. 110-106, *only if (i)* the religious sponsored child care facility files with the Department a notice stating that corporal punishment is part of the religious training of its program, *and (ii)* the religious sponsored child care facility clearly states in its written policy of discipline that corporal punishment is part of the religious training of its program. The written policy on discipline of nonreligious sponsored child care facilities shall clearly state the prohibition on corporal punishment."

G.S. 110-101.1 also states (emphasis added) "The use of corporal punishment as a form of discipline is prohibited in those child care homes that are not required to be licensed under this Article but that receive State or federal subsidies for child care unless this care is provided to children by their parents, stepparents, grandparents, aunts, uncles, step-grandparents, or great-grandparents. Care provided children by their parents, stepparents, grandparents, aunts, uncles, step-grandparents, or great-grandparents is not subject to this section. *Religious sponsored nonlicensed homes are also exempt from this section.*

G.S. 110-105.3(b)(3) includes physical harm in defining "child maltreatment" as "Any act or series of acts of commission or omission by a caregiver that results in harm, potential for harm, or threat of harm to a child. Acts of commission include, but are not limited to, physical, sexual, and psychological abuse. Acts of omission include, but are not limited to, failure to provide for the physical, emotional, or medical well-being of a child, and failure to properly supervise children, which results in exposure to potentially harmful environments."

Impact Analysis:

Religious-sponsored Child Care Facilities

Impacts from the proposed rule changes for religious-sponsored child care facilities in North Carolina are anticipated to be limited in scale and scope, with very few facilities affected based on current data and trends. Of the 5,268 total licensed child care facilities statewide, just 310 are religious-sponsored. Currently, only 12 of these report using corporal punishment, with half only allowing parents to administer it.

DHHS data from state fiscal year 2023-2024 also indicate a minimal history of substantiated maltreatment tied to religious-sponsored programs. Out of 728 reported allegations of child maltreatment, only one substantiated case involving discipline was linked to a religious-sponsored facility, and none of the 12 programs known to use corporal punishment had substantiations related to discipline during this time period.

The primary impacts are administrative in nature, including the need for updated written policies, enhanced parental notification, additional documentation, and the presence of a staff witness during disciplinary actions. These requirements will result in some additional staff time and administrative work, but they are not expected to disrupt regular operations or incur any new costs. Given the small number of facilities that currently use corporal punishment, and the absence of substantiated disciplinary maltreatment cases among these, the overall effect of the proposed rule will be highly limited, impacting only a very small portion of religious-sponsored child care programs.

State Government

The primary anticipated impacts for State Government are also administrative in nature in the form of additional DCDEE staff time required to review detailed incident reports and collect and manage related data. Given the very limited number of facilities likely to be impacted, the rule changes are not expected to generate significant administrative burdens for state government.

Children and Families

The Commission intends for the proposed rule revisions to minimize the risk of harm to children that can result from the administration of corporal punishment in child care settings. Although the administration of corporal punishment remains a religious training exemption for religious-sponsored programs and is ultimately a parental choice, a large body of research has shown that corporal punishment is “linked to a range of negative outcomes for children across countries and cultures, including physical and mental ill-health, impaired cognitive and socio-emotional development, poor educational outcomes, increased aggression and perpetration of violence.”¹

The proposed amendments uphold the rights of religious training and parental choice, while aiming to provide additional protection and lessen potential negative impacts to early child

¹ “Corporal Punishment and Health.” World Health Organization, Fact Sheet for Global Status of Violence Against Children 2020 Report, November 2021.

development. Based on current data and trends, the scope and scale of direct impacts from these rule amendments are expected to be limited. Only a small number of religious-sponsored child care facilities in North Carolina use corporal punishment, and substantiated incidents of maltreatment related to discipline are historically rare in religious-sponsored programs.

For parents, the most direct impact will be the new communication requirements. On days when corporal punishment is administered to their child, parents will need to be contacted both before and after its administration. While this requirement may occasionally disrupt daily routines, these instances should be minimal given how rarely corporal punishment is used. Because parents have already given advance agreement for the use of corporal punishment, they should be aware of and be prepared to expect these possible disruptions. Given the very limited number of facilities and children likely to be involved, this will affect only a very small subset of parents statewide.

Summary:

The proposed amendments clarify the definition of corporal punishment at religious-sponsored child care facilities and set additional requirements for its administration. This may reduce the risk of child maltreatment and lessen negative developmental impacts while upholding parental choice and religious training. The new documentation requirements will help the Commission and DCDEE collect detailed data on corporal punishment, informing future rule changes, policies, and procedures. The impact on facilities, parents, and the State is expected to be minimal and mainly administrative.

ATTACHMENT OF RULES

1 **10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT**

2 (a) Corporal punishment may be used in religious-sponsored child care facilities in accordance with G.S. 110-91(10),
3 if:

4 (1) the religious-sponsored child care facility files a notice with the Division stating that corporal
5 punishment is part of the religious training of its program; and

6 (2) the religious-sponsored child care facility states in its written policy of discipline that corporal
7 punishment is part of the religious training of its program.

8 (b) The discipline policy shall state when corporal punishment is used, what type of punishment is used, and who will
9 be administering the punishment. The discipline policy shall state that parents will be informed before and by the end
10 of the day after their child has received corporal punishment and who will be administering the punishment. The
11 facility shall comply with their written discipline policy. If administered by facility staff, corporal punishment shall
12 be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result
13 in any mark that lasts more than two hours or bruising. A witness shall be present when corporal punishment is
14 administered and shall be administered by the administrator or other designated staff member. A facility shall not
15 administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident
16 report whenever corporal punishment is administered at the facility.

17 (c) The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility shall
18 provide parents a copy of the policy for their records.

19 (d) If the facility's discipline policy changes, the new policy shall be shared with parents 14 days prior to the change
20 becoming effective. A copy of the revised discipline policy shall be submitted to the Division within 30 days of the
21 effective date of the revised policy.

22 (e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint
23 alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

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25 *History Note: Authority G.S. 110-91(10); 110-106;*

26 *Eff. October 1, 2017.*

27 *Amended Eff.*