

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1249

Introduced by

Representatives Hawken, Delmore, Meier

Senator Wardner

1 A BILL for an Act to amend and reenact subsection 2 of section 50-11.1-07 and sections
2 50-11.1-07.2, 50-11.1-07.8, and 50-11.1-09 of the North Dakota Century Code, relating to early
3 childhood services.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 50-11.1-07 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. Licensees and registrants shall:

8 a. Maintain such records as the department may prescribe regarding each child
9 in their care and control, and shall report to the department, when requested,
10 such facts as the department may require with reference to the children upon
11 forms furnished by the department; ~~and~~

12 b. Admit for inspection authorized agents of the department or the county
13 agency and open for examination all records, books, and reports of the home
14 or facility; and

15 c. Notify the parent, guardian, or custodian of each child receiving care at the
16 facility and each employee of the facility of the process for reporting a
17 complaint or a suspected licensing violation.

18 **SECTION 2. AMENDMENT.** Section 50-11.1-07.2 of the North Dakota Century Code
19 is amended and reenacted as follows:

20 **50-11.1-07.2. Correction orders.**

21 1. Whenever the county agency finds, upon inspection of an early childhood facility,
22 that the facility is not in compliance with the provisions of this chapter, or the rules
23 and regulations promulgated thereunder, a correction order must be issued to the
24 facility. The correction order must cite the specific statute or regulation violated,

state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order must also specify the amount of any fiscal sanction to be assessed if the correction order is not complied with in a timely fashion. The department shall, by rule promulgated pursuant to subsection 2 of section 50-11.1-08, establish a schedule of allowable time periods for correction of deficiencies.

2. Within three business days of the receipt of the correction order, the licensee of the early childhood facility shall notify the parent, guardian, or custodian of each child receiving care at the facility that a correction order has been issued. In addition to providing notice to the parent, guardian, or custodian of each child, the licensee shall post the correction order in a conspicuous location within the facility until the violation has been corrected.

SECTION 3. AMENDMENT. Section 50-11.1-07.8 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-07.8. Suspension of license - Notification to parent, guardian, or custodian. The department may suspend the license of any early childhood facility during an investigation of a report of child abuse or neglect at the facility conducted pursuant to section 50-25.1-05. Notwithstanding sections 50-11.1-07 and 50-25.1-11, the department ~~may~~ shall notify the parent, guardian, or custodian of any child receiving care at the facility when the license of the facility is suspended. Upon the conclusion and disposition of the investigation of the facility, the department ~~may~~ shall notify the parent, guardian, or custodian of the child of the disposition.

SECTION 4. AMENDMENT. Section 50-11.1-09 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-09. Revocation of license or registration document.

1. The department may revoke the license of any early childhood facility or the registration document of any in-home provider upon proper showing of any of the following:
4. a. Any of the applicable conditions set forth in section 50-11.1-04 as prerequisites for the issuance of the license no longer exist.

- ~~2-~~ b. The licensee or registrant is no longer in compliance with the minimum standards prescribed by the department.
- ~~3-~~ c. The license or registration document was issued upon fraudulent or untrue representation.
- ~~4-~~ d. The licensee or registrant has violated any rules of the department.
- ~~5-~~ e. The licensee or registrant has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as a licensee or registrant.
- ~~6-~~ f. The licensee has been convicted of any offense and the department, acting pursuant to section 12.1-33-02.1, has determined that the licensee has not been sufficiently rehabilitated.
2. Within three days of the department's issuance of a revocation notice, the department and the provider shall notify, in writing, the parent, guardian, or custodian of each child receiving care in the facility of the revocation.
3. Unless otherwise determined by the department at the time of revocation, an early childhood services provider whose license or registration document is revoked is permanently prohibited from operating an early child care facility, whether it be licensed, registered, or unlicensed. If the department determines at the time of revocation that the provider may reapply for licensure at some point, the initial license that may be issued to the applicant is a license that allows for the care of the fewest number of children.