

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,

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

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

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

15 **50-11.1-07.8. Suspension of license - Notification to parent, guardian, or**
16 **custodian.** The department may suspend the license of any early childhood facility during an
17 investigation of a report of child abuse or neglect at the facility conducted pursuant to section
18 50-25.1-05. Notwithstanding sections 50-11.1-07 and 50-25.1-11, the department ~~may~~ shall
19 notify the parent, guardian, or custodian of any child receiving care at the facility when the
20 license of the facility is suspended. Upon the conclusion and disposition of the investigation of
21 the facility, the department ~~may~~ shall notify the parent, guardian, or custodian of the child of the
22 disposition.

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

25 **50-11.1-09. Revocation of license or registration document.**

26 1. The department may revoke the license of any early childhood facility or the
27 registration document of any in-home provider upon proper showing of any of the
28 following:

29 ~~4.~~ a. Any of the applicable conditions set forth in section 50-11.1-04 as
30 prerequisites for the issuance of the license no longer exist.

