

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2151**

Introduced by

Senators Flakoll, Heckaman, Poolman

Representatives Dosch, Nathe, Vigesaa

1 A BILL for an Act to create and enact four new sections to chapter 15.1-37 of the North Dakota  
2 Century Code, relating to early childhood education provider grants; to amend and reenact  
3 section 15.1-37-01 of the North Dakota Century Code, relating to early childhood education  
4 program approval; to provide for a superintendent of public instruction study and report to the  
5 legislative management; to provide an appropriation; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-37-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **15.1-37-01. Early childhood education program - Approval.**

- 10 1. Any person or school district operating an early childhood education program may  
11 request approval of the program from the superintendent of public instruction. The  
12 superintendent shall approve an early childhood education program if the program:
- 13 a. Is taught by individuals who are licensed to teach in early childhood education by  
14 the education standards and practices board or approved to teach in early  
15 childhood education by the education standards and practices board;
  - 16 b. Follows ~~a developmentally appropriate curriculum~~ educational standards  
17 approved by the superintendent of public instruction;
  - 18 c. Is in compliance with all municipal and state health, fire, and safety requirements;  
19 and
  - 20 d. Limits its enrollment to children who have reached the age of four before August  
21 first in the year of enrollment.
- 22 2. In determining the state aid payments to which a school district is entitled, the  
23 superintendent of public instruction may not count any student enrolled in a regular  
24 early childhood education program.

1       **SECTION 2.** A new section to chapter 15.1-37 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Early childhood education providers - Coalition - Eligibility.**

- 4       1. The superintendent of a school district shall invite all public and private providers of  
5 early childhood education services within the district to meet, in order to:  
6       a. Initiate the identification of all available options for cost-effectively maximizing the  
7 provision of early childhood education services within the district;  
8       b. Address the coordinated utilization of facilities, personnel, and transportation, for  
9 the provision of early childhood education services within the district; and  
10       c. (1) Form a coalition of early childhood education service providers; and  
11       (2) Provide for the selection of a coalition governing board.  
12       2. The board of the school district in which the coalition of service providers is located  
13 shall provide advice and guidance to the coalition in all matters pertaining to this Act.  
14       3. Any early childhood service provider who agrees to participate in the coalition or on its  
15 governing board may submit an application to the department of commerce for a grant  
16 under this section, provided the governing board certifies to the department that the  
17 provider:  
18       a. Is a participating member in the coalition or on the governing board.  
19       b. Operates an early childhood education program that:  
20       (1) Is approved in accordance with section 15.1-37-01; and  
21       (2) Incorporates within its curriculum at least ten hours of research-based  
22 parental involvement.  
23       c. Has documented the provider's willingness to admit children of all learning  
24 abilities into the early childhood education program.

25       **SECTION 3.** A new section to chapter 15.1-37 of the North Dakota Century Code is created  
26 and enacted as follows:

27       **Receipt and distribution of grants - Notification.**

- 28       1. The department of commerce shall receive applications for and distribute grants under  
29 this section to eligible members, including governing board members, of a consortium  
30 formed in accordance with section 2 of this Act, in the amount of two thousand dollars  
31 for each child enrolled in a program of early childhood education, if the child is eligible

1           for free lunches under the Richard B. Russell National School Lunch Act [42 U.S.C.  
2           1751, et seq.] and one thousand dollars for each child enrolled in a program of early  
3           childhood education, if the child is eligible for reduced lunches under the Richard B.  
4           Russell National School Lunch Act [42 U.S.C. 1751, et seq.], provided:

5           a. The child is a resident of this state; and

6           b. The program has a duration of at least four hundred hours over a period of  
7           thirty-two consecutive weeks.

8           2. a. Once each calendar quarter, at the time and in the manner required by the  
9           department of commerce, any provider receiving a grant under this section shall  
10           forward to the parent of each child receiving services a notice indicating the total  
11           amount of the grant that was awarded to the provider for the quarter, the pro rata  
12           amount attributable to the parent's child, and the source of the grant. The  
13           department of commerce shall standardize the notification required by this  
14           subdivision.

15           b. If a provider fails to meet the notification requirements of this subsection, the  
16           department of commerce shall reduce the amount of the provider's next grant  
17           payment by fifty percent. If a provider fails to meet the notification requirements  
18           of this section a second time, the department of commerce shall determine that  
19           the provider is ineligible to participate in the grant program for a period of one  
20           year.

21           **SECTION 4.** A new section to chapter 15.1-37 of the North Dakota Century Code is created  
22 and enacted as follows:

23           **Acceptance of children into program - Requirements - Limitations.**

24           1. If a provider is unable to accommodate all children seeking placement in the provider's  
25           program, the provider shall accept children in accordance with a chronologically-based  
26           application process or a lottery-based application process, under which children of all  
27           learning abilities are equally eligible.

28           2. The number of children accepted into a program may be limited by considerations  
29           regarding space, safety, and availability of personnel.

30           **SECTION 5.** A new section to chapter 15.1-37 of the North Dakota Century Code is created  
31 and enacted as follows:

1        **Data collection - Requirements.**

2        The superintendent of public instruction, with the advice and consent of the department of  
3 commerce, shall implement a uniform system for the accounting, budgeting, and reporting of  
4 data by any early childhood education provider to whom or to which grants are distributed in  
5 accordance with section 3 of this Act. Grants may be withheld or forfeited, in whole or in part, if  
6 information required in accordance with this section is not submitted at the time or in the  
7 manner requested by the superintendent.

8        **SECTION 6. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - REPORT TO THE**

9 **LEGISLATIVE MANAGEMENT.** During the 2015-16 interim, the superintendent of public  
10 instruction shall study the implementation of a uniform system for the accounting, budgeting,  
11 and reporting of data by an early childhood education provider who has received a grant  
12 distributed in accordance with section 3 of this Act. The superintendent of public instruction shall  
13 report its findings to the legislative management by August 1, 2016.

14        **SECTION 7. APPROPRIATION.**

15        1. There is appropriated out of any moneys in the general fund in the state treasury, not  
16 otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be  
17 necessary, to the department of commerce for the purpose of providing early  
18 childhood education grants, for the biennium beginning July 1, 2015, and ending  
19 June 30, 2017.

20        2. If the amount appropriated in this section is insufficient to provide grants to all eligible  
21 providers, the department of commerce shall award the grants on a chronological  
22 basis in accordance with the date on which a completed application is received.

23        **SECTION 8. EFFECTIVE DATE.** Sections 3 through 5 of this Act become effective on  
24 July 1, 2016.