

Sixty-sixth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1104

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 15.1-37-01, section 50-11.1-02, and  
2 subsection 2 of section 50-11.1-14.1 of the North Dakota Century Code, relating to early  
3 childhood services and quality improvement.

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

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

7 **15.1-37-01. Early childhood education program - Approval - Quality improvement**  
8 **process.**

9 1. Any person or school district operating an early childhood education program may  
10 request approval of the program from the superintendent of public instruction. The  
11 superintendent shall approve an early childhood education program if the program:

12 a. Is taught by individuals who are licensed to teach in early childhood education by  
13 the education standards and practices board or approved to teach in early  
14 childhood education by the education standards and practices board;

15 b. Follows educational standards approved by the superintendent of public  
16 instruction;

17 c. Is in compliance with all municipal and state health, fire, and safety requirements;  
18 and

19 d. Limits its enrollment to children who have reached the age of four before August  
20 first in the year of enrollment.

21 2. In determining the state aid payments to which a school district is entitled, the  
22 superintendent of public instruction may not count any student enrolled in a regular  
23 early childhood education program.

- 1       3. The superintendent of public instruction may conduct a quality improvement process  
2           for all early childhood programs and self-declarations licensed or approved under  
3           chapter 50-11.1 and for programs approved by the superintendent.

4       **SECTION 2. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6       **50-11.1-02. Definitions.**

7       As used in this chapter, unless the context or subject matter otherwise requires:

- 8       1. "Authorized agent" means the county social service board, unless another entity is  
9           designated by the department.
- 10      2. "Child care center" means an early childhood program licensed to provide early  
11          childhood services to nineteen or more children.
- 12      3. "County agency" means the county social service board in each of the counties of the  
13          state.
- 14      4. "Department" means the department of human services.
- 15      5. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled  
16          basis to meet the short-term needs of families.
- 17      6. "Early childhood program" means any program licensed under this chapter where  
18          early childhood services are provided for at least two hours a day for three or more  
19          days a week.
- 20      7. "Early childhood services" means the care, supervision, education, or guidance of a  
21          child or children, which is provided in exchange for money, goods, or other services.  
22          Early childhood services does not include:
- 23          a. Substitute parental child care provided pursuant to chapter 50-11.
- 24          b. Child care provided in any educational facility, whether public or private, in grade  
25              one or above.
- 26          c. Child care provided in a kindergarten which has been established pursuant to  
27              chapter 15.1-22 or a nonpublic elementary school program approved pursuant to  
28              ~~subsection 1 of section 15.1-06-06~~15.1-06-06.1.
- 29          d. ~~Child care, preschool, and prekindergarten services~~Early childhood education  
30              programs provided to children under six years of age in any educational facility

- 1 through a program approved by the superintendent of public instruction pursuant  
2 to chapter 15.1-37.
- 3 e. Child care provided in facilities operated in connection with a church, business, or  
4 organization where children are cared for during periods of time not exceeding  
5 four continuous hours while the child's parent is attending church services or is  
6 engaged in other activities, on the premises.
- 7 f. Schools or classes for religious instruction conducted by religious orders during  
8 the summer months for not more than two weeks, Sunday schools, weekly  
9 catechism, or other classes for religious instruction.
- 10 g. Summer resident or day camps for children which serve no children under six  
11 years of age for more than two weeks.
- 12 h. Sporting events, practices for sporting events, or sporting or physical activities  
13 conducted under the supervision of an adult.
- 14 i. Head start and early head start programs that are federally funded and meet  
15 federal head start performance standards.
- 16 j. Child care provided in a medical facility by medical personnel to children who are  
17 ill.
- 18 8. "Educational facility" means a public or nonpublic school.
- 19 9. "Family child care" means a private residence licensed to provide early childhood  
20 services for no more than seven children at any one time, except that the term  
21 includes a residence licensed to provide early childhood services to two additional  
22 school-age children.
- 23 ~~9-10.~~ "Group child care" means a child care program licensed to provide early childhood  
24 services for thirty or fewer children.
- 25 ~~10-11.~~ "Household member" means an adult living in the private residence out of which a  
26 program is operated, regardless of whether the adult is living there permanently or  
27 temporarily.
- 28 ~~11-12.~~ "In-home provider" means any person who provides early childhood services to  
29 children in the children's home.
- 30 ~~12-13.~~ "Licensed" means an early childhood program has the rights, authority, or permission  
31 granted by the department to operate and provide early childhood services.

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- 1 ~~13~~.14. "Multiple licensed program" means an early childhood program licensed to provide  
2 more than one type of early childhood services.
- 3 ~~14~~.15. "Owner" or "operator" means the person who has legal responsibility for the early  
4 childhood program and premises.
- 5 ~~15~~.16. "Parent" means an individual with the legal relationship of father or mother to a child or  
6 an individual who legally stands in place of a father or mother, including a legal  
7 guardian or custodian.
- 8 ~~16~~.17. "Premises" means the indoor and outdoor areas approved for providing early  
9 childhood services.
- 10 ~~17~~.18. "Preschool" means a program licensed to offer early childhood services, which follows  
11 a preschool curriculum and course of study designed primarily to enhance the  
12 educational development of the children enrolled and which serves no child for more  
13 than ~~three~~four hours per day.
- 14 ~~18~~.19. "Public approval" means a nonlicensed early childhood program operated by a  
15 government entity that has self-certified that the program complies with this chapter.
- 16 ~~19~~.20. "Registrant" means the holder of an in-home provider registration document issued by  
17 the department in accordance with this chapter.
- 18 ~~20~~.21. "Registration" means the process whereby the department maintains a record of all  
19 in-home providers who have stated that they have complied or will comply with the  
20 prescribed standards and adopted rules.
- 21 ~~21~~.22. "Registration document" means a written instrument issued by the department to  
22 publicly document that the registrant has complied with this chapter and the applicable  
23 rules and standards as prescribed by the department.
- 24 ~~22~~.23. "School-age child care" means a child care program licensed to provide early  
25 childhood services on a regular basis for nineteen or more children aged five years  
26 through eleven years.
- 27 ~~23~~.24. "School-age children" means children served under this chapter who are at least five  
28 years but less than twelve years of age.
- 29 ~~24~~.25. "Self-declaration" means voluntary documentation of an individual providing early  
30 childhood services in a private residence for up to five children through the age of  
31 eleven, of which no more than three may be under the age of twenty-four months.

1 ~~25-26.~~ "Staff member" means an individual:

- 2           a. Who is an employee of an early childhood program or of an early childhood  
3           services provider under a self-declaration; or  
4           b. Whose activities involve the care, supervision, or guidance of children for or  
5           unsupervised access to children under the care, supervision, or guidance of an  
6           early childhood program or early childhood services provider under a  
7           self-declaration.

8           **SECTION 3. AMENDMENT.** Subsection 2 of section 50-11.1-14.1 of the North Dakota  
9 Century Code is amended and reenacted as follows:

- 10           2. The department shall implement a voluntary quality improvement process for licensed  
11           early childhood ~~facilities~~programs and self-declarations. The department may provide  
12           a quality incentive payment and a higher reimbursement rate for child care assistance  
13           program payments to a participating early childhood facility. The department may  
14           provide technical assistance and support to an early childhood facility that applies for  
15           quality improvement and may provide financial incentives to an early childhood facility  
16           that sustains and increases program quality. The department may contract with a state  
17           agency or a private, nonprofit agency to provide technical assistance or to implement  
18           the provisions under this ~~subsection~~section.