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Sixty-seventh
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1416

Introduced by

Representatives Weisz, Devlin, J. Nelson, Westlind

Senators Hogan, Lee, K. Roers

A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and sections 50-11.1-21, 50-11.1-22, 50-11.1-23, and 50-11.1-24 of the North Dakota Century Code, relating to the four-year old program approval and the North Dakota early childhood council; to amend and reenact sections 15.1-09-58 and 15.1-37-05, subdivision d of subsection 6 of section 50-11.1-02, subsection 2 of section 50-11.1-07, and section 50-11.1-10 of the North Dakota Century Code, relating to four-year old program approval; and to repeal sections 15.1-37-01, 15.1-37-02, 15.1-37-03, 15.1-37-04, and 15.1-37-07 of the North Dakota Century Code, relating to early childhood education programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-58 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-58. ~~Early childhood education~~Four-year old program - Authorization - Support.

The board of a school district may establish ~~an early childhood educationa~~ four-year old program and, provided the program is approved by the ~~superintendent of public instruction~~department of human services in accordance with ~~chapter 15.1-37~~section 50-11.1-21, may support that program with:

1. Local tax revenues, other than those necessary to support the district's kindergarten program and the provision of elementary and high school educational services;
2. State moneys specifically appropriated for the program;
3. Federal funds specifically appropriated or approved for the program; and
4. Gifts, grants, and donations specifically given for the program.

SECTION 2. AMENDMENT. Section 15.1-37-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-05. Early childhood education providers - Coalition - Eligibility.

1. The superintendent of a school district shall invite all public and private providers of early childhood education services within the district to meet~~, in order~~ to:
   a. Initiate the identification of all available options for cost-effectively maximizing the provision of early childhood education services within the district;
   b. Address the coordinated utilization of facilities, personnel, and transportation, for the provision of early childhood education services within the district; and
   c. (1) Form a coalition of early childhood education service providers; and
      (2) Provide for the selection of a coalition governing board.
2. The board of the school district in which the coalition of service providers is located shall provide advice and guidance to the coalition in all matters pertaining to this section through section 15.1-37-08.
3. Any early childhood service provider who agrees to participate in the coalition or on its governing board may submit an application to the department of commerce for a grant under this section, provided the governing board certifies to the department that the provider:
   a. Is a participating member in the coalition or on the governing board.
   b. Operates an early childhood education program that:
      (1) Is approved in accordance with section ~~15.1-37-01~~50-11.1-21; and
      (2) Incorporates within its curriculum at least ten hours of research-based parental involvement.
   c. Has documented the provider's willingness to admit children of all learning abilities into the early childhood education program.

SECTION 3. A new subsection to section 50-06-05.1 of the North Dakota Century Code is created and enacted as follows:

To act on behalf of the department of public instruction to administer part B, section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229 Stat. 2647; 20 U.S.C. 1411 et seq.].

SECTION 4. AMENDMENT. Subdivision d of subsection 6 of section 50-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

d. Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the ~~superintendent of public instruction~~department.

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

2. Upon request of the department or its authorized agent, the state department of health or the state fire marshal, or the fire marshal's designee, shall inspect the premises for which a license, four-year old program approval, or self-declaration is applied or issued and shall report the findings to the department or the department's authorized agent.

SECTION 6. AMENDMENT. Section 50-11.1-10 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-10. Denial or revocation of license, four-year old program approval, self-declaration, or registration document - Administrative hearing.

Before the department may deny any application for a license, four-year old program approval, self-declaration, or registration document under this chapter or before the department may revoke any license, four-year old program approval, self-declaration, or registration document, the department shall provide a written notice to the applicant, licensee, or holder of the four-year old program approval, self-declaration, or registration document of the reasons for the denial or revocation. The applicant, licensee, holder of a four-year old program approval or self-declaration, or registrant may request an administrative hearing appealing the denial or revocation in the manner provided in chapter 28-32. The applicant, licensee, holder of a self-declaration, or registrant shall make a request for hearing to the department within ten days after receipt of the notice of denial or revocation from the department.

SECTION 7. Section 50-11.1-21 of the North Dakota Century Code is created and enacted as follows:

50-11.1-21. Four-year old program - Approval.

1. Any person or school district operating or seeking to operate a four-year old program may request approval for a two-year period of the four-year old program from the department. The department shall approve a four-year old program if the program:

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

b. Follows four-year old program requirements approved by the department;

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

d. Limits enrollment to children who have reached the age of four years old before August first in the year of enrollment;

e. Submits a nonrefundable fee of fifty dollars at the time the application is filed. All fees collected under this section must be paid to the department and must be used to defray the cost of investigating, inspecting, and evaluating applications for approval; and

f. Is in compliance with this chapter.

2. In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count a student enrolled in a regular four-year old program.

3. The department may investigate and inspect a four-year old program applicant or four-year old program and the conditions of the premises and the qualifications of current and prospective staff. The department may use the findings of the investigation and inspection to determine approval.

4. The department may revoke the four-year old program upon proper showing that:

a. Any applicable conditions as prerequisites for the issuance of the approval no longer exist.

b. The program is no longer in compliance with the minimum standards prescribed by the department.

c. The program approval was issued upon fraudulent or untrue presentation.

d. The program has violated any rules of the department.

5. If an action to revoke a four-year old program approval is appealed, the provider may continue the operation of the program pending the final administrative determination or until the approval expires, whichever occurs first.

SECTION 8. Section 50-11.1-22 of the North Dakota Century Code is created and enacted as follows:

50-11.1-22. North Dakota early childhood council - Membership - Terms.

1. The North Dakota early childhood council consists of:
   a. A chairman appointed by the governor;
   b. The superintendent of public instruction, or the superintendent's designee;
   c. The state health officer, or the officer's designee;
   d. The director of the department, or the director's designee;
   e. The North Dakota head start - state collaboration administrator, or the administrator's designee;
   f. The commissioner of higher education, or the commissioner's designee;
   g. The commissioner of commerce, or the commissioner's designee;
   h. The chairman of the senate education committee, or the chairman's designee;
   i. The chairman of the house of representatives education committee, or the chairman's designee;
   j. The chairman of the senate human services committee, or the chairman's designee;
   k. The chairman of the house of representatives human services committee, or the chairman's designee; and
   l. The following individuals appointed by the governor:
      (1) The superintendent of a school district having at least one thousand students in average daily membership;
      (2) The superintendent of a school district having fewer than one thousand students in average daily membership;
      (3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;
      (4) An individual representing a non-religious-based provider of a four-year old program;
      (5) An individual representing a religious-based provider of a four-year old program;
      (6) An individual representing a center-based licensed child care provider;
      (7) An individual representing a home-based licensed child care provider;
      (8) An individual representing a reservation-based head start program;

(9) An elected member of a school board;

(10) The parent of a child not yet enrolled in elementary school;

(11) The parent of a child with disabilities not yet enrolled in elementary school; and

(12) An individual representing children with disabilities.

2. The term of each member enumerated in subdivision l of subsection 1 is three years and begins on July first. The terms must be staggered by lot so four of the terms expire each year.

3. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.

4. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.

5. The council shall meet at least twice each year, at the call of the chairman.

SECTION 9. Section 50-11.1-23 of the North Dakota Century Code is created and enacted as follows:

50-11.1-23. North Dakota early childhood council - Duties - Reports.

The North Dakota early childhood council shall:

1. Review the availability and provision of early childhood services in this state;

2. Identify opportunities for public and private sector collaboration in the provision of early childhood services in this state;

3. Identify ways to assist with the recruitment and retention of individuals interested in working as providers of early childhood services, including training and continuing education or professional development opportunities;

4. Seek the advice and guidance of individuals uniquely familiar with the nature, scope, and associated challenges of providing early childhood services in geographically and socioeconomically diverse settings, and develop recommendations pertaining to the short-term and longer-term improvement and expansion of early childhood services in this state; and

5. Provide a biennial report regarding the council's findings and recommendations to the governor and the legislative assembly.

SECTION 10. Section 50-11.1-24 of the North Dakota Century Code is created and enacted as follows:

50-11.1-24. North Dakota early childhood council members - Reimbursements for expenses.

Each member of the North Dakota early childhood council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative management under section 54-35-10 for attending meetings or performing duties as directed by the council.

SECTION 11. REPEAL. Sections 15.1-37-01, 15.1-37-02, 15.1-37-03, 15.1-37-04, and 15.1-37-07 of the North Dakota Century Code are repealed.