

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 50-11.1-02, 50-11.1-02.1, 50-11.1-02.3,
2 50-11.1-03, 50-11.1-04, 50-11.1-06, 50-11.1-06.2, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2,
3 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.6, 50-11.1-07.8, 50-11.1-09, 50-11.1-11.1,
4 50-11.1-12, 50-11.1-14, 50-11.1-14.1, 50-11.1-15, 50-11.1-16, 50-11.1-17, 50-11.1-18,
5 50-11.1-19, 50-11.1-22, 50-11.1-23, 50-11.1-24, and 50-11.1-26, and subsection 2 of section
6 50-25.1-11 of the North Dakota Century Code, relating to early childhood services, resource and
7 referral services, workforce development, early childhood inclusion support program, best in
8 class program, and disclosure of child abuse and neglect confirmed decisions involving early
9 childhood services.

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

11 **SECTION 1. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **50-11.1-02. Definitions. (Effective through June 30, 2025)**

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

- 15 1. ~~"Authorized agent~~Applicant" means the ~~human-service zone, unless another entity is~~
16 ~~designated by the department~~person applying for a license to operate early childhood
17 services as an owner of an early childhood program, self-declaration, or registered
18 in-home provider.
- 19 2. "Child care center" means an early childhood program licensed to provide early
20 childhood services to nineteen or more children.
- 21 3. "Department" means the department of health and human services.
- 22 4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled
23 basis to meet the short-term needs of families.

- 1 5. "Early childhood program" means any program licensed under this chapter where
2 early childhood services are provided for at least two hours a day for three or more
3 days a week.
- 4 6. "Early childhood services" means the care, supervision, education, or guidance of a
5 child or children, which is provided in exchange for money, goods, or other services.
6 Early childhood services does not include:
- 7 a. Substitute parental child care provided pursuant to chapter 50-11.
8 b. Child care provided in any educational facility, whether public or private, in grade
9 one or above.
10 c. Child care provided in a kindergarten which has been established pursuant to
11 chapter 15.1-22 or a nonpublic elementary school program approved pursuant to
12 section 15.1-06-06.1.
13 d. Child care, preschool, and prekindergarten services provided to children under
14 six years of age in any educational facility through a program approved by the
15 department.
16 e. Child care provided in facilities operated in connection with a church, business, or
17 organization where children are cared for during periods of time not exceeding
18 four continuous hours while the child's parent is attending church services or is
19 engaged in other activities, on the premises.
20 f. Schools or classes for religious instruction conducted by religious orders during
21 the summer months for not more than two weeks, Sunday schools, weekly
22 catechism, or other classes for religious instruction.
23 g. Summer resident or day camps for children which serve no children under six
24 years of age for more than two weeks.
25 h. Sporting events, practices for sporting events, or sporting or physical activities
26 conducted under the supervision of an adult.
27 i. Head start and early head start programs that are federally funded and meet
28 federal head start performance standards.
29 j. Child care provided in a medical facility by medical personnel to children who are
30 ill.

- 1 7. "Family child care" means a private residence licensed to provide early childhood
2 services for no more than seven children at any one time, except that the term
3 includes a residence licensed to provide early childhood services to two additional
4 school-age children.
- 5 8. "Four-year old program" means an approved child care program operated by a public
6 or private educational entity ~~or an early childhood program designed to serve four-year-~~
7 ~~olds~~children in the year before kindergarten.
- 8 9. "Group child care" means a child care program licensed to provide early childhood
9 services for thirty or fewer children.
- 10 10. "Household member" means an adult living in the private residence out of which a
11 program is operated, regardless of whether the adult is living there permanently or
12 temporarily.
- 13 11. ~~"Human service zone" means a county or consolidated group of counties-~~
14 ~~administering human services within a designated area in accordance with an-~~
15 ~~agreement or plan approved by the department.~~
- 16 ~~12.~~ "In-home provider" means any person who provides early childhood services to
17 children in the children's home.
- 18 ~~13-12.~~ "Licensed" means an early childhood program has the rights, authority, or permission
19 granted by the department to operate and provide early childhood services.
- 20 13. "Licensee" means the person to which a license has been issued under this chapter.
- 21 14. "Multiple licensed program" means an early childhood program licensed to provide
22 more than one type of early childhood services.
- 23 15. "Operator" means the person that has operational responsibility for the early childhood
24 program and premises at which the early childhood service operates.
- 25 ~~15-16.~~ "Owner" ~~or "operator"~~ means the person who has legal responsibility for the early
26 childhood program and premises at which the early childhood service operates.
- 27 ~~16-17.~~ "Parent" means an individual with the legal relationship of father or mother to a child or
28 an individual who legally stands in place of a father or mother, including a legal
29 guardian or custodian.
- 30 ~~17-18.~~ "Premises" means the indoor and outdoor areas approved for providing early
31 childhood services.

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

- 1 c. Who may have unsupervised access to children under the care, supervision, or
2 guidance of an early childhood ~~program or early childhood services provider~~
3 ~~under a self-declaration.~~

4 **Definitions. (Effective after June 30, 2025)**

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

- 6 1. ~~"Authorized agent~~Applicant" means the ~~human service zone, unless another entity is~~
7 ~~designated by the department~~person applying for a license to operate early childhood
8 services as an owner of an early childhood program, self-declaration, or registered
9 in-home provider.
- 10 2. "Child care center" means an early childhood program licensed to provide early
11 childhood services to nineteen or more children.
- 12 3. "Department" means the department of health and human services.
- 13 4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled
14 basis to meet the short-term needs of families.
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16 early childhood services are provided for at least two hours a day for three or more
17 days a week.
- 18 6. "Early childhood services" means the care, supervision, education, or guidance of a
19 child or children, which is provided in exchange for money, goods, or other services.

20 Early childhood services does not include:

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- 22 b. Child care provided in any educational facility, whether public or private, in grade
23 one or above.
- 24 c. Child care provided in a kindergarten which has been established pursuant to
25 chapter 15.1-22 or a nonpublic elementary school program approved pursuant to
26 section 15.1-06-06.1.
- 27 d. Child care, preschool, and prekindergarten services provided to children under
28 six years of age in any educational facility through a program approved by the
29 department.
- 30 e. Child care provided in facilities operated in connection with a church, business, or
31 organization where children are cared for during periods of time not exceeding

- 1 four continuous hours while the child's parent is attending church services or is
2 engaged in other activities, on the premises.
- 3 f. Schools or classes for religious instruction conducted by religious orders during
4 the summer months for not more than two weeks, Sunday schools, weekly
5 catechism, or other classes for religious instruction.
- 6 g. Summer resident or day camps for children which serve no children under six
7 years of age for more than two weeks.
- 8 h. Sporting events, practices for sporting events, or sporting or physical activities
9 conducted under the supervision of an adult.
- 10 i. Head start and early head start programs that are federally funded and meet
11 federal head start performance standards.
- 12 j. Child care provided in a medical facility by medical personnel to children who are
13 ill.
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15 services for no more than seven children at any one time, except that the term
16 includes a residence licensed to provide early childhood services to two additional
17 school-age children.
- 18 8. "Group child care" means a child care program licensed to provide early childhood
19 services for thirty or fewer children.
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21 program is operated, regardless of whether the adult is living there permanently or
22 temporarily.
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24 ~~administering human services within a designated area in accordance with an~~
25 ~~agreement or plan approved by the department.~~
- 26 ~~41.~~ "In-home provider" means any person who provides early childhood services to
27 children in the children's home.
- 28 ~~42-11.~~ "Licensed" means an early childhood program has the rights, authority, or permission
29 granted by the department to operate and provide early childhood services.
- 30 12. "Licensee" means the person to which a license has been issued under this chapter.

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

1 ~~23-25.~~ "School-age children" means children ~~served under this chapter who are~~aged at least
2 five years ~~but less than~~through twelve years of age.

3 ~~24-26.~~ "Self-declaration" means voluntary documentation of an individual providing early
4 childhood services in a private residence for up to five children through the age of
5 ~~eleven~~twelve, of which no more than three may be under the age of twenty-four
6 months.

7 ~~25-27.~~ "Staff member" means an individual:

- 8 a. Who is an employee or operator of an early childhood ~~program or of an early-~~
9 ~~childhood services provider under a self-declaration;~~
10 b. Whose activities involve the care, supervision, or guidance of children of an early
11 childhood ~~program~~provider; or
12 c. Who may have unsupervised access to children under the care, supervision, or
13 guidance of an early childhood ~~program or early childhood services provider~~
14 ~~under a self-declaration.~~

15 **SECTION 2. AMENDMENT.** Section 50-11.1-02.1 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-11.1-02.1. Number of children in program - How determined.**

18 For the purpose of determining the number of children receiving early childhood services,
19 all children present on the premises ~~and under~~through the age of twelve years must be counted
20 for an in-home, self-declaration, family child care, group child care, child care center, and
21 preschool. For the purpose of determining the number of children receiving early childhood
22 services, all children present on the premises aged at least five years through age twelve must
23 be counted for school-age child care. All children present are protected by this chapter
24 regardless of whether money is received or goods or other services are received for their care.

25 **SECTION 3. AMENDMENT.** Section 50-11.1-02.3 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-11.1-02.3. Early childhood services ~~providers~~staff - Training on infant safe sleep**
28 **practices.**

29 The department shall adopt rules to require a staff member of an early childhood service
30 provider ~~and the provider's staff members who are~~is responsible for the care or teaching of

1 children under the age of one to annually complete a department approved sudden infant death-
2 syndrome prevention safe sleep training course.

3 **SECTION 4. AMENDMENT.** Section 50-11.1-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-11.1-03. Operation of early childhood services program - License required - Fees.**

- 6 1. A license for family child care is required if early childhood services are provided for
7 four or more children ages twenty-four months and under, or six or seven children
8 through age ~~eleven~~twelve at any one time which includes no more than three children
9 under twenty-four months of age.
- 10 2. A license for group child care is required if early childhood services are provided for at
11 least eight and no more than thirty children at any one time.
- 12 3. A license for a child care center is required if early childhood services are provided for
13 more than thirty children at any one time.
- 14 4. Except as provided under subsection 5, a person may not establish or operate a family
15 child care, group child care, preschool, school-age child care, or child care center
16 unless licensed to do so by the department.
- 17 5. A governmental organization may not establish or operate a family child care, group
18 child care, preschool, school-age child care, or child care center without first receiving
19 public approval by certifying, to the department ~~or the department's authorized agent~~,
20 that it has complied with all rules applicable to family child care, group child care,
21 preschool, or school-age child care, or to child care centers.
- 22 6. A license is not required for onsite child care services located in the actual building in
23 which the child's parent is employed, not to exceed ten children per location.
- 24 7. An applicant for a license shall submit the following nonrefundable fees with the
25 application:
 - 26 a. The ~~operator~~owner of a family child care applying for a license shall pay an
27 annual license fee of twenty dollars or if the license is issued for a two-year
28 period, a fee of thirty-five dollars.
 - 29 b. The ~~operator~~owner of a group child care applying for a license shall pay an
30 annual license fee of twenty-five dollars or if the license is issued for a two-year
31 period, a fee of forty-five dollars.

- 1 c. The ~~operator~~owner of a preschool applying for a license shall pay an annual
2 license fee of thirty dollars or if the license is issued for a two-year period, a fee
3 of fifty-five dollars.
- 4 d. The ~~operator~~owner of a child care center applying for a license shall pay an
5 annual license fee of forty dollars or if the license is issued for a two-year period,
6 a fee of seventy-five dollars.
- 7 e. The ~~operator~~owner of a multiple licensed program applying for a license shall pay
8 an annual license fee of fifty dollars or if the license is issued for a two-year
9 period, a fee of ninety-five dollars.
- 10 8. An applicant for a license who currently holds a license or self-declaration shall submit
11 the nonrefundable fees set forth in subsection 7 with the application at least sixty days
12 and no more than ninety days before the expiration date of the applicant's current
13 license or self-declaration. If the nonrefundable fees and application are submitted
14 less than sixty days before the expiration date of the applicant's current license or
15 self-declaration, the applicant shall submit with the application two times the
16 nonrefundable fees set forth in subsection 7.
- 17 9. In addition to any criminal sanctions or other civil penalties that may be imposed
18 pursuant to law, the ~~operator~~owner of an early childhood program who, after being
19 given written notice by the department ~~or the department's authorized agent~~,
20 continues to provide early childhood services without a license as required by this
21 section is subject to a civil penalty of fifty dollars per day for each day of operation
22 without the required license. The civil penalty may be imposed by the courts or by the
23 department through an administrative hearing pursuant to chapter 28-32.
- 24 10. All fees collected under subsections 7 and 8 must be paid to the department ~~or the~~
25 ~~department's authorized agent~~ and must be used to defray the cost, to the department
26 ~~or the department's authorized agent~~, of investigating, inspecting, and evaluating the
27 applications or to provide training to providers ~~of early childhood services~~.

28 **SECTION 5. AMENDMENT.** Section 50-11.1-04 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **50-11.1-04. Application for license - Prerequisites for issuance - License granted -**
2 **Term.**

- 3 1. An application for operation of an early childhood program must be made on forms
4 provided, in the manner prescribed, by the department. The department ~~or the~~
5 ~~department's authorized agent~~ shall investigate the applicant's activities and proposed
6 standards of care and shall make an inspection of all premises to be used by the early
7 childhood program applying for a license. The applicant for a license and the staff
8 members, and, if the application is for a program that will be located in a private
9 residence, every individual living in that residence must be investigated in accordance
10 with the rules adopted by the department to determine whether any of them has a
11 criminal record or has had a ~~finding of services required~~ confirmed decision for child
12 abuse or neglect ~~filed against them~~. The department may use the findings of the
13 investigation to determine licensure. Except as otherwise provided, the department
14 shall grant a license for the operation of an early childhood program within thirty days
15 of receipt of a completed application and all supporting documents by the department
16 and upon a showing:
- 17 a. The premises to be used are in fit and sanitary condition, are properly equipped
18 to provide for the health and safety for all children, and are maintained according
19 to rules adopted by the department;
- 20 b. Staff members are qualified to fulfill the duties required of the staff members
21 according to the provisions of this chapter and standards prescribed for staff
22 member qualifications by the rules of the department;
- 23 c. The application and supporting documents do not include any fraudulent or
24 untrue representations;
- 25 d. ~~The owner, operator, or~~ Neither the applicant has not nor anyone who is listed on
26 the application has had a previous license or self-declaration denied or revoked
27 within the twelve months before the date of the current application, unless waived
28 by the department after the department considers the health and safety of
29 children and the licensing history of the owner, operator, or applicant;
- 30 e. ~~The owner, operator, or~~ Neither the applicant has not nor anyone who is listed on
31 the application has had three or more previous licenses or self-declarations

- 1 denied or revoked. The most recent revocation or denial may not have occurred
2 within the three years immediately preceding the application date;
- 3 f. The ~~program~~applicant paid its license fees and any penalties and sanctions
4 previously assessed against the program applicant or any program the applicant
5 is associated with as required by sections 50-11.1-03 and 50-11.1-07.4; and
- 6 g. ~~The family child care owner or operator and staff~~Staff members have received
7 training and are currently certified in infant and pediatric cardiopulmonary
8 resuscitation, including the use of an automated external defibrillator by the
9 American heart association, American red cross, or other similar cardiopulmonary
10 resuscitation and automated external defibrillator training programs that are
11 approved by the department, and are currently certified in first aid by a program
12 approved by the department; ~~and~~
- 13 h. ~~The group child care, preschool, school-age child care, or child care center, at all~~
14 ~~times during which early childhood services are provided, staff members have~~
15 ~~received training and are currently certified in infant and pediatric~~
16 ~~cardiopulmonary resuscitation, including the use of an automated external~~
17 ~~defibrillator by the American heart association, American red cross, or other~~
18 ~~similar cardiopulmonary resuscitation and automated external defibrillator training~~
19 ~~programs that are approved by the department, and currently certified in first aid~~
20 ~~by a program approved by the department.~~
- 21 2. The license issued to the ~~owner or operator of an early childhood program~~ may not be
22 effective for longer than two years.
- 23 3. The department may consider the applicant's past licensing, self-declaration, and
24 registration history in determining whether to issue a license.
- 25 4. The department may issue a provisional or restricted license in accordance with the
26 rules of the department. The department shall consider issuing a provisional or
27 restricted license before revoking a license. The department may require the ~~owner or~~
28 ~~operator of an early childhood program~~applicant or licensee to provide a compliance
29 plan to address compliance issues with this chapter and rules of the department. The
30 department shall review the compliance plan before issuing a provisional or restricted
31 license. The department shall approve the provisional license if the department

1 approves the compliance plan. The department may revoke a license if the ~~owner and~~
2 ~~operator fail~~licensee fails to comply with the department approved compliance plan or
3 for any additional violations of this chapter or rules of the department.

4 5. The department shall notify the ~~owner or licensee and~~ operator that the ~~owner-~~
5 ~~or licensee and~~ operator ~~is~~are required to post a notice of late application at the early
6 childhood program premises if the department has not received a completed
7 application and all supporting documents for licensure or self-declaration renewal at
8 least thirty days before the expiration date of the early childhood program's license.

9 **SECTION 6. AMENDMENT.** Section 50-11.1-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-11.1-06. In-home provider - Registration voluntary - Prerequisites for approval -**
12 **Issuance of registration document - Term.**

13 An in-home provider may apply for a registration document from the department. The
14 department ~~or the department's authorized agent~~ shall determine whether the applicant meets
15 the standards and shall issue or deny a registration document based upon that determination. A
16 registration document for an in-home provider may not be effective for longer than one year.
17 The application and supporting documents may not include any fraudulent or untrue
18 representations. The department may consider the early childhood services history of the
19 applicant in determining issuance of a registration document. The department may investigate
20 an applicant according to rules adopted by the department to determine whether the applicant
21 has a criminal record or has been the subject of a ~~finding of services required~~confirmed
22 decision for child abuse and neglect. The department may issue a provisional in-home provider
23 registration document in accordance with the rules of the department.

24 **SECTION 7. AMENDMENT.** Section 50-11.1-06.2 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-11.1-06.2. Background investigations - Fees.**

27 1. Upon a determination by the department a criminal history record check is appropriate,
28 the following individuals are to obtain two sets of the individual's fingerprints from a
29 law enforcement agency or other local agency authorized to take fingerprints:
30 a. A provider holding or an applicant for early childhood services licensure,
31 self-declaration, or in-home provider registration;

- 1 b. Emergency designees and staff members of providers holding and applicants for
2 early childhood services licensure, self-declaration, or in-home provider
3 registration; and
- 4 c. Household members of a residence out of which early childhood services are
5 provided.
- 6 2. The individual shall request the agency to submit the fingerprints and a completed
7 fingerprint card for each set to the ~~division of children and family services of the~~
8 department ~~or to the department's authorized agent~~.
- 9 3. If the ~~division~~department has no record of a ~~determination of services~~
10 ~~required~~confirmed decision for child abuse or neglect, the ~~division~~department shall
11 submit the fingerprints to the bureau of criminal investigation to determine if there is
12 any criminal history record information regarding the applicant, household members,
13 or staff members in accordance with section 12-60-24.
- 14 4. The results of the investigations must be forwarded to the ~~division of children and~~
15 ~~family services of the department or to the department's authorized agent~~.
- 16 5. The ~~division~~department may charge a fee not to exceed thirty dollars for the purpose
17 of processing the criminal history record information application.
- 18 6. The ~~division~~department is not subject to the fee imposed under section 12-60-16.9
19 when requesting criminal history record information from the bureau of criminal
20 investigation.
- 21 7. An agency that takes fingerprints as provided under this section may charge a
22 reasonable fee to offset the costs of the fingerprinting.
- 23 8. The department may use background investigation findings to determine approval,
24 denial, or revocation of an early childhood services license, self-declaration, or
25 in-home registration.
- 26 9. Any individual who is providing early childhood services solely for the provider's own
27 children, grandchildren, nieces, nephews, and cousins as an in-home provider may
28 not be required to submit to a criminal history record check authorized under section
29 50-06-01.9.
- 30 10. Unless an individual was separated from ~~childcare~~ employment by a provider of early
31 childhood services for more than one hundred eighty days, a criminal history record

1 check conducted under this section and subsection 3 of section 50-06-01.9 is valid for
2 five years, after which the department shall require another criminal history record
3 check.

4 **SECTION 8. AMENDMENT.** Section 50-11.1-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-11.1-07. Investigation of applicant, licensee, holder of self-declaration or**
7 **registration document, and staff members - Inspection of programs and premises -**
8 **Maintenance of records - Confidentiality of records.**

- 9 1. The department ~~or its authorized agent~~ at any time may investigate and inspect an
10 early childhood program, or a holder of a self-declaration or registration document and
11 the conditions of their premises, the qualifications ~~of a provider of early childhood~~
12 ~~services~~, of current and prospective staff members, of any in-home provider or
13 applicant seeking or holding a license, self-declaration, or registration document under
14 this chapter.
- 15 2. Upon request of the department ~~or its authorized agent~~, the state fire marshal, or the
16 fire marshal's designee, shall inspect the premises for which a license, four-year old
17 program approval, or self-declaration is applied or issued and shall report the findings
18 to the department ~~or the department's authorized agent~~.
- 19 3. A licensee, holder of a self-declaration, or registrant shall:
- 20 a. Maintain records as the department prescribes regarding each child in the
21 licensee's, holder's, or registrant's care and control, and shall report to the
22 department ~~or the department's authorized agent~~, when requested, upon the
23 forms furnished provided in the manner prescribed by the department, facts the
24 department may require with reference to each child;
- 25 b. Admit for inspection the department ~~or the department's authorized agent~~ and
26 open for examination all records, books, and reports; and
- 27 c. Notify the parent of each child receiving early childhood services and all staff
28 members of the process for reporting a complaint or a suspected licensing
29 violation.

- 1 4. Except as provided in subsection 5, all records and information maintained with
2 respect to any child receiving early childhood services are confidential and must be
3 properly safeguarded and may not be disclosed except:
- 4 a. In a judicial proceeding;
- 5 b. To officers of the law or other legally constituted boards or agencies; or
- 6 c. To persons having a definite interest in the well-being of the child concerned and
7 who, in the judgment of the department, are in a position to serve the child's
8 interests should that be necessary;
- 9 d. To a provider or applicant that provides or provided care for the child; or
- 10 e. As outlined in a department-approved data sharing agreement.
- 11 5. A provider ~~of early childhood services~~, upon the request of the parent of a child for
12 whom the provider provides such services, shall make available to the parent a list of
13 the names, telephone numbers, and addresses of the parents of children for whom
14 early childhood services are provided. The list may include only the names, telephone
15 numbers, electronic mail addresses, and addresses of parents who grant the provider
16 permission to disclose that information.
- 17 6. The following information for ~~early childhood services~~ licensees, self-declarations,
18 in-home providers, staff members, and adults residing in a home out of which early
19 childhood services are provided is not confidential:
- 20 a. Name;
- 21 b. Address;
- 22 c. Telephone number; and
- 23 d. Electronic mail address.

24 **SECTION 9. AMENDMENT.** Section 50-11.1-07.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-11.1-07.1. Notice.**

27 After each inspection or reinspection, the department ~~or the department's authorized agent,~~
28 by ~~certified mail~~ or electronic mail, shall send copies of any correction order or notice of
29 noncompliance, to the owner and operator of the early childhood program or holder of a
30 self-declaration.

1 **SECTION 10. AMENDMENT.** Section 50-11.1-07.2 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-11.1-07.2. Correction orders.**

- 4 1. If the department ~~or the department's authorized agent~~ finds, upon inspection, the
5 program, self-declaration, or premises is not in compliance with this chapter or the
6 rules adopted under this chapter, the department ~~or the department's authorized agent~~
7 may issue a correction order to the ~~program~~licensee or holder of a self-declaration,
8 provided the department does not revoke the license or self-declaration as a result of
9 the noncompliance. The correction order must cite the specific statute or rule violated,
10 state the factual basis of the violation, state the suggested method of correction, and
11 specify the time allowed for correction. The correction order must also specify the
12 amount of any fiscal sanction to be assessed if the ~~program~~licensee or holder of a
13 self-declaration fails to comply with the correction order in a timely fashion. This
14 section does not apply to an applicant's failure to comply with subsection 8 of section
15 50-11.1-03 or subdivision c of subsection 1 of section 50-11.1-16.
- 16 2. Within ~~threeten~~ business days of the receipt upon mailing or three days upon electronic
17 transmission of the correction order, the licensee ~~of the early childhood program~~ or the
18 holder of a self-declaration shall notify the parent of each child receiving early
19 childhood services that a correction order has been issued. In addition to providing
20 notice to the parent of each child, the licensee or holder of a self-declaration shall post
21 the correction order in a conspicuous location upon the early childhood premises until
22 the violation has been corrected or for five days, whichever is longer.

23 **SECTION 11. AMENDMENT.** Section 50-11.1-07.3 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **50-11.1-07.3. Reinspections.**

26 The department ~~or the department's authorized agent~~ shall reinspect or review an early
27 childhood program or holder of a self-declaration that was issued a correction order under
28 section 50-11.1-07.2, at the end of the period allowed for correction. If, upon reinspection or
29 review, the department determines the program or holder of a self-declaration has not corrected
30 a violation identified in the correction order, the department shall mail or send by electronic mail
31 to the program or the holder of a self-declaration, ~~by certified mail,~~ a notice of noncompliance

1 with the correction order. The notice must specify the violations not corrected and the penalties
2 assessed in accordance with section 50-11.1-07.5.

3 **SECTION 12. AMENDMENT.** Section 50-11.1-07.4 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-11.1-07.4. Fiscal sanctions.**

6 If the department ~~or the department's authorized agent~~ issues a notice of noncompliance
7 with a correction order to an early childhood program or holder of a self-declaration, the
8 department shall assess fiscal sanctions in accordance with a schedule of fiscal sanctions
9 established by rules adopted by the department under subsection 2 of section 50-11.1-08. The
10 department shall assess a fiscal sanction for each day the early childhood program or holder of
11 a self-declaration remains in noncompliance after the allowable time period for the correction of
12 violations ends and the sanction must continue as set forth in section 50-11.1-07.6 until the
13 department receives notice indicating the violations are corrected. The fiscal sanction for a
14 specific violation may not exceed one hundred dollars per day of noncompliance.

15 **SECTION 13. AMENDMENT.** Section 50-11.1-07.5 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **50-11.1-07.5. Accumulation of fiscal sanctions.**

18 ~~An early childhood program~~A licensee or holder of a self-declaration promptly shall notify
19 the department ~~or the department's authorized agent~~ in writing if a violation noted in a notice of
20 noncompliance is corrected. Upon receipt of written notice by the department ~~or the~~
21 ~~department's authorized agent~~, the daily fiscal sanction assessed for the violation must stop
22 accruing. The department ~~or the department's authorized agent~~ shall reinspect or review the
23 early childhood program or premises out of which the holder of the self-declaration is operating
24 within three working days after receipt of the notification. If, upon reinspection or review, the
25 department determines a violation has not been corrected, the department shall resume the
26 daily assessment of fiscal sanction and shall add the amount of fiscal sanction which otherwise
27 would have accrued during the period before resumption to the total assessment due from the
28 ~~program~~licensee or holder of the self-declaration. The department ~~or the department's~~
29 ~~authorized agent~~ shall notify the ~~facility~~licensee or holder of a self-declaration of the resumption
30 by ~~certified mail~~ or electronic mail. Recovery of the resumed fiscal sanction must be stayed if
31 the ~~operator of the facility~~licensee or holder of a self-declaration makes a written request for an

1 administrative hearing in the manner provided in chapter 28-32, if written request for the hearing
2 is made to the department within ~~ten~~fifteen days upon mailing or ten days upon electronic
3 transmission of the notice of resumption.

4 **SECTION 14. AMENDMENT.** Section 50-11.1-07.6 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-11.1-07.6. Recovery of fiscal sanctions - Hearing.**

7 Fiscal sanctions assessed pursuant to this chapter are payable ~~fifteen~~twenty days after-
8 receiptupon mailing or fifteen days upon electronic transmission of the notice of noncompliance
9 and at fifteen-day intervals thereafter, as the fiscal sanctions accrue. Recovery of an assessed
10 fiscal sanction must be stayed if the ~~program~~licensee or holder of a self-declaration makes
11 written request to the department for an administrative hearing within ~~ten~~fifteen days ~~after~~upon
12 mailing or ten days upon electronic transmission of the notice to the early-childhood-
13 program~~licensee~~ or the holder of the self-declaration ~~receives the notice~~. If the appeal is
14 unsuccessful or withdrawn, the daily assessment of fiscal sanctions must resume and the
15 department shall add the amount of fiscal sanctions which otherwise would have accrued during
16 the period prior to resumption to the total assessment due from the ~~early-childhood-~~
17 ~~program~~licensee or the holder of a self-declaration. The department ~~or the department's~~
18 ~~authorized agent~~ shall notify the ~~early-childhood-~~program~~licensee~~ or the holder of a
19 self-declaration of the resumption by ~~certified~~ mail or electronic mail.

20 **SECTION 15. AMENDMENT.** Section 50-11.1-07.8 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-11.1-07.8. Suspension of license, self-declaration, or registration document -**
23 **Assessment upon a report of child abuse or neglect - Notification.**

- 24 1. The department may:
- 25 a. Suspend a license, self-declaration, or registration document at any time after the
26 onset of a child abuse and neglect assessment alleging the owner or
27 ~~operator~~staff, the holder of a self-declaration, or the in-home provider:
- 28 (1) Committed child abuse, including child sexual abuse, law enforcement has
29 been involved, and continued operation is likely to jeopardize the health and
30 safety of the children; or

- 1 (2) Neglected a child, law enforcement has been involved, and continued
2 operation is likely to jeopardize the health and safety of the children.
- 3 b. Suspend a license, self-declaration, or registration document upon a child abuse
4 or neglect ~~services required determination~~confirmed decision indicating a child
5 has been abused or neglected by the owner or ~~operator~~staff, the holder of a
6 self-declaration, or the in-home provider, if continued operation is likely to
7 jeopardize the health and safety of the children present.
- 8 c. Prohibit the presence of an accused owner, ~~operator~~, holder of a self-declaration,
9 in-home provider, staff member, or adult or minor household member of the early
10 childhood program, self-declaration, or in-home provider from the early childhood
11 premises when children are in child care, upon a report of child abuse or neglect
12 at the premises of the early childhood program, holder of the self-declaration, or
13 registration, or involving a staff member or adult or minor household member if
14 continued operation or the presence of the accused individual is likely to
15 jeopardize the health and safety of the children present.
- 16 2. Notwithstanding sections 50-11.1-07 and 50-25.1-11, the department:
- 17 a. Shall notify the parent of any child receiving early childhood services if that
18 program's license, self-declaration, or registration document is suspended.
- 19 b. Shall notify the owner; and operator, holder of a self-declaration, or in-home
20 provider and shall notify the parent of any child receiving early childhood services
21 if an owner; ~~operator~~, holder of a self-declaration, in-home provider, staff member,
22 or adult or minor household member of the program providing care of the child is
23 the subject of a child abuse and neglect assessment and the department
24 determines:
- 25 (1) The reported child abuse or neglect places children in the early childhood
26 program, self-declaration, or in-home provider at risk of abuse or neglect;
27 and
- 28 (2) If the reported child abuse or neglect occurred outside the care, supervision,
29 or guidance of children in an early childhood program, self-declaration, or
30 in-home provider, there was an impact or is a potential impact on care,

- 1 supervision, or guidance of the children in the early childhood program,
2 self-declaration, or in-home provider.
- 3 c. Shall notify the owner; and operator, holder of a self-declaration, or in-home
4 provider and shall notify the parent of any child receiving early childhood services
5 that an owner; ~~operator~~, holder of a self-declaration, in-home provider, staff
6 member, or adult or minor household member is prohibited from the premises of
7 the early childhood program, self-declaration, or in-home provider under
8 subsection 1.
- 9 3. Upon the conclusion and disposition of a child abuse and neglect assessment for
10 which a ~~determination services are required~~ confirmed decision is found or for which
11 the department issued a notice under subsection 2, the department shall provide
12 notification of the disposition to the parent of each child who at the time of the
13 determination is receiving early childhood services.
- 14 4. Notwithstanding any provision to the contrary, any action taken under this section may
15 preclude an individual's ability to operate pending an appeal.
- 16 5. Notwithstanding subsections 2 and 3:
- 17 a. The department may reconsider a suspension or prohibition.
- 18 b. If law enforcement requests a delay in notification, the department may delay
19 notifying the owner; and operator, holder of a self-declaration, or in-home
20 provider and delay notifying the parent of any child receiving early childhood
21 services. To be valid, a law enforcement request for a notification delay must be
22 provided to the department in writing within forty-eight hours of law enforcement
23 receiving notification of an alleged criminal matter. A notification delay may last
24 up to sixty days and, upon request of law enforcement, may be renewed.

25 **SECTION 16. AMENDMENT.** Section 50-11.1-09 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-11.1-09. Revocation of license, self-declaration, or registration document.**

- 28 1. The department may revoke the license, self-declaration, or registration document of
29 any ~~early childhood services~~ provider upon proper showing of any of the following:

- 1 a. Any of the applicable conditions set forth in sections 50-11.1-04, 50-11.1-06, and
2 section 50-11.1-17 as prerequisites for the issuance of the license,
3 self-declaration, or registration document no longer exist.
- 4 b. The licensee, holder of a self-declaration, or registrant is no longer in compliance
5 with the minimum standards prescribed by the department.
- 6 c. The license, self-declaration, or registration document was issued upon
7 fraudulent or untrue representation.
- 8 d. The licensee, holder of a self-declaration, or registrant has violated any rules of
9 the department.
- 10 e. The licensee, holder of a self-declaration, registrant, or a household member of a
11 home out of which early childhood services are provided has been found guilty
12 of, or pled guilty to, an offense the department determines has a direct bearing
13 upon an individual's ability to serve the public as a licensee, a holder of a
14 self-declaration, or a registrant.
- 15 f. The licensee, holder of a self-declaration, or registrant has been convicted of any
16 offense and the department, acting pursuant to section 12.1-33-02.1, has
17 determined that the individual has not been sufficiently rehabilitated.
- 18 g. The department may consider the early childhood services history of the
19 licensee, holder of a self-declaration, or registrant in determining revocation of a
20 license, self-declaration, or in-home registration document.
- 21 2. The department shall notify, in writing, the parent of each child receiving early
22 childhood services from the ~~early childhood services~~ provider that is the subject of the
23 revocation notice.

24 **SECTION 17. AMENDMENT.** Section 50-11.1-11.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **50-11.1-11.1. Resource and referral services - Authority of department to make grants**
27 **- Federal funds - Components.**

- 28 1. The department may make grants to public and private nonprofit entities for the
29 planning, establishment, expansion, improvement, or operation of early childhood
30 services. Public or private nonprofit entities may apply to the department for funding.
31 Applicants shall apply for grants on forms provided by the department. Applications for

- 1 grants using funds received by the state under subsection 2 must include assurances
2 that federal requirements have been met.
- 3 2. The department shall submit an application annually to the United States secretary of
4 health and human services for the purpose of obtaining the state's allotment of funds
5 authorized under chapter 8 of title VI of the Omnibus Budget Reconciliation Act of
6 1981 [42 U.S.C. 9871-9877] or under any subsequent federal law providing funding for
7 child care and development programs.
- 8 3. Each public or private nonprofit entity or the department providing early childhood
9 resource and referral services shall identify all existing related early childhood services
10 through information provided by all relevant public and private nonprofit entities in the
11 areas of service and must develop a resource file of these services which must be
12 maintained and updated at least quarterly. The services must include early childhood
13 services as identified in section 50-11.1-02.
- 14 4. Each public or private nonprofit entity or the department providing early childhood
15 resource and referral services shall establish a referral process that responds to
16 parental needs for information, fully ensures the confidentiality of records and
17 information as required under subsection 4 of section 50-11.1-07, affords parents
18 maximum access to all referral information, and includes telephone referral available
19 for no less than twenty hours per week and access via the internet. Each public or
20 private nonprofit entity or the department shall publicize its services through popular
21 media sources, agencies, employers, and other appropriate methods.
- 22 5. All early childhood services resource and referral public and private nonprofit entities
23 or the department shall maintain documentation of the number of calls and contacts
24 received and ~~may collect and maintain the following~~ information:
25 a. ~~Ages of children served.~~
26 b. ~~Time category of child care request for each child.~~
27 c. ~~Special time category, such as nights, weekends, or swing shift.~~
28 d. ~~The reason child care is needed~~ required or requested by the department.
- 29 6. Each early childhood services resource and referral public or private nonprofit entity or
30 the department shall have available, as an educational aid to parents, information on
31 available parent, early childhood, and family education programs in the community

1 and information on aspects of evaluating the quality and suitability of early childhood
2 services, including licensing regulation, financial assistance availability, child abuse
3 reporting procedures, and appropriate child development information.

4 7. A child care resource and referral public or private nonprofit entity or the department
5 shall provide technical assistance to existing and potential providers of all types of
6 early childhood services and to employers. ~~This assistance must include:~~

7 ~~a. Information on all aspects of initiating new early childhood services, including~~
8 ~~licensing, zoning, program and budget development, and assistance in finding~~
9 ~~information from other sources;~~

10 ~~b. Information and resources which help existing early childhood service providers~~
11 ~~to maximize their ability to serve the children and parents of their community;~~

12 ~~e. Dissemination of information on current public issues affecting the local and~~
13 ~~statewide delivery of early childhood services;~~

14 ~~d. Facilitation of communication between existing early childhood service providers~~
15 ~~and child-related services in the community served;~~

16 ~~e. Recruitment of licensed providers; and~~

17 ~~f. Options, and the benefits available to employers utilizing the various options, to~~
18 ~~expand child care services to employees.~~

19 8. Services prescribed by this section must be designed to maximize parental choice in
20 the selection of early childhood services and to facilitate the maintenance and
21 development of such services and resources.

22 **SECTION 18. AMENDMENT.** Section 50-11.1-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **50-11.1-12. Violation of chapter or rules - Injunction.**

25 The department ~~or the department's authorized agent~~ may seek injunctive action against an
26 individual who provides early childhood services for which licensure is required, ~~an early~~
27 ~~childhood program~~ licensee, holder of a self-declaration, or in-home provider in the district
28 court through proceedings instituted by the attorney general on behalf of the department ~~or by a~~
29 ~~state's attorney on behalf of the authorized agent~~, if:

30 1. There is a violation of this chapter or a rule adopted under this chapter; or

- 1 2. ~~An early childhood program~~A licensee, holder of a self-declaration, or in-home
2 provider, after notice and opportunity for hearing on the notice of noncompliance, on
3 the resumption of the fiscal sanction, or after administrative hearing confirming and
4 upholding the fiscal sanction does not pay a properly assessed fiscal sanction in
5 accordance with section 50-11.1-07.6.

6 **SECTION 19. AMENDMENT.** Section 50-11.1-14 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-11.1-14. Workforce development.**

- 9 1. The department may establish a statewide system to build systematic early childhood
10 workforce voluntary training which may include ~~distance~~various learning formats, a
11 professional registry, certificates, and specializations.
12 2. The department may charge reasonable fees for all training and development courses
13 to offset costs. All fees collected under this section must be paid to the department ~~or~~
14 ~~the department's authorized agent~~ and must be used to defray the cost of providing
15 training and development courses to providers and staff members of early childhood
16 services.

17 **SECTION 20. AMENDMENT.** Section 50-11.1-14.1 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-11.1-14.1. Workforce development - Quality improvement - Technical assistance -**
20 **Capacity building.**

- 21 1. The department shall provide voluntary, progressive training opportunities leading to
22 credentials and shall provide supports for the early childhood ~~care and education~~
23 workforce. The department shall implement a registry to track workforce participation.
24 2. The department shall implement a voluntary quality improvement process for ~~licensed~~
25 early childhood ~~facilities~~programs. The department may provide a quality incentive
26 payment and a higher reimbursement rate for child care assistance program payments
27 to a participating early childhood ~~facility~~program. The department may provide
28 technical assistance and support to an early childhood ~~facility~~program that applies for
29 quality improvement and may provide financial incentives to an early childhood
30 ~~facility~~program that sustains and increases program quality. The department may

- 1 contract with a public or private, nonprofit agencyentity to provide technical assistance
2 under this subsection.
- 3 3. The department may provide supports and incentives to build child care capacity or
4 quality, including:
- 5 a. Technical assistance and support to individuals who want to establish a new
6 program or expand existing capacity to include information on needs
7 assessments, regulatory processes, facility design and furnishings, startup and
8 operating budgets, staffing patterns, curriculum evaluation, and development of
9 business plans.
- 10 b. GrantsDirect payments to programs with a viable business plan and sustainable
11 operations, to support early childhood facilityprogram development, operation,
12 and expansion in areas with a demonstrated need.
- 13 c. Direct payments to staff to incentivize training and professional development in
14 the manner prescribed by the department.
- 15 4. The department shall coordinate with other state agencies as necessary to implement
16 the provisions of this section.
- 17 5. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
18 award, or payments made under this section.

19 **SECTION 21. AMENDMENT.** Section 50-11.1-15 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-11.1-15. Early childhood services advisory board - Membership - Duties.**

- 22 1. The early childhood services advisory board is composed of seven members
23 appointed by the director of the department. The members of the board must include a
24 broad-based geographically distributed membership. The term of office is four years
25 expiring on July thirty-first with no more than two terms expiring in any one year. A
26 vacancy occurring other than by reason of the expiration of a term must be filled in the
27 same manner as the original appointment, except that the appointment may be made
28 for only the remainder of the unexpired term. The members are entitled to be paid for
29 mileage and expenses incurred in attending meetings and in performance of their
30 official duties in amounts provided by law for other state officers and employees. A
31 member also is entitled to be reimbursed up to ~~one~~two hundred dollars per day for the

1 expenses incurred by the member which relate to the hiring of a substitute early-
2 ~~childhood services~~ provider or staff in order that the member may attend meetings and
3 perform the member's official duties.

4 2. The early childhood services advisory board shall:

5 a. Advise the department each time the department reviews early childhood
6 services rules;

7 b. Upon the completion of the department's review, with the assistance of the
8 department, conduct an analysis of and make recommendations to the
9 department regarding the department's review of the early childhood services
10 rules, however, final approval of any administrative rule changes must be
11 completed through the administrative rulemaking process set forth in chapter
12 28-32; and

13 c. On an ongoing basis, make recommendations to the department regarding
14 changes and revisions to the early childhood services rules. The
15 recommendations, the goal of which is to streamline and improve the quality of
16 the early childhood services process, must seek to balance the need for rules
17 that ensure safe quality child care with the need to revise or eliminate rules that
18 create unnecessary barriers for ~~early childhood service~~ providers.

19 **SECTION 22. AMENDMENT.** Section 50-11.1-16 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **50-11.1-16. Self-declaration - Approved application required - Fees.**

22 1. a. An application for self-declaration is voluntary. If an individual applies for
23 self-declaration from the department, the department ~~or the department's~~
24 ~~authorized agent~~ shall determine whether the standards for self-declaration have
25 been met and shall approve or deny a self-declaration based upon that
26 determination.

27 b. An applicant for self-declaration shall pay a nonrefundable fee of fifteen dollars at
28 the time the application is filed.

29 c. An applicant for self-declaration, who currently holds a license or self-declaration,
30 shall submit the nonrefundable fees with the application at least sixty days and
31 no more than ninety days before the expiration date of the applicant's current

1 license or self-declaration. If the nonrefundable fees and application are
2 submitted less than sixty days before expiration of the applicant's current license
3 or self-declaration, the applicant shall submit with the application two times the
4 regular nonrefundable fees.

5 2. All fees collected under this section must be paid to the department ~~or the~~
6 ~~department's authorized agent~~ and must be used to defray the cost of investigating,
7 inspecting, and evaluating applications for self-declarations or to provide training to
8 providers ~~of early childhood services~~.

9 **SECTION 23. AMENDMENT.** Section 50-11.1-17 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-11.1-17. Application for self-declaration - Prerequisites for approval - Approval -**
12 **Term.**

13 1. Applications for self-declarations must be made on forms provided and in the manner
14 prescribed by the department. The department ~~or the department's authorized agent~~
15 shall investigate the applicant and every individual living in the private residence and
16 shall conduct a background check. The department ~~or the department's authorized~~
17 ~~agent~~ shall conduct the investigation in accordance with the rules adopted by the
18 department and shall determine whether any of them has a criminal record or has had
19 a ~~finding of services required~~ confirmed decision for child abuse or neglect filed ~~against~~
20 ~~them~~. Except as otherwise provided, the department shall approve a self-declaration
21 within thirty days of receipt of a completed application and all supporting documents
22 by the department and upon the applicant's declaration:

23 a. The premises to be used are in fit and sanitary condition to provide for the health
24 and safety of all children and are maintained according to the standards
25 prescribed by the rules of the department;

26 b. The applicant is able to provide for the health and safety of each child receiving
27 early childhood services from the applicant according to this chapter and
28 standards prescribed by the department as set forth in the rules of the
29 department;

30 c. The applicant has not had a previous license or self-declaration denied or
31 revoked within the twelve months before the date of the current application;

- 1 d. The applicant has not had three or more previous licenses or self-declarations
2 denied or revoked. The most recent revocation or denial may not have occurred
3 within five years of the application date;
- 4 e. The applicant has paid the required application fees;
- 5 f. The applicant has paid any penalties and sanctions assessed against the
6 programholder of a self-declaration required by sections 50-11.1-03 and
7 50-11.1-07.4;
- 8 g. The applicant is currently certified in infant and pediatric cardiopulmonary
9 resuscitation, including the use of an automated external defibrillator by the
10 American heart association, the American red cross, or a similar cardiopulmonary
11 resuscitation and automated external defibrillator training program approved by
12 the department;
- 13 h. The emergency designee used by the applicant, if any, is currently certified in
14 infant and pediatric cardiopulmonary resuscitation, including the use of an
15 automated external defibrillator by the American heart association, the American
16 red cross, or a similar cardiopulmonary resuscitation and automated external
17 defibrillator training program approved by the department;
- 18 i. The applicant is currently certified in first aid through a training program approved
19 by the department; and
- 20 j. The application and supporting documents do not include any fraudulent or
21 untrue representations.
- 22 2. The department may consider the early childhood services history of the applicant in
23 determining issuance of a self-declaration document.
- 24 3. The department may issue a provisional self-declaration document in accordance with
25 the rules of the department. The department shall consider issuing a provisional or
26 restricted self-declaration document before revoking a self-declaration document. The
27 department may require the holder of a self-declaration to provide a compliance plan
28 to address compliance issues with this chapter and rules of the department. The
29 department shall review the compliance plan before issuing a provisional or restricted
30 self-declaration document. The department shall approve the provisional self-
31 declaration document if the department approves the compliance plan. The

1 department may revoke a self-declaration document if the holder of a self-declaration
2 fails to comply with the department approved compliance plan or for any additional
3 violations of this chapter or rules of the department.

4 4. The department shall notify the holder of a self-declaration that the holder of a
5 self-declaration is required to post a notice of late application at the self-declaration
6 premises if the department has not received a completed application and all
7 supporting documents for licensure or self-declaration renewal at least thirty days
8 before the expiration date of a self-declaration.

9 **SECTION 24. AMENDMENT.** Section 50-11.1-18 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-11.1-18. Early childhood services inclusion support services and grant program.**

12 1. The department may establish ~~in collaboration with the department of commerce~~ an
13 early childhood services inclusion ~~grants~~support services program for early childhood
14 services providers that provide, ~~or applicants for licensure who indicate they will~~
15 ~~provide,~~ care for children with disabilities, special needs, or developmental delays. The
16 ~~grant program must be designed~~early childhood inclusion support services program
17 may offer direct payments and technical assistance to:

18 a. Support the staffing needs to expand the ability to care for children with
19 disabilities, special needs, or developmental delays; and
20 b. Assist in modifying or adapting the early childhood services setting as needed to
21 address the health, safety, and developmental needs of children with disabilities,
22 special needs, or developmental delays.

23 2. The department may fund early childhood services specialists to make available
24 technical assistance to ~~early childhood services~~ providers that care for children with
25 disabilities, special needs, or developmental delays. The technical assistance program
26 must be designed to:

27 a. Assist ~~early childhood services~~ providers that request support and information
28 regarding caring for children with disabilities, special needs, or developmental
29 delays;
30 b. Assist ~~early childhood services~~ providers in adapting the program environment
31 and care practices to meet the individual child's needs and to build the early-

- 1 childhood services providers' capacity to serve children with disabilities, special
2 needs, or developmental delays;
- 3 c. In partnership with the child's parents and health care provider, assist the early-
4 childhood services provider in the development or coordination of care plans for
5 children with disabilities, special needs, or ~~special health care~~
6 ~~needs~~developmental delays relevant to the care setting;
- 7 d. In partnership with the child's parents, foster communication with the team of
8 specialists serving the child to ensure consistency in therapy practices and
9 appropriate approaches;
- 10 e. Provide classroom training to early childhood services providers to assist the
11 providers in the integration of children with disabilities, special needs, or
12 developmental delays; and
- 13 f. As requested by the early childhood services providers, conduct one-on-one
14 training at the provider's business premises to assist the provider in the
15 integration of children with disabilities, special needs, or developmental delays.
- 16 3. ~~The department may establish a grant review committee to assist in the development~~
17 ~~of grant guidelines, the review of applications, and the determination of awards or~~
18 ~~denials. The membership of the grant review committee must include representation~~
19 ~~from each of the following:~~
- 20 a. ~~The department of health and human services;~~
21 b. ~~The department of public instruction;~~
22 c. ~~The North Dakota training and information center;~~
23 d. ~~Child care aware of North Dakota;~~
24 e. ~~Parents of children with disabilities or at risk for developmental delays; and~~
25 f. ~~Other appropriate partners.~~
- 26 4. To be eligible for the grant early childhood inclusion support services program, the
27 early childhood services provider must:
- 28 a. ~~Be state-licensed, a licensed early childhood program or self-declared, or in the~~
29 ~~process of applying for licensure;~~
- 30 b. Collaborate with service providers that provide formal supports to the child or
31 children with disabilities, special needs, or developmental delays; and

1 c. Work with the child's family and an inclusion or health specialist to complete a
2 care plan appropriate for the child care setting.

3 ~~5. The department shall give priority consideration to licensed early childhood services-~~
4 ~~providers that care for children with disabilities.~~

5 ~~6.4.~~ For purposes of this section, a child with ~~disabilities or who is at risk for developmental~~
6 ~~delays~~ special needs includes any child in this state between the ages of birth
7 ~~and~~ through twelve years who receives support through either public or private
8 ~~services~~ developmental disability service and includes a child who is in the process of
9 being evaluated for public or private ~~formal support~~ developmental disability service. A
10 child with special needs includes a child who is at risk for developmental delays
11 ~~includes~~ including any child between the ages of birth ~~and~~ through twelve years who
12 received foster care services; who has a previous substantiated history as a victim of
13 child abuse, neglect, or domestic violence; who is homeless; who has documented
14 special health care needs; or who has a parent with a significant disability.

15 ~~7.5.~~ The department may accept gifts, grants, and donations from any source to assist the
16 department in the establishment and implementation of the early childhood services
17 inclusion support services ~~and grant~~ program. Any gifts, grants, and donations
18 received are appropriated to the department on a continuing basis for the purpose of
19 funding the early childhood services inclusion support services ~~and grant~~ program
20 under this section.

21 ~~6.~~ The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
22 award, or payments made under this section.

23 **SECTION 25. AMENDMENT.** Section 50-11.1-19 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **50-11.1-19. Play area regulation.**

26 If a facility licensed ~~an early childhood program~~ under this chapter has sufficient indoor
27 recreation space, the department may not require outdoor play space.

28 **SECTION 26. AMENDMENT.** Section 50-11.1-22 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **50-11.1-22. ~~Early childhood grant for best~~Best in class four-year-old-**
2 **experiencesprogram. (Expired effective July 1, 2025)**

- 3 1. A ~~four-year-old~~ program deemed eligible under section 50-11.1-23 may submit an
4 application for the best in class ~~four-year-old experiences grant~~program. An approved
5 program is eligible for an annual award of ~~one hundred twenty thousand dollars-~~
6 ~~per~~based on program characteristics as established by the department, including
7 approved group size. The ~~grant~~ award must be matched with ~~no less than twenty-~~
8 ~~thousand dollars in other funds~~ in an amount and manner established by the
9 department. The department shall assign a program support coach to each approved
10 program. An approved program:
11 a. Shall utilize the assigned support coach and utilize the sliding fee scale for parent
12 fees, as established by the department.
13 b. May use ~~grant~~awarded funds to support the provision of quality early childhood
14 experiences, including expenditures related to staffing, training, equipment, and
15 supplies.
16 c. May not use ~~grant~~awarded funds for construction or rehabilitation. An approved
17 program must enter a ~~grant~~an agreement with the department.
18 2. The department may not collect equipment or supplies purchased with ~~grant~~awarded
19 funds from the approved program after successful completion of the term of the
20 ~~grant~~agreement.
21 3. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
22 award, or payments made under this section.

23 **SECTION 27. AMENDMENT.** Section 50-11.1-23 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **50-11.1-23. ~~Eligibility for best in class four-year-old experiences grant~~program.**
26 **(Expired effective July 1, 2025)**

- 27 1. AAn approved four-year old program, federally funded head start program, or early
28 childhood program may submit, in the form and manner prescribed by the department,
29 an application to the department ~~for a grant~~ under section 50-11.1-22, if the provider
30 certifies to the department the provider:

- 1 a. Operates ~~aan approved~~ four-year old program, federally funded head start
2 program, or early childhood program in this state;
- 3 b. Operates a ~~four-year-old~~ program for children who have reached four years of
4 age before August first in the year of enrollment;
- 5 c. Operates a ~~four-year-old~~ program that has a duration of at least four hundred
6 hours over a period of at least thirty-two consecutive weeks;
- 7 d. Incorporates within the ~~four-year-old~~ program at least ten hours of
8 research-based family engagement;
- 9 e. Has been determined to meet the standards and expectations of no less than
10 step three in the North Dakota early childhood quality improvement system; has
11 met the standards and expectations of a nationally recognized early childhood
12 accrediting entity; has met the federal performance standards for head start; or
13 has obtained approval or certification from the department of public instruction;
- 14 f. ~~Is willing to admit~~ Admits children of all learning abilities into ~~the four-year-old~~
15 ~~program;~~
- 16 g. ~~Is willing to admit~~ Admits children who receive assistance from the child care
17 assistance program ~~into the four-year-old program;~~ and
- 18 h. ~~Is willing to operate~~ Operates in compliance with the ~~grant~~ program requirements,
19 including:
- 20 (1) ~~Maintaining the recommended group size for number of children served in~~
21 ~~the four-year-old program;~~
- 22 (2) Complying with requirements related to qualifications, training, and
23 professional development of staff delivering services in the ~~four-year-old~~ best
24 in class program; and
- 25 (3) ~~(2)~~ Adhering to expectations established by the department related to ~~four-year-~~
26 ~~old~~ best in class program monitoring, operation, and oversight.
- 27 2. The department may distribute ~~grants~~ funds under this section to approved ~~four-year-~~
28 ~~old programs, including four-year-old programs operated as early childhood programs~~
29 ~~by educational facilities or federally funded head start programs or in connection with a~~
30 ~~church, business, or organization that operates a four-year-old program~~ applicants.

1 3. The department may recapture grant funds distributed to an approved four-year-
2 ~~old~~from an awarded program that is found by the department to be out of compliance
3 with requirements established for the best in class four-year-old experiences grant-
4 program.

5 4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
6 award, or payments made under this section.

7 **SECTION 28. AMENDMENT.** Section 50-11.1-24 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-11.1-24. ~~Grant program~~Program data collection - Requirements. (Expired effective**
10 **July 1, 2025)**

11 ~~The state agency with approval authority over four-year old programs, with the advice and~~
12 ~~consent of the department,~~ shall implement a uniform system for the accounting, budgeting, and
13 reporting of data by any ~~four-year-old~~approved best in class program provider to whom or to
14 which ~~grants~~direct payments are distributed under section 50-11.1-23. ~~Grants~~Awarded funds
15 may be withheld or forfeited, in whole or in part, if information required in accordance with this
16 section is not submitted at the time or in the manner requested by the ~~state agency with~~
17 ~~approval authority over four-year old programs. A grant recipient~~department. An awarded
18 program shall consent to provide information needed to comply with data collection and
19 program evaluation requirements. ~~The state agency with approval authority over four-year old~~
20 ~~programs shall disclose the requested information to the department.~~

21 **SECTION 29. AMENDMENT.** Section 50-11.1-26 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **50-11.1-26. North Dakota early childhood council - Duties - Reports.**

24 The North Dakota early childhood council shall:

- 25 1. Review the availability and provision of early childhood services in this state;
- 26 2. Identify opportunities for public and private sector collaboration in the provision of early
27 childhood services in this state;
- 28 3. Identify ways to assist with the recruitment and retention of individuals interested in
29 working as providers ~~of early childhood services~~, including training and continuing
30 education or professional development opportunities;

- 1 4. Seek the advice and guidance of individuals uniquely familiar with the nature, scope,
2 and associated challenges of providing early childhood services in geographically and
3 socioeconomically diverse settings, and develop recommendations pertaining to the
4 short-term and longer-term improvement and expansion of early childhood services in
5 this state; and
- 6 5. Provide a biennial report regarding the council's findings and recommendations to the
7 governor and the legislative assembly.

8 **SECTION 30. AMENDMENT.** Subsection 2 of section 50-25.1-11 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 2. In accordance with subsection 3 of section 50-11.1-07.8, upon the conclusion and
11 disposition of a child abuse and neglect assessment for which a determination of
12 confirmed decision is found, the department or authorized agent shall notify the owner,
13 operator, holder of a self-declaration, or in-home provider and shall notify the parent or
14 legally appointed guardian of a child, who at the time of notification is receiving early
15 childhood services under chapter 50-11.1, of the name of the subject and provide a
16 summary of the facts and the results of a child protection assessment conducted
17 under this chapter if the report made under this chapter involves the owner, operator,
18 holder of a self-declaration, or in-home provider; or involves ~~an adult or minor~~ a staff
19 member or adult or minor household member of the early childhood program, self-
20 declaration, or in-home provider, who is providing care to the child.