

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2104**

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 years.
- 20 ~~24-26.~~ "School-age children" means children ~~served under this chapter who are~~ aged at least
21 five years but less than 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, of which no more than three may be under the age of twenty-four months.
- 25 ~~26-28.~~ "Staff member" means an individual:
26 a. Who is an employee or operator of an early childhood ~~program or of an early~~
27 ~~childhood services provider under a self-declaration;~~
28 b. Whose activities involve the care, supervision, or guidance of children of an early
29 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.
- 15 5. "Early childhood program" means any program licensed under this chapter where
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:

- 21 a. Substitute parental child care provided pursuant to chapter 50-11.
- 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.
- 14 7. "Family child care" means a private residence licensed to provide early childhood
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.
- 20 9. "Household member" means an adult living in the private residence out of which a
21 program is operated, regardless of whether the adult is living there permanently or
22 temporarily.
- 23 10. ~~"Human service zone" means a county or consolidated group of counties~~
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.

- 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 years.

- 1 ~~23-25.~~ "School-age children" means children ~~served under this chapter who are~~aged at least
2 five years but less than 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, of which no more than three may be under the age of twenty-four months.
- 6 ~~25-27.~~ "Staff member" means an individual:
- 7 a. Who is an employee or operator of an early childhood ~~program or of an early~~
8 ~~childhood services provider under a self-declaration;~~
- 9 b. Whose activities involve the care, supervision, or guidance of children of an early
10 childhood ~~program~~provider; or
- 11 c. Who may have unsupervised access to children under the care, supervision, or
12 guidance of an early childhood ~~program or early childhood services provider~~
13 ~~under a self-declaration.~~

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

16 **50-11.1-02.1. Number of children in program - How determined.**

17 For

- 18 1. Except as provided under subsection 2, for the purpose of determining the number of
19 children receiving early childhood services, all children present on the premises and
20 under the age of twelve years must be counted for an in-home, self-declaration, family
21 child care, group child care, child care center, and preschool.
- 22 2. An in-home, self-declaration, family child care, and group child care provider's own
23 child, foster child, or grandchild over the age of eleven are exempt for the purpose of
24 determining the number of children receiving early childhood services under this
25 section.
- 26 3. For the purpose of determining the number of children receiving early childhood
27 services, all children present on the premises aged at least five years through age
28 eleven must be counted for school-age child care.
- 29 4. All children present are protected by this chapter regardless of whether money is
30 received or goods or other services are received for their care.

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

3 **50-11.1-02.3. Early childhood services providers~~staff~~ - Training on infant safe sleep**
4 **practices.**

5 The department shall adopt rules to require a staff member of an early childhood service
6 provider ~~and the provider's staff members who are~~ responsible for the care or teaching of
7 children under the age of one to annually complete a department approved ~~sudden infant death~~
8 ~~syndrome prevention~~ safe sleep training course.

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

11 **50-11.1-03. Operation of early childhood services program - License required - Fees.**

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

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

1 ~~or the department's authorized agent~~, of investigating, inspecting, and evaluating the
2 applications or to provide training to providers ~~of early childhood services~~.

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

5 **50-11.1-04. Application for license - Prerequisites for issuance - License granted -**
6 **Term.**

7 1. An application for operation of an early childhood program must be made on forms
8 provided, in the manner prescribed, by the department. ~~The department or the~~
9 ~~department's authorized agent~~ shall investigate the applicant's activities and proposed
10 standards of care and shall make an inspection of all premises to be used by the early
11 childhood program applying for a license. The applicant for a license and the staff
12 members, and, if the application is for a program that will be located in a private
13 residence, every individual living in that residence must be investigated in accordance
14 with the rules adopted by the department to determine whether any of them has a
15 criminal record or has had a ~~finding of services required~~ confirmed decision for child
16 abuse or neglect ~~filed against them~~. The department may use the findings of the
17 investigation to determine licensure. Except as otherwise provided, the department
18 shall grant a license for the operation of an early childhood program within thirty days
19 of receipt of a completed application and all supporting documents by the department
20 and upon a showing:

- 21 a. The premises to be used are in fit and sanitary condition, are properly equipped
22 to provide for the health and safety for all children, and are maintained according
23 to rules adopted by the department;
- 24 b. Staff members are qualified to fulfill the duties required of the staff members
25 according to the provisions of this chapter and standards prescribed for staff
26 member qualifications by the rules of the department;
- 27 c. The application and supporting documents do not include any fraudulent or
28 untrue representations;
- 29 d. ~~The owner, operator, or~~ Neither the applicant has not nor anyone who is listed on
30 the application has had a previous license or self-declaration denied or revoked
31 within the twelve months before the date of the current application, unless waived

- 1 by the department after the department considers the health and safety of
2 children and the licensing history of the owner, operator, or applicant;
- 3 e. ~~The owner, operator, or~~Neither the applicant has not nor anyone who is listed on
4 the application has had three or more previous licenses or self-declarations
5 denied or revoked. The most recent revocation or denial may not have occurred
6 within the three years immediately preceding the application date;
- 7 f. The ~~program applicant~~ paid its license fees and any penalties and sanctions
8 previously assessed against the program applicant or any program the applicant
9 is associated with as required by sections 50-11.1-03 and 50-11.1-07.4; and
- 10 g. ~~The family child care owner or operator and staff~~Staff members have received
11 training and are currently certified in infant and pediatric cardiopulmonary
12 resuscitation, including the use of an automated external defibrillator by the
13 American heart association, American red cross, or other similar cardiopulmonary
14 resuscitation and automated external defibrillator training programs that are
15 approved by the department, and are currently certified in first aid by a program
16 approved by the department; ~~and~~
- 17 h. ~~The group child care, preschool, school-age child care, or child care center, at all~~
18 ~~times during which early childhood services are provided, staff members have~~
19 ~~received training and are currently certified in infant and pediatric~~
20 ~~cardiopulmonary resuscitation, including the use of an automated external~~
21 ~~defibrillator by the American heart association, American red cross, or other~~
22 ~~similar cardiopulmonary resuscitation and automated external defibrillator training~~
23 ~~programs that are approved by the department, and currently certified in first aid~~
24 ~~by a program approved by the department.~~
- 25 2. The license issued to ~~the owner or operator of~~ an early childhood program may not be
26 effective for longer than two years.
- 27 3. The department may consider the applicant's past licensing, self-declaration, and
28 registration history in determining whether to issue a license.
- 29 4. The department may issue a provisional or restricted license in accordance with the
30 rules of the department. The department shall consider issuing a provisional or
31 restricted license before revoking a license. The department may require the ~~owner or~~

1 ~~operator of an early childhood program~~applicant or licensee to provide a compliance
2 plan to address compliance issues with this chapter and rules of the department. The
3 department shall review the compliance plan before issuing a provisional or restricted
4 license. The department shall approve the provisional license if the department
5 approves the compliance plan. The department may revoke a license if the ~~owner and~~
6 ~~operator fail~~licensee fails to comply with the department approved compliance plan or
7 for any additional violations of this chapter or rules of the department.

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

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

15 **50-11.1-06. In-home provider - Registration voluntary - Prerequisites for approval -**
16 **Issuance of registration document - Term.**

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

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

1 **50-11.1-06.2. Background investigations - Fees.**

- 2 1. Upon a determination by the department a criminal history record check is appropriate,
3 the following individuals are to obtain two sets of the individual's fingerprints from a
4 law enforcement agency or other local agency authorized to take fingerprints:
- 5 a. A provider holding or an applicant for early childhood services licensure,
6 self-declaration, or in-home provider registration;
 - 7 b. Emergency designees and staff members of providers holding and applicants for
8 early childhood services licensure, self-declaration, or in-home provider
9 registration; and
 - 10 c. Household members of a residence out of which early childhood services are
11 provided.
- 12 2. The individual shall request the agency to submit the fingerprints and a completed
13 fingerprint card for each set to the ~~division of children and family services of the~~
14 department or to the department's authorized agent.
- 15 3. If the ~~division~~department has no record of a ~~determination of services~~
16 requiredconfirmed decision for child abuse or neglect, the ~~division~~department shall
17 submit the fingerprints to the bureau of criminal investigation to determine if there is
18 any criminal history record information regarding the applicant, household members,
19 or staff members in accordance with section 12-60-24.
- 20 4. The results of the investigations must be forwarded to the ~~division of children and~~
21 family services of the department or to the department's authorized agent.
- 22 5. The ~~division~~department may charge a fee not to exceed thirty dollars for the purpose
23 of processing the criminal history record information application.
- 24 6. The ~~division~~department is not subject to the fee imposed under section 12-60-16.9
25 when requesting criminal history record information from the bureau of criminal
26 investigation.
- 27 7. An agency that takes fingerprints as provided under this section may charge a
28 reasonable fee to offset the costs of the fingerprinting.
- 29 8. The department may use background investigation findings to determine approval,
30 denial, or revocation of an early childhood services license, self-declaration, or
31 in-home registration.

1 9. Any individual who is providing early childhood services solely for the provider's own
2 children, grandchildren, nieces, nephews, and cousins as an in-home provider may
3 not be required to submit to a criminal history record check authorized under section
4 50-06-01.9.

5 10. Unless an individual was separated from ~~childcare~~ employment by a provider of early
6 childhood services for more than one hundred eighty days, a criminal history record
7 check conducted under this section and subsection 3 of section 50-06-01.9 is valid for
8 five years, after which the department shall require another criminal history record
9 check.

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

12 **50-11.1-07. Investigation of applicant, licensee, holder of self-declaration or**
13 **registration document, and staff members - Inspection of programs and premises -**
14 **Maintenance of records - Confidentiality of records.**

15 1. The department ~~or its authorized agent~~ at any time may investigate and inspect an
16 early childhood program, or a holder of a self-declaration or registration document and
17 the conditions of their premises, the qualifications ~~of a provider of early childhood~~
18 ~~services~~, of current and prospective staff members, of any in-home provider or
19 applicant seeking or holding a license, self-declaration, or registration document under
20 this chapter.

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

25 3. A licensee, holder of a self-declaration, or registrant shall:

26 a. Maintain records as the department prescribes regarding each child in the
27 licensee's, holder's, or registrant's care and control, and shall report to the
28 department ~~or the department's authorized agent~~, when requested, upon the
29 forms furnished provided in the manner prescribed by the department, facts the
30 department may require with reference to each child;

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

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

1 **50-11.1-07.1. Notice.**

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

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

8 **50-11.1-07.2. Correction orders.**

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

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

1 **50-11.1-07.3. Reinspections.**

2 The department ~~or the department's authorized agent~~ shall reinspect or review an early
3 childhood program or holder of a self-declaration that was issued a correction order under
4 section 50-11.1-07.2, at the end of the period allowed for correction. If, upon reinspection or
5 review, the department determines the program or holder of a self-declaration has not corrected
6 a violation identified in the correction order, the department shall mail or send by electronic mail
7 to the program or the holder of a self-declaration, ~~by certified mail~~, a notice of noncompliance
8 with the correction order. The notice must specify the violations not corrected and the penalties
9 assessed in accordance with section 50-11.1-07.5.

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

12 **50-11.1-07.4. Fiscal sanctions.**

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

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

24 **50-11.1-07.5. Accumulation of fiscal sanctions.**

25 ~~An early childhood program~~A licensee or holder of a self-declaration promptly shall notify
26 the department ~~or the department's authorized agent~~ in writing if a violation noted in a notice of
27 noncompliance is corrected. Upon receipt of written notice by the department ~~or the~~
28 ~~department's authorized agent~~, the daily fiscal sanction assessed for the violation must stop
29 accruing. The department ~~or the department's authorized agent~~ shall reinspect or review the
30 early childhood program or premises out of which the holder of the self-declaration is operating
31 within three working days after receipt of the notification. If, upon reinspection or review, the

1 department determines a violation has not been corrected, the department shall resume the
2 daily assessment of fiscal sanction and shall add the amount of fiscal sanction which otherwise
3 would have accrued during the period before resumption to the total assessment due from the
4 ~~programlicensee~~ or holder of the self-declaration. The department ~~or the department's~~
5 ~~authorized agent~~ shall notify the ~~facilitylicensee or holder of a self-declaration~~ of the resumption
6 by ~~certified mail or electronic mail~~. Recovery of the resumed fiscal sanction must be stayed if
7 the ~~operator of the facilitylicensee or holder of a self-declaration~~ makes a written request for an
8 administrative hearing in the manner provided in chapter 28-32, if written request for the hearing
9 is made to the department within ~~ten~~fifteen days upon mailing or ten days upon electronic
10 transmission of the notice of resumption.

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

13 **50-11.1-07.6. Recovery of fiscal sanctions - Hearing.**

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

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

29 **50-11.1-07.8. Suspension of license, self-declaration, or registration document -**
30 **Assessment upon a report of child abuse or neglect - Notification.**

31 1. The department may:

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

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

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

3 **50-11.1-09. Revocation of license, self-declaration, or registration document.**

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

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

1 **50-11.1-11.1. Resource and referral services - Authority of department to make grants**

2 **- Federal funds - Components.**

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

- 1 b. ~~Time category of child care request for each child.~~
- 2 e. ~~Special time category, such as nights, weekends, or swing shift.~~
- 3 d. ~~The reason child care is needed~~ required or requested by the department.
- 4 6. Each early childhood services resource and referral public or private nonprofit entity or
5 the department shall have available, as an educational aid to parents, information on
6 available parent, early childhood, and family education programs in the community
7 and information on aspects of evaluating the quality and suitability of early childhood
8 services, including licensing regulation, financial assistance availability, child abuse
9 reporting procedures, and appropriate child development information.
- 10 7. A child care resource and referral public or private nonprofit entity or the department
11 shall provide technical assistance to existing and potential providers of all types of
12 early childhood services and to employers. ~~This assistance must include:~~
- 13 a. ~~Information on all aspects of initiating new early childhood services, including~~
14 ~~licensing, zoning, program and budget development, and assistance in finding~~
15 ~~information from other sources;~~
- 16 b. ~~Information and resources which help existing early childhood service providers~~
17 ~~to maximize their ability to serve the children and parents of their community;~~
- 18 e. ~~Dissemination of information on current public issues affecting the local and~~
19 ~~statewide delivery of early childhood services;~~
- 20 d. ~~Facilitation of communication between existing early childhood service providers~~
21 ~~and child-related services in the community served;~~
- 22 e. ~~Recruitment of licensed providers; and~~
- 23 f. ~~Options, and the benefits available to employers utilizing the various options, to~~
24 ~~expand child care services to employees.~~
- 25 8. Services prescribed by this section must be designed to maximize parental choice in
26 the selection of early childhood services and to facilitate the maintenance and
27 development of such services and resources.

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

1 **50-11.1-12. Violation of chapter or rules - Injunction.**

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

- 7 1. There is a violation of this chapter or a rule adopted under this chapter; or
8 2. ~~An early childhood program~~ A licensee, holder of a self-declaration, or in-home
9 provider, after notice and opportunity for hearing on the notice of noncompliance, on
10 the resumption of the fiscal sanction, or after administrative hearing confirming and
11 upholding the fiscal sanction does not pay a properly assessed fiscal sanction in
12 accordance with section 50-11.1-07.6.

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

15 **50-11.1-14. Workforce development.**

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

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

26 **50-11.1-14.1. Workforce development - Quality improvement - Technical assistance -**
27 **Capacity building.**

- 28 1. The department shall provide voluntary, progressive training opportunities leading to
29 credentials and shall provide supports for the early childhood ~~care and education~~
30 workforce. The department shall implement a registry to track workforce participation.

- 1 2. The department shall implement a voluntary quality improvement process for licensed-
2 early childhood ~~facilities~~programs. The department may provide a quality incentive
3 payment and a higher reimbursement rate for child care assistance program payments
4 to a participating early childhood ~~facility~~program. The department may provide
5 technical assistance and support to an early childhood ~~facility~~program that applies for
6 quality improvement and may provide financial incentives to an early childhood
7 ~~facility~~program that sustains and increases program quality. The department may
8 contract with a public or private, nonprofit agency~~entity~~ to provide technical assistance
9 under this subsection.
- 10 3. The department may provide supports and incentives to build child care capacity or
11 quality, including:
- 12 a. Technical assistance and support to individuals who want to establish a new
13 program or expand existing capacity to include information on needs
14 assessments, regulatory processes, facility design and furnishings, startup and
15 operating budgets, staffing patterns, curriculum evaluation, and development of
16 business plans.
- 17 b. ~~Grants~~Direct payments to programs with a viable business plan and sustainable
18 operations, to support early childhood ~~facility~~program development, operation,
19 and expansion in areas with a demonstrated need.
- 20 c. Direct payments to staff to incentivize training and professional development in
21 the manner prescribed by the department.
- 22 4. The department shall coordinate with other state agencies as necessary to implement
23 the provisions of this section.
- 24 5. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
25 award, or payments made under this section.

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

28 **50-11.1-15. Early childhood services advisory board - Membership - Duties.**

- 29 1. The early childhood services advisory board is composed of seven members
30 appointed by the director of the department. The members of the board must include a
31 broad-based geographically distributed membership. The term of office is four years

1 expiring on July thirty-first with no more than two terms expiring in any one year. A
2 vacancy occurring other than by reason of the expiration of a term must be filled in the
3 same manner as the original appointment, except that the appointment may be made
4 for only the remainder of the unexpired term. The members are entitled to be paid for
5 mileage and expenses incurred in attending meetings and in performance of their
6 official duties in amounts provided by law for other state officers and employees. A
7 member also is entitled to be reimbursed up to ~~one~~two hundred dollars per day for the
8 expenses incurred by the member which relate to the hiring of a substitute ~~early-~~
9 ~~childhood services~~ provider or staff in order that the member may attend meetings and
10 perform the member's official duties.

11 2. The early childhood services advisory board shall:

- 12 a. Advise the department each time the department reviews early childhood
13 services rules;
- 14 b. Upon the completion of the department's review, with the assistance of the
15 department, conduct an analysis of and make recommendations to the
16 department regarding the department's review of the early childhood services
17 rules, however, final approval of any administrative rule changes must be
18 completed through the administrative rulemaking process set forth in chapter
19 28-32; and
- 20 c. On an ongoing basis, make recommendations to the department regarding
21 changes and revisions to the early childhood services rules. The
22 recommendations, the goal of which is to streamline and improve the quality of
23 the early childhood services process, must seek to balance the need for rules
24 that ensure safe quality child care with the need to revise or eliminate rules that
25 create unnecessary barriers for ~~early childhood service~~ providers.

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

28 **50-11.1-16. Self-declaration - Approved application required - Fees.**

- 29 1. a. An application for self-declaration is voluntary. If an individual applies for
30 self-declaration from the department, the department ~~or the department's~~
31 ~~authorized agent~~ shall determine whether the standards for self-declaration have

1 been met and shall approve or deny a self-declaration based upon that
2 determination.

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

5 c. An applicant for self-declaration, who currently holds a license or self-declaration,
6 shall submit the nonrefundable fees with the application at least sixty days and
7 no more than ninety days before the expiration date of the applicant's current
8 license or self-declaration. If the nonrefundable fees and application are
9 submitted less than sixty days before expiration of the applicant's current license
10 or self-declaration, the applicant shall submit with the application two times the
11 regular nonrefundable fees.

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

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

18 **50-11.1-17. Application for self-declaration - Prerequisites for approval - Approval -**
19 **Term.**

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

- 1 a. The premises to be used are in fit and sanitary condition to provide for the health
2 and safety of all children and are maintained according to the standards
3 prescribed by the rules of the department;
- 4 b. The applicant is able to provide for the health and safety of each child receiving
5 early childhood services from the applicant according to this chapter and
6 standards prescribed by the department as set forth in the rules of the
7 department;
- 8 c. The applicant has not had a previous license or self-declaration denied or
9 revoked within the twelve months before the date of the current application;
- 10 d. The applicant has not had three or more previous licenses or self-declarations
11 denied or revoked. The most recent revocation or denial may not have occurred
12 within five years of the application date;
- 13 e. The applicant has paid the required application fees;
- 14 f. The applicant has paid any penalties and sanctions assessed against the
15 ~~program~~holder of a self-declaration required by sections 50-11.1-03 and
16 50-11.1-07.4;
- 17 g. The applicant is currently certified in infant and pediatric cardiopulmonary
18 resuscitation, including the use of an automated external defibrillator by the
19 American heart association, the American red cross, or a similar cardiopulmonary
20 resuscitation and automated external defibrillator training program approved by
21 the department;
- 22 h. The emergency designee used by the applicant, if any, is currently certified in
23 infant and pediatric cardiopulmonary resuscitation, including the use of an
24 automated external defibrillator by the American heart association, the American
25 red cross, or a similar cardiopulmonary resuscitation and automated external
26 defibrillator training program approved by the department;
- 27 i. The applicant is currently certified in first aid through a training program approved
28 by the department; and
- 29 j. The application and supporting documents do not include any fraudulent or
30 untrue representations.

- 1 2. The department may consider the early childhood services history of the applicant in
2 determining issuance of a self-declaration document.
- 3 3. The department may issue a provisional self-declaration document in accordance with
4 the rules of the department. The department shall consider issuing a provisional or
5 restricted self-declaration document before revoking a self-declaration document. The
6 department may require the holder of a self-declaration to provide a compliance plan
7 to address compliance issues with this chapter and rules of the department. The
8 department shall review the compliance plan before issuing a provisional or restricted
9 self-declaration document. The department shall approve the provisional self-
10 declaration document if the department approves the compliance plan. The
11 department may revoke a self-declaration document if the holder of a self-declaration
12 fails to comply with the department approved compliance plan or for any additional
13 violations of this chapter or rules of the department.
- 14 4. The department shall notify the holder of a self-declaration that the holder of a
15 self-declaration is required to post a notice of late application at the self-declaration
16 premises if the department has not received a completed application and all
17 supporting documents for licensure or self-declaration renewal at least thirty days
18 before the expiration date of a self-declaration.

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

21 **50-11.1-18. Early childhood services inclusion support services and grant program.**

- 22 1. The department may establish ~~in collaboration with the department of commerce an~~
23 early childhood services inclusion ~~grants~~support services program for early childhood
24 services providers that provide, ~~or applicants for licensure who indicate they will~~
25 provide, care for children with disabilities, special needs, or developmental delays. The
26 ~~grant program must be designed~~early childhood inclusion support services program
27 may offer direct payments and technical assistance to:
 - 28 a. Support the staffing needs to expand the ability to care for children with
29 disabilities, special needs, or developmental delays; and

- 1 b. Assist in modifying or adapting the early childhood services setting as needed to
2 address the health, safety, and developmental needs of children with disabilities,
3 special needs, or developmental delays.
- 4 2. The department may fund early childhood services specialists to make available
5 technical assistance to ~~early childhood services~~ providers that care for children with
6 disabilities, special needs, or developmental delays. The technical assistance program
7 must be designed to:
- 8 a. Assist ~~early childhood services~~ providers that request support and information
9 regarding caring for children with disabilities, special needs, or developmental
10 delays;
- 11 b. Assist ~~early childhood services~~ providers in adapting the program environment
12 and care practices to meet the individual child's needs and to build the ~~early-~~
13 ~~childhood services~~ providers' capacity to serve children with disabilities, special
14 needs, or developmental delays;
- 15 c. In partnership with the child's parents and health care provider, assist the ~~early-~~
16 ~~childhood services~~ provider in the development or coordination of care plans for
17 children with disabilities, special needs, or ~~special health care~~
18 ~~needs~~developmental delays relevant to the care setting;
- 19 d. In partnership with the child's parents, foster communication with the team of
20 specialists serving the child to ensure consistency in therapy practices and
21 appropriate approaches;
- 22 e. Provide classroom training to ~~early childhood services~~ providers to assist the
23 providers in the integration of children with disabilities, special needs, or
24 developmental delays; and
- 25 f. As requested by the ~~early childhood services~~ providers, conduct one-on-one
26 training at the provider's business premises to assist the provider in the
27 integration of children with disabilities, special needs, or developmental delays.
- 28 3. The department may ~~establish a grant review committee to assist in the development~~
29 ~~of grant guidelines, the review of applications, and the determination of awards or~~
30 ~~denials. The membership of the grant review committee must include representation~~
31 ~~from each of the following:~~

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- 1 a. ~~The department of health and human services;~~
2 b. ~~The department of public instruction;~~
3 e. ~~The North Dakota training and information center;~~
4 d. ~~Child care aware of North Dakota;~~
5 e. ~~Parents of children with disabilities or at risk for developmental delays; and~~
6 f. ~~Other appropriate partners.~~
- 7 4. To be eligible for the grant~~early childhood inclusion support services~~ program, the
8 ~~early childhood services~~ provider must:
- 9 a. ~~Be state licensed;~~a licensed early childhood program or self-declared;~~or in the~~
10 ~~process of applying for licensure;~~
11 b. Collaborate with service providers that provide formal supports to the child or
12 children with disabilities, special needs, or developmental delays; and
13 c. Work with the child's family and an inclusion or health specialist to complete a
14 care plan appropriate for the child care setting.
- 15 5. ~~The department shall give priority consideration to licensed early childhood services~~
16 ~~providers that care for children with disabilities.~~
- 17 ~~6.4.~~ For purposes of this section, a child with ~~disabilities or who is at risk for developmental~~
18 ~~delays~~special needs includes any child in this state between the ages of birth
19 ~~and~~through twelve years who receives support through either public or private
20 ~~services~~disability-related services and support and includes a child who is in the
21 process of being evaluated for public or private ~~formal support~~disability-related
22 services and support. A child with special needs includes a child who is at risk for
23 developmental delays ~~includes~~including any child between the ages of birth
24 ~~and~~through twelve years who received foster care services; who has a previous
25 substantiated history as a victim of child abuse, neglect, or domestic violence; who is
26 homeless; who has documented special health care needs; or who has a parent with a
27 significant disability.
- 28 ~~7.5.~~ The department may accept gifts, grants, and donations from any source to assist the
29 department in the establishment and implementation of the early childhood services
30 inclusion support services ~~and grant~~ program. Any gifts, grants, and donations
31 received are appropriated to the department on a continuing basis for the purpose of

1 funding the early childhood services inclusion support services and grant program
2 under this section.

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

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

7 **50-11.1-19. Play area regulation.**

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

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

12 **50-11.1-22. ~~Early childhood grant for best~~Best in class four-year-old-**
13 **~~experiences~~program. (Expired effective July 1, 2025)**

- 14 1. A ~~four-year-old~~ program deemed eligible under section 50-11.1-23 may submit an
15 application for the best in class ~~four-year-old experiences grant~~program. An approved
16 program is eligible for an annual award of ~~one hundred twenty thousand dollars-~~
17 ~~per~~based on program characteristics as established by the department, including
18 approved group size. The ~~grant~~ award must be matched with ~~no less than twenty-~~
19 ~~thousand dollars in other funds in an amount and manner established by the~~
20 ~~department~~. The department shall assign a program support coach to each approved
21 program. An approved program:
- 22 a. Shall utilize the assigned support coach and utilize the sliding fee scale for parent
23 fees, as established by the department.
 - 24 b. May use ~~grant~~awarded funds to support the provision of quality early childhood
25 experiences, including expenditures related to staffing, training, equipment, and
26 supplies.
 - 27 c. May not use ~~grant~~awarded funds for construction or rehabilitation. An approved
28 program must enter a ~~grant~~an agreement with the department.
- 29 2. The department may not collect equipment or supplies purchased with ~~grant~~awarded
30 funds from the approved program after successful completion of the term of the
31 ~~grant~~agreement.

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

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

5 **50-11.1-23. Eligibility for best in class ~~four-year old experiences grant~~program.**
6 **(Expired effective July 1, 2025)**

7 1. ~~AA~~An approved four-year old program, federally funded head start program, or early
8 childhood program may submit, in the form and manner prescribed by the department,
9 an application to the department ~~for a grant~~ under section 50-11.1-22, if the provider
10 certifies to the department the provider:

11 a. Operates ~~aan~~ an approved four-year old program, federally funded head start
12 program, or early childhood program in this state;

13 b. Operates a ~~four-year old~~ program for children who have reached four years of
14 age before August first in the year of enrollment;

15 c. Operates a ~~four-year old~~ program that has a duration of at least four hundred
16 hours over a period of at least thirty-two consecutive weeks;

17 d. Incorporates within the ~~four-year old~~ program at least ten hours of
18 research-based family engagement;

19 e. Has been determined to meet the standards and expectations of no less than
20 step three in the North Dakota early childhood quality improvement system; has
21 met the standards and expectations of a nationally recognized early childhood
22 accrediting entity; has met the federal performance standards for head start; or
23 has obtained approval or certification from the department of public instruction;

24 f. ~~Is willing to admit~~Admits children of all learning abilities ~~into the four-year old~~
25 ~~program;~~

26 g. ~~Is willing to admit~~Admits children who receive assistance from the child care
27 assistance program ~~into the four-year old program; and~~

28 h. ~~Is willing to operate~~Operates in compliance with the ~~grant~~program requirements,
29 including:

30 (1) ~~Maintaining the recommended group size for number of children served in~~
31 ~~the four-year old program;~~

- 1 (2) Complying with requirements related to qualifications, training, and
2 professional development of staff delivering services in the ~~four-year-old~~best
3 in class program; and
- 4 (3)(2) Adhering to expectations established by the department related to ~~four-year-~~
5 ~~old~~best in class program monitoring, operation, and oversight.
- 6 2. The department may distribute ~~grants~~funds under this section to approved ~~four-year-~~
7 ~~old programs, including four-year-old programs operated as early childhood programs-~~
8 ~~by educational facilities or federally funded head start programs or in connection with a~~
9 ~~church, business, or organization that operates a four-year old program~~applicants.
- 10 3. The department may recapture grant funds distributed to an approved four-year-
11 ~~old~~from an awarded program that is found by the department to be out of compliance
12 with requirements established for the best in class four-year-old experiences grant-
13 program.
- 14 4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
15 award, or payments made under this section.

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

18 **50-11.1-24. ~~Grant program~~Program data collection - Requirements. (Expired effective**
19 **July 1, 2025)**

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

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

1 **50-11.1-26. North Dakota early childhood council - Duties - Reports.**

2 The North Dakota early childhood council shall:

- 3 1. Review the availability and provision of early childhood services in this state;
- 4 2. Identify opportunities for public and private sector collaboration in the provision of early
5 childhood services in this state;
- 6 3. Identify ways to assist with the recruitment and retention of individuals interested in
7 working as providers of ~~early childhood services~~, including training and continuing
8 education or professional development opportunities;
- 9 4. Seek the advice and guidance of individuals uniquely familiar with the nature, scope,
10 and associated challenges of providing early childhood services in geographically and
11 socioeconomically diverse settings, and develop recommendations pertaining to the
12 short-term and longer-term improvement and expansion of early childhood services in
13 this state; and
- 14 5. Provide a biennial report regarding the council's findings and recommendations to the
15 governor and the legislative assembly.

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

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