

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

HOUSE BILL NO. 1497
(Representatives Maki, Marschall, Monson, Jonas)
(Senator Schaible)

AN ACT to amend and reenact subsection 1 of section 50-11.1-21 and section 50-11.1-23 of the North Dakota Century Code, relating to age requirements for an approved four-year old program; and eligibility for the best in class program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 50-11.1-21 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Any~~^A person or school district operating or seeking to operate a four-year old program may request approval for a two-year period of the four-year old program from the department. The department shall approve a four-year old program if the program:
 - a. Is taught by individuals licensed or approved to teach in early childhood education by the education standards and practices board ~~or approved to teach in early childhood education by the education standards and practices board~~;
 - b. Follows four-year old program requirements approved by the department;
 - c. Is in compliance with all municipal and state health, fire, and safety requirements;
 - d. Limits enrollment to children who have reached the age of four years old before August first in the year of enrollment, unless the child will be four years old before December first and the school district determines, based on child development factors, including development milestones, school readiness, and other individual considerations, to allow a child to enroll based on a request;
 - e. Submits a nonrefundable fee of fifty dollars ~~at the time when~~ the application is filed. All fees collected under this section must be paid to the department and must be used to defray the cost of investigating, inspecting, and evaluating applications for approval; and
 - f. Is in compliance with this chapter.

SECTION 2. AMENDMENT. Section 50-11.1-23 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-23. Eligibility for best in class program.

1. An approved four-year old program, federally funded head start program, or early childhood program may submit, in the form and manner prescribed by the department, an application to the department under section 50-11.1-22, if the provider certifies to the department the provider:
 - a. Operates an approved four-year old program, federally funded head start program, or early childhood program in this state;
 - b. Operates a program for children who have reached four years of age before August first in the year of enrollment, unless otherwise provided in subdivision d of subsection 1 of section 50-11.1-21;

- c. Operates a program that has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks;
 - d. Incorporates within the program at least ten hours of research-based family engagement;
 - e. Has been determined to meet the standards and expectations of no less than step three in the North Dakota early childhood quality improvement system; has met the standards and expectations of a nationally recognized early childhood accrediting entity; has met the federal performance standards for head start; or has obtained approval or certification from the department of public instruction;
 - f. Admits children of all learning abilities;
 - g. Admits children who receive assistance from the child care assistance program; and
 - h. Operates in compliance with the program requirements, including:
 - (1) Complying with requirements related to qualifications, training, and professional development of staff delivering services in the best in class program; and
 - (2) Adhering to expectations established by the department related to best in class program monitoring, operation, and oversight.
2. The department may distribute funds under this section to approved applicants.
 3. The department may recapture funds from an awarded program that is found by the department to be out of compliance with requirements established for the best in class program.
 4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient, award, or payments made under this section.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1497.

House Vote: Yeas 79 Nays 14 Absent 1

Senate Vote: Yeas 28 Nays 19 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State