



House Bill No. 1119

Overview of Key Elements

Proposed early childhood law changes would reduce administrative burdens & support increased availability of child care

1. Decouple training and licensing calendars to better align to realities of staff training
2. Streamline child care licenses / non-licensed early childhood service (ECS) types by reducing the total categories defined in law from 8 to 4
3. Create “recognition” as a pathway for programs operating as license exceptions to more easily access ND child care infrastructure
4. Align in-home provider definitions between licensing and child care assistance to better support children with special needs



#1: DE-COUPLE THE TIMEFRAME FOR COMPLETION OF ANNUAL TRAINING REQUIREMENTS FROM THE LICENSING APPLICATION TIMELINE

CURRENT

- Provider submits evidence that all annual training requirements have been met when a license renewal is submitted
- 12-month training “clock” is set based on provider licensing renewal date

PROPOSED

- Provider assures that all annual training requirements have been met by all staff members during each calendar year
- 12-month training clock would run from January 1 – December 31 for all staff.



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHY DO THIS?

What is the Benefit of the change?

- Assures that providers get “credit” for all training that is completed by staff
- Removes de facto “black out period” that exists today in the 30-60 days before license renewal



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHAT STAYS THE SAME?

- It is as important as ever that staff complete their training requirements every year.
- Within 90 days of hire, staff are still required to complete HHS-approved basic child care course (Getting Started), pediatric CPR/AED and First Aid.
- Safe Sleep and Mandated Reporter training are still required to be completed annually.



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHAT WOULD CHANGE?

When new law becomes effective (April 2026), licensing team will:

- Monitor the previous year of training rather than the current year
- Select a sample of total staff training records and monitor for compliance
 - If training is completed as expected, no further action needed
 - If staff are missing training hours, licensing specialist will continue to review the training records and if necessary, issue a corrective order
 - If correction order is not addressed timely, HHS will escalate corrective action as per ND Admin Rule and Law.

DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

HOW WILL LICENSING TEAM MONITOR INDIVIDUAL STAFF TRAINING?

- Pre-service training (13 hours) is still required to be completed in the first 90 days of employment.
 - Timeline begins with new staff hire date.
 - Licensing specialist will monitor staff's pre-service training at a licensing visit to assure it is completed as required.
- Ongoing annual training will be required to be completed between January 1 and December 31 of the calendar year.
 - Ex. Annual training completed Jan 1 2024 – Dec 31 2024 will be monitored by licensing specialist at the 2025 renewal visit



#2: STREAMLINE NUMBER OF CHILD CARE LICENSES / NON-LICENSED ECS TYPES

Reduce the number of child care licenses/non-licensed ECS types from 8 to 4

CURRENT

- ND Century Code outlines 8 types of licenses / types (NDCC 50-11.1); and ND Admin Code has 7 unique chapters for early childhood services (NDAC 75-03-01 thru 12)
- In order to adhere to the current framework, providers are often required to reapply for a new license when they change capacity or other program characteristics.
- Subtle differences between licenses / types can be a source of confusion.

PROPOSED

- ND law will outline 4 license / types; ND Admin Code will be amended to 3 unique chapters for early childhood services (Center, Family, Self Declared)
- Circumstances that require a change in license type will be greatly diminished, thus reducing the administrative burden of repeated licensure efforts.
- Consolidated license types will make it easier for providers to operate in and maintain compliance.

Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

WHY DO THIS?

- Keeps all current program variations while removing overlapping provisions within licenses / program types
- Greater flexibility for providers to adjust capacity
- Opens up new opportunities for preschool designation with highly credentialed staff
- Eliminates the need for a multiple license to offer preschool or school age programming
- Fewer application changes will help licensing team process applications more efficiently
- Supports more consistent interpretation of rules
- Reduced complexity enables more timely system updates
- Easier for families to understand EC licensing expectations and philosophy



Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

CURRENT STATE

Current Type (type code)	Current NDCC	Defined	When is a license required?	Proposed Type (type code)
Child Care Center (C)	50-11.1-02(3); 50-11.1-03(3)	An early childhood program licensed to provide early childhood services (ECS) to 19 or more children	>=30 kids at any one time	Child Care Center (C)
Group in a Facility (H)	50-11.1-02(9)	A child care program licensed to provide ECS for 30 or fewer children	>=8 and <30 kids at any one time	
Multiple Lic Program (M)	50-11.1-02(14)	An early childhood program licensed to provide more than one type of ECS		
Preschool (E)*	50-11.1-02(19)	A program licensed to offer ECS which follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than 3 hours per day		
School Age Care (K)	50-11.1-02(25)	A child care program licensed to provide ECS on a regular basis for children aged at least 5 years through 11 years		
Family Child Care (F)	50-11.1-02(7); 50-11.1-03(1)	A private residence licensed to provide ECS for no more than 7 children at any one time, except that the term includes a residence licensed to provide early childhood services to 2 additional school-age children	4+ ages <=24mo, or 6 or 7 through age 11, witch includes no more than 3 <24 mo	Family Child Care (F)
Group Child Care (G)	50-11.1-02(9); 50-11.1-03(2)	A child care program licensed to provide ECS for 30 or fewer children	>=8 and <30 kids at any one time	
In-home provider (I)	50-11.1-02(11)	Any person who provides ECS to children in the children's home.		In-home provider (I)
Self Declaration (S)	50-11.1-02(27)	An individual providing ECS in a private residence for up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months.		Self Declared (S)

*Proposed "Preschool Designation" can layer on top of either a Child Care Center or Family Child Care License Type

Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

PROPOSED FUTURE STATE

Current Type (type code)	Current NDCC	Proposed Type (type code)	Defined	When is the <u>proposed</u> license required?
Child Care Center (C)	50-11.1-02(3)	Child Care Center (C)	An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages.	If early childhood services are provided for more than 12 children at any one time
Group in a Facility (H)	50-11.1-02(9)			
Multiple Licensed Program (M)	50-11.1-02(14)			
Preschool (E)*	50-11.1-02(19)			
School Age Care (K)	50-11.1-02(25)			
Family Child Care (F)	50-11.1-02(7)	Family Child Care (F)	An early childhood program operated in a private residence licensed to provide ECS for no more than 12 children at any one time.	If early childhood services are provided for <ul style="list-style-type: none"> • 4 or more children ages 24 months and under, or • 12 children through age 12 at any one time which includes no more than 3 children under 24 months
Group Child Care (G)	50-11.1-02(9)			
In-home provider (I)	50-11.1-02(11)	In-home provider (I)	Updated to align to Child Care Assistance definition	As per NDCC, Non-Licensed provider of Early Childhood Services
Self Declaration (S)	50-11.1-02(27)	Self Declaration (S)	No change	As per NDCC, Non-Licensed provider of Early Childhood Services

*Proposed "Preschool Designation" can layer on top of either a Child Care Center or Family Child Care License Type

STREAMLINE NUMBER OF CHILD CARE LICENSE / NON-LICENSED ECS TYPES FROM 8 TO 4

WHAT STAYS THE SAME?

- Licensing looks at a combination of physical space characteristics and staff qualifications to establish health and safety thresholds
- There are typically multiple options for staff to meet credential requirements for various positions



STREAMLINE NUMBER OF CHILD CARE LICENSE / NON-LICENSED ECS TYPES FROM 8 TO 4

WHAT WOULD CHANGE?

- Providers would select a license type based on whether they serve 12 or more children OR 12 or fewer children
 - Admin Rule will provide direction specific to staff credentialing and other requirements based on type of setting and number of children served (ex. centers serving 13-30 kids v 30+ kids, multi-site school age programs)
- Child care would be considered a permitted use in any residential zoning district if the provider holds a center-license authorized by HHS for up to 30 children.



COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

CHILD CARE CENTER (C)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(3) ; 50-11.2-03(3)	50-11.1-02(3); 50-11.2-03(2)
NDCC definition/when req	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services to 19 or more children Required if ECS are provided for 30 or more kids at any one time 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-10	75-03-10
# kids (min / max)	Min = 19; Max = n/a	Min = 12; Max = n/a
Staff-to-Child Ratio	0-17 mo. 1:4, 18-25 mo. 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20	No change
Staff credential requirements	<p><u>Director</u>: (1) B.A. in ECE/Child Dev OR B.A. w/6 mo. experience & approved ECE training/credential OR (2) Assoc Deg in ECE w/6 mo. experience OR approved ECE training/credential OR (3) Teaching cert in Elem Ed w/6 mo. experience OR (4) CDA OR approved credential w/1 yr experience OR (5) Montessori teacher cert w/1 yr experience</p> <p><u>Supervisor</u>: Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member</u>: 14+ years old & basic CC training outlined for all staff</p>	<p><u>Director</u>: No change</p> <p><u>Supervisor</u>: No change</p> <p><u>Staff member</u>: No change</p>
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep & 1 hr mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hrs. 20-30 hrs./wk. = +11 hrs, 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hrs 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

MULTIPLE PROGRAMS (M)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(14)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> An early childhood program licensed to provide more than one type of early childhood services 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	Depends on combination of license types	75-03-10
# kids (min / max)	Depends on combination of license types	Min = 12; Max = n/a
Staff-to-Child Ratio	0-17 mo. 1:4, 18-25 mo. 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20	No change
Staff credential requirements	Depends on requested combination of license types	Adhere to Child Care Center requirements
Staff training requirements	Depends on requested combination of license types	Adhere to Child Care Center requirements

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

PRESCHOOL (E)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(19)	Amend current section to create "Preschool Designation"; available to any program type that meets Preschool Designation criteria
NDCC definition/when req	<ul style="list-style-type: none"> A program licensed to offer early childhood services which follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than 3 hours per day 	<ul style="list-style-type: none"> Preschool designation" means a program licensed to offer ECS & which employs highly credentialed staff and follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled, as defined and verified by the department.
NDAC Reference(s)	75-03-12	75-03-10
# kids (min / max)	N/A	N/A
Staff-to-Child Ratio	2-3 yr old 1:6, 3-4 yrs old 1:11, 4-5 yrs old 1:13, 5-6 yrs old 1:16	2-3 yr 1:7, 3-4 yr 1:10, 4-5 yr 1:12, 6-12 yr 1:20
Staff credential requirements	<ul style="list-style-type: none"> A bachelor's degree w/8 semester hrs. or 12 qtr. hrs. early childhood ed or child dev OR An associate's degree with at least 1 yr exp. in a preschool or similar setting and 8 semester hrs. or 12 quarter hrs. of ECE/Child Dev OR 120 hrs. of EC training OR Current certification as a Child Dev Assoc or similar status OR Certification from a Montessori teacher training program 	<ul style="list-style-type: none"> Staff credential requirements follow provider's license type The Preschool Designation layers on top of base staff credential requirements. Preschool Designation is available if lead teacher on staff with B.S. in Early Childhood Education OR B.S. in Elementary Education with 1 year EC experience OR extensive experience in the EC field as defined and approved by HHS.
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr. safe sleep and 1 hr. of mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hrs. 20-30 hrs./wk. = +11 hrs. 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hrs.) 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

SCHOOL AGE CARE (K)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(25)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services on a regular basis for children aged at least 5 years through 11 years 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-11.1	75-03-10
# kids (min / max)	Max group size 40 school age children	Min = 12; Max = n/a
Child-to-Staff Ratio	20 school age children to 1 staff	
Staff credential requirements	<p><u>Director</u>: (1) B.A. in ECE/Child Dev OR B.A. w/6 mo. experience & approved ECE training/credential OR (2) Assoc Deg in ECE w/6 mo. experience OR approved ECE training/credential OR (3) Teaching cert in Elem Ed w/6 mo. experience OR (4) CDA OR approved credential w/1 yr experience OR (5) Montessori teacher cert w/1 yr experience</p> <p><u>Supervisor</u>: Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member</u>: 14+ years old & basic CC training outlined for all staff</p>	No change
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment & 1hr safe sleep + 1 hr mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hr., 20-30 hrs./wk. = +11 hrs. 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hr. 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

GROUP IN A FACILITY (H)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(9)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services for 30 or fewer children 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min= N/A Max specified on license	Min = 12; Max = n/a
Staff-to-Child Ratio	<ul style="list-style-type: none"> Up to 3 children under age 24 mo w/additional children over 24 mo OR Up to 4 children under age 24 mo when not caring for additional older children If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member 	0-17 mo 1:4, 18-25 mo 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20
Staff credential requirements	<p><u>Supervisor:</u> Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member:</u> 14+ years old & basic CC training outlined for all staff</p>	No change
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep and 1 hr of mandated reporter training Annual training based on work hours (30+ hrs/wk = +8 hrs, 20-30 hrs/wk = +6 hrs, 10-20 hrs/wk = +4 hrs, <10 hrs/wk = +2 hrs) 	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment + 1 hr safe sleep & 1 hr mandated reporter Annual training based on work hours (30+ hrs/wk = +13 hrs, 20-30 hrs/wk = +11 hrs, 10-20 hrs/wk = +9 hrs, <10 hrs/wk = +7 hrs)

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

FAMILY CHILD CARE (F)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(7); 50-11.2-03(1)	Amend to increase capacity (50-11.1-02(7) and 50-11.2-03(1))
NDCC definition/when req	<ul style="list-style-type: none"> A private residence licensed to provide early childhood services for no more than 7 children at any one time, except that the term includes a residence licensed to provide early childhood services to 2 additional school-age children If ECS provided for 4 or more kids ages <=24mo, or 6 or 7 through age 11, which includes no more than 3 age 0-24 mo. 	<ul style="list-style-type: none"> An early childhood program operated in a private residence licensed to provide early childhood services for no more than twelve children at any one time. Required if early childhood services are provided for <ul style="list-style-type: none"> 4 or more children ages 24 months and under, or 12 children through age 12 at any one time which includes no more than 3 children under 24 months
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min = 4; Max = 7 + 2 school age (excludes provider's own children older than age 11)	Min = 4; Max = 12 (excludes provider's own children older than age 11)
Staff-to-Child Ratio	<ul style="list-style-type: none"> Up to 3 children under age 24 months with additional children over 24 months OR <ul style="list-style-type: none"> Up to 4 children under age 24 months when not caring for additional older children 	<ul style="list-style-type: none"> If caring for 4-8 children, no change from current If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member
Staff credential req	Same as training req	No change
Staff training requirements	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Completion of minimum of 9 hrs. HHS-approved training related to child care annually, including 1 hr. mandated reporter and safe sleep. 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

GROUP IN A HOME (G)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(9)	Eliminate current section; adhere to Family Child Care language (50-11.1-02(7) and 50-11.2-03(1))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services for 30 or fewer children 	<ul style="list-style-type: none"> An early childhood program operated in a private residence licensed to provide early childhood services for no more than twelve children at any one time. If early childhood services are provided for <ul style="list-style-type: none"> 4 or more children ages 24 months and under, or 12 children through age 12 at any one time which includes no more than 3 children under 24 months
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min= N/A Max= specified on license	Min = 4; Max = 12 (excludes provider's own children older than age 11)
Staff-to-Child Ratio		<ul style="list-style-type: none"> If caring for 4-8 children, no change from current If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member
Staff credential requirements	<p><u>Supervisor:</u> Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member:</u> 14+ years old & basic CC training outlined for all staff</p>	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Completion of minimum of 9 hrs HHS-approved training related to child care annually, including 1 hr mandated reporter
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep and 1 hr of mandated reporter training Annual training based on work hours (30+ hrs/wk = +8 hrs, 20-30 hrs/wk = +6 hrs, 10-20 hrs/wk = +4 hrs, <10 hrs/wk = +2 hrs) 	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Completion of minimum of 9 hrs HHS-approved training related to child care annually, including 1 hr mandated reporter

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

IN-HOME PROVIDER (I)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(11)	Amend to align with child care assistance definition (50-33-08)
NDCC definition/when req	<ul style="list-style-type: none"> Any person who provides early childhood services to children in the children's home. 	<ul style="list-style-type: none"> Any person who provides early childhood services to a child in the child's home when the child has a health condition or disability that would make it not feasible for the child to receive services outside the child's home due to the unique medical or behavioral health needs of the child.
NDAC Reference(s)	75-03-07	No change
# kids (min / max)	1	No change
Staff-to-Child Ratio	N/A	No change
Staff credential requirements	18 yrs old, able to use mature judgement	No change
Staff training requirements	<ul style="list-style-type: none"> Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Shall participate in specialized training related to child care if provided by or approved by HHS 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

SELF DECLARED PROVIDER (S)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(27)	No change
NDCC definition/when req	<ul style="list-style-type: none"> An individual providing early childhood services in a private residence for up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months. 	No change
NDAC Reference(s)	75-03-07-01	No change
# kids (min / max)	Up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months	No change
Staff-to-Child Ratio	N/A	No change
Staff credential requirements	At least 18 years old	No change
Staff training requirements	<ul style="list-style-type: none"> Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Completion of minimum of 3 hrs HHS-approved training related to child care annually, including 1 hr. mandated reporter & 1 hr safe sleep 	No change

SPECIAL LOOK: COMPARING CURRENT & FUTURE STATE FOR GROUP PROVIDERS

GROUP IN A HOME (G) & GROUP IN A FACILITY (H)

- Current state - Group providers serving 9-30 children can operate like Family Child Care if they are located in a home (G) or like a Child Care Center if they are located in a facility (H).
- Future state – Providers follow Family Child Care law/rule if serving 12 or fewer children or Child Care Center law/rule if serving 13 or more children.
- Admin Rule for Child Care Center licenses will include variations for centers serving 13-30 children, to acknowledge some of the operational differences that are the reality for smaller centers.



#3: CREATE A PATHWAY FOR PROGRAMS OPERATING AS LICENSE EXCEPTIONS TO MORE EASILY ACCESS ND CHILD CARE INFRASTRUCTURE

Allow certain programs operating as license exceptions to voluntarily request to be **recognized** by HHS as complying with the provisions of state law related to licensing.

CURRENT

- ND Century Code establishes 11 situations where child care is exempted from having to apply for a license.

PROPOSED

- Create “recognized” as a status to allow programs operating as one of six exception types to voluntarily document that they are complying with state licensing requirements

WHY IS THIS IMPORTANT?

- HHS does not have information on programs operating with a license exception and as such, cannot always connect them with the benefits of ND’s child care infrastructure (ex. resource and referral information provided to families, QRIS, grant opportunities, training incentives)
- Creates an opportunity to help support quality care for kids in more settings while preserving current license exceptions.

CENTURY CODE DEFINES 5 STATUSES FOR EARLY CHILDHOOD SERVICES / CHILD CARE

Status	NDCC	Status relevant for which License / Non-Lic ECS Types	What does the status mean?
Licensed	50-11.1-02(12)	Child Care Center (C), Family Child Care (F)	Fully licensed by HHS; has the rights, authority, or permission granted by the department to operate and provide early childhood services
Approved	50-11.1-02(8); 50-11.1-21(1)	Four-year old program	Applicant (person or school district) complies with the applicable rules and standards as prescribed by HHS
Recognized	50-11.1-02(21)	Child Care provided in: Educational facility grade 1 or above (b), kindergarten (c), Educational facility for children under 6 (d), Head Start / Early Head Start (i), Medical facility for children who are ill (j), or Dept of Defense-certified programs (k)	Voluntarily self-certify to HHS that program complies with NDCC 50-11.1 (i.e., licensing standards)
Registered / Self Dec Cert	50-11.1-02(23) / 50-11.1-02(27)	In home provider (l) / Self Declared (S)	Registrant complies with NDCC 50-11.1 and the applicable rules and standards as prescribed by HHS
Exempt	50-11.1-02(6a) – (6k)	Child Care provided in: (a) Substitute parental care, (b) Educational facility grade 1 or above, (c) kindergarten, (d) Educational facility for children under 6, (e) church/business while parent on premise, (f) summer schools/church, (g) 2-week summer camps, (h) sporting events/activities, (i) Head Start / Early Head Start, (j) Medical facility for children who are ill, or (k) Dept of Defense-certified programs	Has the ability as per ND law to offer child care in within the manner prescribed (i.e., exempt from licensure)

CENTURY CODE DEFINES 5 STATUSES FOR EARLY CHILDHOOD SERVICES / CHILD CARE

Status	NDCC	Child Care 50-11.1-02(2)	Early Childhood Services 50-11.1-02(6)	Early Childhood Program 50-11.1-02(5)
		The care, supervision, education, or guidance of a child that is not provided by parents, legal guardians, or legal custodians.	The care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. (incl list of exceptions in subdivisions a-k)	Any program licensed, registered, or recognized under this chapter where early childhood services are provided for at least three hours a day for three or more days a week.
Licensed	50-11.1-02(12)	X	X	X
Approved	50-11.1-02(8)	X	X	
Recognized	50-11.1-02(21)	X	X	X
Registered / Self Dec Cert	50-11.1-02(23) / 50-11.1-02(27)	X	X	X
Exempt	50-11.1-02(6a) – (6k)	X		

CHILD CARE INVESTMENTS CAN SUPPORT AFFORDABILITY, AVAILABILITY & QUALITY ACROSS PROVIDER TYPES

	Licensed	Registered	Recognized	Approved	Exempt
Monitored (per CCDF)	X	X			
Eligible for CCAP (per CCDF)	X	X			
Access to Training	X	X	X	X	X
Training Incentives	X	X	X		
Career Pathway Incentives	X	X	X		
Grow Grants	X				
Facility Grants	X				
Inclusion Grants	X				
Participate in QRIS	X		X		
Quality Grants	X		X		
Shared Services	X				
Best in Class	X			X	



#4: ALIGN LICENSING AND CHILD CARE ASSISTANCE DEFINITIONS OF IN-HOME PROVIDER TO BETTER SERVE CHILDREN WITH SPECIAL NEEDS

Clarify the circumstances in which Child Care Assistance can help support the cost of providing child care in a family's home.

CURRENT

- In-home providers are a non-licensed provider type that, because they are defined in law, are eligible to participate in Child Care Assistance (CCAP)
- State law outlines circumstances for documenting a child/family's eligibility that does not align to current best practice.

PROPOSED

- Clarify that CCAP is available if, due to health and/or disability, that it is not feasible for the child to receive services outside the child's home
- Clarify what family needs to provide for documentation

WHY IS THIS IMPORTANT?

- This provision can be an important resource for families of children with special needs that today is not being used, in part because of outdated program definitions that are mis-aligned with practice.