

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2304

2005 SENATE HUMAN SERVICES

SB 2304

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2304

Senate Human Services

Conference Committee

Hearing Date January 24, 2005

Tape Number	Side A	Side B	Meter #
1	X		1-4030
Committee Clerk Signature <i>Collyer</i>			2

Minutes:

**Chairman Lee called the hearing to order. All senators were present.**

**Senator Dever** introduced SB 2304, relating to the services included within the definition of early childhood services. Pamela Key, a constituent of his began a daycare service called a "Matter of Kids," a drop in day care service that takes kids up to 4 hours. The only thing is they are not allowed to drop their children off there if they are going to work. The parents can drop the kids off there for just about anything else, going to the movies, social functions, etc.

**Pamela Key, owner of "A Matter of Kids" childcare/activity center** appeared in support of the bill. See written testimony.

**Senator Dever-** Senator Hacker was also supposed to be here to testify, being that this is an issue in Grand Forks.

**Pam-** There is another center similar to ours that will be opening in Grand Forks. These services are allowed by law to everyone else. There has been a don't ask, don't tell policy that has put me in a position where I don't have the resources.

**Senator Warner-** What type of services do you provide?

**Pam-** We are a short term stay day care, where we just provide activities. Kids come in there anywhere between 5 minutes and 4 hours. We rely on the revenue from our customers, we don't receive any federal funding. We have over 400 families in Bismarck that use our facility, 30% are health professionals, law enforcement officials, etc.

**Chairman Lee-** We recognize the challenges that you are facing.

**Barb Arnold-Tengesdal, Executive Director of Voices for North Dakota's Children** testified with a neutral position on the bill. See written testimony.

**Chairman Lee-** My concern about the amendment is its not more than 3 days a week. I see some challenge with that. I think its the parents responsibility to make sure that the childcare provider is doing what ought to be done. There are care providers who don't fall under the full time licensing law that certainly provide good services as well.

**Corinne Bennett, administrator of early childhood services for the Department of Human Services** appeared with a neutral position on the bill. See written testimony.

**Corinne-** There was mention of drop in regulation, that is something I have thought about because other states have similar regulations for drop in facilities. I offered Ms. Keys the suggestion of taking her children to a park, she had talked about wanting to become licensed. In our current regulations, you have to opt for an outside play area.

**Senator Lyson-** I understand where your amendments would be difficult for people like first responders. It is a necessity to have the flexibility for people in those types of professions.

**Corinne-** There is definite need for this type of service for parents, being work schedules are so different. The intent of this is to provide an exemption for facilities that provide short term care. Through regulations, we would be able to address some of the issues you have.

**Senator Dever-** One of the difficulties that Ms. Key has is it is all the way or not at all. Do you think that having regulations or a different level of a license is a good idea?

**Corinne-** We can look at what other states have for drop in care, and to provide background checks for the staff.

**Chairman Lee-** Perhaps the intern can do some research on this and visit with you about this. We need to see what kind of regulations other states have. There are times that there will be a work related situation like Senator Lyson addressed that we will need to keep in mind.

**Sue Glasser, Director and Co-owner of the Early Childhood Learning Center** of Bismarck appeared in opposition to the bill. See written testimony.

**Senator Dever-** Do people need to have an appointment to come to your center? What hours are you open?

**Sue-** On the most part, they do need to have a contract, however we will take drop in care, provided we have the room. Our hours are 6am-6pm.

**Chairman Lee-** It seems from your testimony that you want regulation. The bill doesn't address that at all, it just says that if someone is going to work, they can't use drop in care. What is your concern with the work situation?

**Sue-** My concern would be that if you would drop the word "other than employment", that would be appropriate. I would want stricter guidelines and regulations to be followed.

**Chairman Lee-** There are circumstances where it could be a limited work occasion, such as an emergency provider, where childcare would be needed.

**Sue-** I understand the need for that. However, if the drop in centers are unlicensed and take in children, there would need to be regulations.

**Deb Miller, President of the Area Association for Better Childcare** appeared in opposition to the bill. See written testimony.

**Chairman Lee-** The bill as presented has nothing to do about preventing these facilities from being in business.

**Deb-** My own personal opinion is that I don't think these businesses should operate as they are now. I believe there should be regulation right now. If kids start coming on a regular basis, how do you know on the amount of staff to have available?

**Chairman Lee-** The bill does not talk about regulations, it just talks about the removing the requirements for using the facilities, particularly those parents who might have to work.

**Deb-** I believe if you open it up to the people who are employed, it will increase your business, but will create staffing problems. I'm wondering why there would be a problem with being licensed in order to give that quality care.

The hearing was closed. No action was taken.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2304

Senate Human Services Committee

Conference Committee

Hearing Date February 7, 2005

Tape Number	Side A	Side B	Meter #
3	X		5,785-END
3		X	1-200
Committee Clerk Signature <i>Cathy Minard</i>			?

Minutes:

**Chairman Lee opened the committee meeting to discuss SB 2304. All Senators were present.**

The committee had brief discussion on clarification before taking action on the bill.

**Senator Dever made a Do Pass recommendation on the amendments to include the emergency clause. Seconded by Senator Lyson. The amendments passed unanimously, 5-0-0.**

**Senator Warner made a Do Pass recommendation on the bill as amended with the emergency clause. Seconded by Senator Dever. The bill as amended passed, 5-0-0.**

**Chairman Lee is the carrier of SB 2304.**

**Chairman Lee closed the meeting on SB 2304.**

Date: 2-7-05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2304

Senate Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen Dever Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

as amended  
inc emergency clause





**REPORT OF STANDING COMMITTEE**

**SB 2304: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 50-11.1-02 of the North Dakota Century Code, relating to services included within the definition of early childhood services; and to declare an emergency.

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

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

**50-11.1-02. Definitions.** As used in this chapter, unless the context or subject matter otherwise requires:

1. "Child care center" means an early childhood facility where early childhood services are provided to nineteen or more children.
2. "County agency" means the county social service board in each of the counties of the state.
3. "Department" means the department of human services.
4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.
5. "Early childhood facility" means any facility where early childhood services are provided, whether the facility is known as a child care center, day care home, day care center, day nursery, family child care home, group child care home, preschool educational facility nursery school, kindergarten, child play school, progressive school, child development center, preschool, or known by any other name.
- 5- 6. "Early childhood services" means the care, supervision, education, or guidance of a child or children, unaccompanied by the child's parent, guardian, or custodian, which is provided in exchange for money, goods, or other services and is, or is anticipated to be, ongoing for periods of two or more hours per day for a part of three or more days per week. Early childhood services does not include:
  - a. Substitute parental child care provided pursuant to chapter 50-11.
  - b. Child care provided in any educational facility, whether public or private, in grade one or above.
  - c. Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to subsection 1 of section 15.1-06-06.
  - d. Child care provided to preschool age handicapped children in any educational facility through a program approved by the superintendent of public instruction.

- e. Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, ~~other than employment~~, on or near the premises.
  - f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.
  - g. Summer resident or day camps for children which serve no preschool age children for more than two weeks.
  - h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
  - i. Headstart programs that are federally funded and meet federal headstart standards.
  - j. Child care provided by a hospital by medical personnel within the physical structure of the hospital to children who are ill.
- ~~6-~~ 7. "Family child care home" means an occupied private residence in which early childhood services are provided for no more than seven children at any one time, except that the term includes a residence providing early childhood services to two additional school-age children during the two hours immediately before and after the schoolday and all day, except Saturday and Sunday, when school is not in session during the official school year.
- ~~7-~~ 8. "Group child care home" or "group child care facility" means a child care facility where early childhood services are provided for eight through eighteen children or a facility, other than an occupied private residence, which serves fewer than eight children.
- ~~8-~~ 9. "In-home provider" means any person who provides early childhood services to children in the children's home.
- ~~9-~~ 10. "License" means the rights, authority, or permission granted by the department to operate a family child care home, group child care facility, child care center, or preschool educational facility.
- ~~10-~~ 11. "Multiple licensed facility" means an early childhood facility that provides more than one type of early childhood services.
- ~~11-~~ 12. "Preschool educational facility" means a facility that offers early childhood services and follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled in the facility and that serves no child for more than three hours per day.
- ~~12-~~ 13. "Registrant" means the holder of a registration document issued by the department in accordance with this chapter.

- ~~13.~~ 14. "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.
- ~~14.~~ 15. "Registration document" is a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2005 HOUSE HUMAN SERVICES

SB 2304

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2304**

House Human Services Committee

Conference Committee

Hearing Date **16 March 2005**

Tape Number	Side A	Side B	Meter #
1		X	800 - 6300
2	X		0 - 240
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

**Chairman Price opened the hearing of SB 2304.**

**Senator Dick Dever, District 32, introduced the bill.** SB 2304 involves what could be considered a niche business. There are some in day centers in my district that came together as kind of a "drop in day care" to provide that when someone has an appointment to go to or wants to go to a movie or out to supper or wants to go to the bar. As long as they are less than four hours they can provide these services at a drop in day care without all of the full blown licensing that a day care might require. That was put together back in 1981 and it made one exclusion to that. It said if you were going to work you couldn't drop your kids off. A lot of people have situations where they might be on call and might have an ambulance run to make or something and might need to drop their kids off on a short term basis. Situations have changed since 1981 and I'm here on behalf of Pam Keys who is the proprietor of "A Matter of Kids" here in Bismarck. What the Senate did is we "hog housed" the bill to include the entire section to

provide a definition of drop in care in order to allow the Department to establish rules specific to that situation. It's not that they shouldn't be licensed at all, it is that they should have some set of regulations that they are subject to. I think the parties are happy with that. Ms. Keys is more than happy to involve herself in the rule making process to establish those rules. I think this bill addresses a situation that should be addressed.

**Rep. Potter:** Are you aware of any folks that are interested in any kind of amendment to this? There is one absolutely in Grand Forks.

**Senator Dever:** If anyone is considering any amendments to the bill, they haven't visited with me about it. I do understand that the situation in Grand Forks, they have an OBY/GYN doctor that is on call and appreciates the ability to drop her child off at a drop in day care. I think this bill will legalize that. That's also one of the reasons we put an emergency clause on the bill. The bill passed in the Senate unanimously.

**Corrine Bennett, administrator of early childhood services for the DHS,** provided information on the bill. **(Testimony attached, and includes information on "Licensed Child Care in ND" and an e-mail with suggested amendments from Wonder Years Day Care Center in Grand Forks.)**

**Rep. Nelson:** When you talk about the licensure for a drop in day care, I'm curious how would a provider be able to meet the criteria. How would that be decided upon? There's no apparent numbers. You take what you get.

**Bennett:** That's correct. It would have to be written in such a way to allow for that. There are states that have rules for drop in care and we could take a look at those and how they have allowed that flexibility. I haven't looked at those yet. I could and get those back to you.

**Chairman Price:** If there's a wedding in town and someone wants to drop of 17 kids you are not going to be staffed for that.

**Bennett:** Just to clarify, as Senator Dever mentioned the intent of the Senate HS Committee to require certain facilities to be licensed but the department felt that there needed to be a little further clarification. The intent was there but sometimes intents get lost when the legislature leave so we wanted to make sure that was restored. On line 20, insert "drop in child care facility" after pre school. On page 2, line 14, after "four continuing hours" we would like the phrase added "within a twenty-four hour time period."

**Rep. Porter:** It seems to me to be a little restrictive and not a working solution to what you are trying to address. If someone is on call and are called for a 24-hour period to go to the hospital for an emergency cardiac catherization and they get called in for two hours in the morning and then at 6 at night they get called in for five hours and at midnight they get called in. That's all within that 24-hour period. I don't see that as a working solution to what you are trying to solve. You are taking away what true drop in day care is. Don't you have another solution for that?

**Bennett:** It's a catch 22. There are facilities circumventing the intent of drop in care. On the other hand I understand what you are saying as well. As we take a look at what other states have done something may be found that would satisfy both those situations.

**Rep. Porter:** It seems to me that you are imposing more restrictions because they are drop in.

**Bennett:** Because it's a different type of facility. There aren't any regulations that are specific to drop in care.

**Rep. Porter:** What did you give us here?



**Bennett:** These are specific to the type of business that it is. It has far fewer regulations than a center. (She continued going through her specifications/regulations for the drop in day care.)

**Chairman Price:** The deadline for getting this bill out is next week.

**Rep. Potter:** On page two your suggested amendment suggests adding "within a 24-hour time period." Was that just if we did not think that licensing was necessary or is it under both scenarios.

**Bennett:** It's for both.

**Rep. Nelson:** How do you envision the minimum health and safety issues to be addressed. Would that be mirrored to licensed facilities now or do you see some flexibility in that line. What's your take at this time?

**Bennett:** My intent would be to involve current operators of drop in facilities in this state as well as center operators in developing the rules along with researching what other states have. I would hope they would be very minimum.

**Rep. Nelson:** I suggest you include some home day care business operators as well.

**Bennett:** Home day care can accept drop in clients now as long as they have adequate staffing. I know most do.

**Rep. Nelson:** If the amendment was added about the "in 24-hour time period" a parent could still abuse the system by taking them to several day care centers during the day. That would be permissible wouldn't it?

**Bennett:** Yes, I would hope they wouldn't because it's not good for children to be bouncing them around from place to place.

**Barb Arnold-Tengesdal, executive director, Voices of North Dakota's Children,** testified in favor of the bill. (Testimony attached.)

**Pam Key, Matter of Kids Walk In Child Care Center, Bismarck,** testified in favor of the bill.

My care center is the only one in the Bismarck/Mandan area. Drop in centers have become popular because of the change in lifestyles in parents. Fathers and mothers working different shifts sometimes need to drop off their kids for a short time when their shifts overlap. I don't have a problem with licensing as long as it doesn't put us out of business. Licensing could be good but we need to have the ability to make it fit. We have people on call to come in if we get more children in order to keep the proper child/caregiver ratio. I don't think the 24-hour time limit should be in there. Those things should be at the parents' discretion and not dictated by the law. We are regulated. I had to pass and continue to maintain the same exact fire and building inspections before I could open as any day care in the state. Licensing would be good for us. People can now come to us regardless but they can't get reimbursed because we are not licensed. The biggest percentage of the people who come to our facility do not come every day. We are open later at night and on weekends and can accommodate the needs of most people. The city ordinance must be changed to accommodate the provisions of this bill.

**Chairman Price:** You oppose the 24-hour. Would you support something else like if we said per week or per month so there was something that didn't make it a 40-hour week.

**Keys:** I wouldn't oppose something that limited it. I don't want kids there more than 4 hours because they get bored. How do legislate a person's private life when they run into a problem? If a regular baby sitter goes on a vacation for one short week they want to use a facility like mine and they might want to juggle. People do not use a facility like this to go under the law to try to

keep from going to regular day. Trust me. It costs too much. We charge more per hour. Day care is hard to find. There are not many available after hours. If there are ways to come up with something that allows incidental things, I would support that.

**Chairman Price:** You mentioned that you had inspections. What kind of license are you carrying that requires you to have those facility inspections?

**Keys:** I am a business in the City of Bismarck and I'm considered a Day Care by the inspectors so they inspect me as they do any other Day Care.

**Rep Kaldor:** Is there any reason you aren't licensed now?

**Keys:** Yes, a very good reason. I'm an indoor activity center and child care facility and that's what I say I am. Children come in to play indoors. We would have to have an outdoor play yard or bus our children to a park every time they came. That's not even feasible. There are kids coming and going all day long. Also having a director to create educational programs for these children, how would you do that? Some children come only once a month, once a year. Those are just a couple of the guidelines. There are others. One of the remarks in the Senate hearing was there was no one there to oversee sanitation. We don't prepare or serve meals there.

**Rep. Uglam:** Would something like limiting it to 16 hours per week be a problem? What would be reasonable?

**Keys:** Not for many, but do we want to limit those few? I don't think any limit would be reasonable. It might be one week out of the year that someone needs that drop in care. Is that really harmful to a child for one week? They can go to Snoopers for 4 hours. It's a play center and they aren't supervised and they can bring them back for 4 more hours as long as they pay for 4 more hours. Do we regulate them the same. There needs to some way to make a legal

exception if you start legislating exact hours, there needs to be something in the regulations to allow for variances. People are not going to come to us for full day care. We charge \$3.50 an hour for the first child and \$2.00 an hour for each additional child. I also won't let them come to us for full day care. I just am uncomfortable with the amendment. I don't think it will be an ongoing thing. We might allow it on an occasional basis. I don't have to ask them if they are going to work and they don't have to tell me. I don't want to break the law. I want things to be simple but fair.

**Chair Price:** Short answer. If someone's day care is closed for a week for illness, death, whatever and they have to go to work and they come to you, what do you do? With the laws as they are right now, what would you do?

**Keys:** I haven't had that happen. I guess I plead the fifth.

There was no further testimony and **Chairman Price closed the hearing on SB 2305.**


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2304

House Human Services Committee

Conference Committee

Hearing Date March 23, 2005

Tape Number	Side A	Side B	Meter #
1	x		blank
Committee Clerk Signature 			

Minutes:

This tape is faulty, minutes taken from notes.

**Chairman Price** opened discussion on SB 2304.

The dept. has proposed amendments to SB 2304.

**Rep. Devlin:** Move a Do Pass

**Rep. Nelson:** Second

**Chairman Price:** Any discussion?

**Rep. Devlin:** Amendments are Page 1 line 20, after 3, comma, insert "drop in care center". The same language on page 3 line 11, after 3 comma insert.

**Rep. Potter:** Move a Do Pass as amended.

**Rep. Pietsch:** Second

**Vote:** 10-0-2 (Porter - Weisz)

**Carrier:** Rep. Potter

Date: 3/24/05

Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. ~~HR~~ SB 2304

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP Am

Motion Made By Dev Seconded By Patten

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	x		Rep.L. Kaldor	x	
V Chrm.G. Kreidt	x		Rep.L. Potter	x	
Rep. V. Pietsch	x		Rep.S. Sandvig	x	
Rep.J.O. Nelson	x				
Rep.W.R. Devlin	x				
Rep.T. Porter	x	AB			
Rep.G. Uglem	x				
Rep C. Damschen	x				
Rep.R. Weisz	x	AB			

Total ( ) 10 No 0

Absent 2

Floor Assignment Patten

→ If the vote is on an amendment, briefly indicate intent \_\_\_\_\_

**REPORT OF STANDING COMMITTEE**

**SB 2304, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 20, after the third comma insert "drop-in care center."

Page 3, line 11, after the third comma insert "drop-in care center."

Renumber accordingly

2005 TESTIMONY

SB 2304



January 24, 2005

Madam Chairman and Other Members of the Senate Human Services Committee:

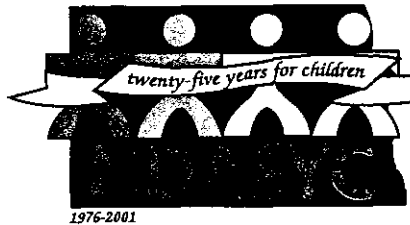
My name is Pamela Key. I am the owner/operator of A Matter of Kids drop-in childcare/activity center at 417 S. 2<sup>nd</sup> St., Bismarck. We provide services Monday -Thursday from 9:00AM to 10:00PM and Friday-Saturday from 9:00AM to 11:30 PM. There is a maximum 4 hour stay for children 18 months on up. We opened in July of 2003 because of the tremendous need for the kind of service we provide to the public. This kind of service has been available in other cities throughout North Dakota for over 20 years but is new to the Bismarck/Mandan area.

Upon opening I was informed by the North Dakota State Director of Early Childhood Services, Corrine Bennett, that we were not allowed by law to knowingly let anyone leave their child/ren if the reason they left them was employment related. Any other reason was ok, but not employment. Parents leaving their children are required to leave emergency information so we can reach them should the need arise, but it is really not our business what or where the parent goes as long as emergency information is made available to us.

Due to great changes in our society, since these laws were written in the early 1980's, thousands of people in this state do not work traditional 8-5 jobs and childcare is virtually non-existent for them. Thousands work part time anywhere from 1 hour a week to 2-3 hours per day/evening or every other day/evening or any number of similar scenarios. These people need and deserve the same privilege anyone else gets by being allowed to use a service such as ours. We do not compete with full day providers. They will not help these people. We simply fill the gap that so desperately needs to be filled. . The reason for the child care need should not even be an issue in the law. Since it is ok for everyone else to use our service, I am here today to urge you to pass SB2304.

Thank you.

  
Pamela Key



CENTER FOR EARLY CHILDHOOD LEADERSHIP &amp; ADVOCACY

**To: Judy Lee, Chairman, House Human Services Committee**

**From: Barb Arnold-Tengesdal, Executive Director, Voices for North Dakota's Children**

**Date: January 24, 2005**

**Re: Testimony taking a neutral stance on SB 2304**

*Voices for North Dakota's Children* is a collaborative advocacy effort of early childhood education professional organizations. It is made up of the North Dakota Head Start Association, North Dakota Association for the Education of Young Children, Child Care Resource & Referral Network, Children's Caucus, North Dakota Professional Development leadership team and Early Childhood Higher Education consortium.

The child care industry has grown significantly in the past 15-20 years, the beginning of which the first regulations for this growing industry were being formulated. An industry that use to be compiled of nursery schools, family child care and a handful of child care centers has now grown to become the 10<sup>th</sup> largest industry in our state generating revenues over \$123 million (*Economic Impact of Child Care in North Dakota, NDSU data center, October 2004*).

We now have established many categories of care: group and double group programs, on-site employee care, Head Start, Early Head Start, Drop-in care, after-school care, extended daycare, odd-hour care, Jr. Kindergarten, Pre-K, preschool and support services like Child Care Resource & Referral, early childhood licensors and KIDS COUNT!. Times have changed, and so has the industry.

This bill in its simplest form asks only to allow parents to use "drop-in" care while they are working. We support this change, as parents must find alternative care with little notice, when their regular childcare is closed or caregiver is sick.

In the broadest understanding and looking at an extreme case scenario, a parent could potentially have a child in unlicensed/unregulated care for up to 20 hours a week. This is not good for children. Thus, it is time for creating flexible simple regulations for these types of care situations. We suggest creating a new set of regulations for drop-in care that allows for an environment that is monitored and licensed. It would benefit the caregiver by allowing them to take families on childcare assistance, and set some health and safety standards that I believe the industry and drop-in care providers support.

As an alternative, add the following phrase to line 22 of the bill "for during periods of time not exceeding four continous hours and more than 3 days a week." This would follow the guidelines stated in line 10 for part-time preschool programs.

Senate Human Services Committee

SB2304

January 24, 2005

Chairman Lee and members of the Senate Human Services Committee, I am Corinne Bennett. I serve as the administrator of early childhood services for the Department of Human Services. I am here today to provide testimony on SB 2304 and offer an amendment for clarification.

According to 50-11.1-02, "child care provided in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises" is exempt from licensure.

Child Care facilities that are exempt from licensure are not required to have a fire inspection, health and sanitation inspection, a child protection background check, a sexual offender background check and to maintain a staff child ratio.

For clarification, I request that the time period of care currently defined as "not exceeding four continuous hours," read "not exceeding four continuous hours within a twenty-four hour period." Based upon the manner in which the law is currently written, one could interpret that care can be provided for four continuous hours in the morning (am) and four continuous hours in the afternoon (pm).

I would be pleased to answer any questions the committee members may have.

Thank you.

January 24, 2005

Testimony for Senate Human Services Committee

Chairman Lee and members of the Committee:

I am Sue Glasser Director and Co-Owner of the Early Childhood Learning Center of Bismarck. We have three-licensed childcare centers in Bismarck, serving over 300 children, many of whom are part-time. We have provided quality childcare for over 25 years. We have maintained our quality by hiring teachers with degrees and participating in voluntary program assessments such as the NAEYC's accreditation and the ITTERS (an extensive Infant/Toddler area evaluation) rating seal.

I also have 4 children and have been a part time working mother for almost 30 years. From both perspectives, I know first hand how important flexible part-time childcare is. However, I am here to request more consideration on Senate Bill 2304. Here are my reasons:

This bill will open the door for unlicensed drop in facilities to care for children more than just an occasional "Mom's day out," but on a regular basis while the part time parent is working.

Why am I concerned? Without licensing the facilities will have no agency regulating them to make sure:

1. Backgrounds checks are conducted. A person with a history of child abuse could work in such a center and no one would know it.
2. There will be no penalty if proper sanitation procedures are not followed. Babies could be changed without proper hand washing in between, possibly leading to the spread of infectious diseases.
3. No training of staff would be mandated. Part time children in childcare often have more trouble separating from their parents and adjusting to childcare. Without staff trained in child development and positive discipline techniques, who would help these children make the transition from home to childcare?

All working parents know that rough AM transitional with a child can affect your whole day at the work place.

4. In unlicensed facilities, adequate staff to child ratios wouldn't be required. I once left one of my children at a drop in center, and by the time I picked her up an hour later; there were 10 children to 1 caregiver. Several of them were crying, but there was no way this caregiver could meet all of their needs. I was fortunate that I didn't need to go back to that facility again. But what about a part time working mother who had chosen this drop in center for regular childcare? Would she look for other options, or feel she had to "settle" for this kind of care?
5. I am not suggesting that the individual who is requesting this bill would not take adequate measures in any of these areas. But how can we be sure that others who would follow in opening unlicensed "drop in centers" providing childcare to working parents will be as conscientious.

At first glance, this bill looks like it would help parents by providing more part time childcare. However, as I have discussed is it worth the possible risk of inadequate care for the children of part time working parents?

I would like to see that in section 1e that the words other than employment remain or that the hours children are allowed to spend in unlicensed drop in centers would remain at 4 continuous hours or less, but there would be a limit to two or less days per week. These are necessary to limit the amount of time children spend in unlicensed childcare.

I would also hope that drop in centers are licensed, so they are under Social Services rules and regulation.

Thank you for your considering my comments.

Sue Glasser RN/MSN

My name is Deb Miller and I am from Mandan. I have been in the professional childcare business for over 15 years and I am also the current president of the local daycare association, ABC, which stands for Area Association for Better Childcare. We have a membership of roughly 170 individuals involved with childcare. I am opposed to this bill, mainly because I have concerns about the lack of regulation within the facilities that would offer this care. As a licensed group provider I have a ratio and number scale that I am required to follow as determined by state law. This has been set up in order to ensure that I can give quality care, time, and attention to the number of children I have according to their ages. I can employ a helper if the ratio exceeds what I am allowed. If a facility has drop in care my question is how they can staff to meet the needs of the children without any set guidelines regarding ages and/or the number of children per caregiver. One day may require three caregivers to offer adequate care, while another day may require five or six caregivers in order to give each child that same level of quality care. Everything performed by our local licensors, from the background checks and the drop-in visits, to the yearly reviews for re-licensing, is all in the best interests of the children. I believe that this type of care is needed, however I am concerned about the quality of that care when these facilities would be operating without any supervision from Human Services. Quality childcare is big issue in many states, including ours, and I think this would be taking a big step in the wrong direction as far as the children are concerned. I only ask that you will consider what I've said. Thank you all for your time.

Proposed Amendments to Senate Bill 2304

January 24, 2005

Page 1, line 20, overstrike "operated in connection with a church"

Page 1, line 21, overstrike "shopping center, business, or other establishment"

Page 1, line 22, overstrike "while the"

Page 1, line 23, delete line

Page 2, overstrike lines 1-2.

**House Human Services Committee**

**SB 2304**

**March 16, 2005**

**Chairman Price and members of the House Human Services Committee, I am Corinne Bennett. I serve as the administrator of early childhood services for the Department of Human Services. I am here today to provide testimony on SB 2304.**

**My concern with the bill as it currently reads is that the bills falls short of requiring the newly defined drop-in child care facilities to become licensed.**

**According to N.D.C.C. § 50-11.1-02(5), "child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours while the child's parent, guardian, or custodian is attending church services, shopping, or engaged in other activities, other than employment, on or near the premises" is exempt from licensure.**

**The Department would prefer to continue exempting from licensure the following drop-in child care facilities connected with a church, shopping center, or business. However, the Department feels it is important for the health and safety of children to license drop-in child care facilities that do not fit into an exempted category.**

**It is my understanding that you are also in receipt of requested changes from Wonder Years Child Care facility in Grand Forks. The Department supports those recommended proposed changes.**

**If the committee wishes to proceed with licensure of drop-in facilities, the Department would ask that the committee consider allowing the**



Department to develop rules, with the assistance of providers, for those facilities related to employment, by July 1, 2006.

The benefits, for parents of requiring this type of facility, to be licensed include:

- Assurance that minimum health and safety issues are addressed including:
  - a) A fire inspection, and health and sanitation inspection,
  - b) A child protection background check and sexual offender background check of the staff, and
  - c) A child to staff ratio.
- Access to child care assistance.
- Assistance in finding openings through the referral system of Child Care Resource and Referral Office.

The benefits, for facilities of requiring this type of facility, to be licensed include:

- Access to Child Care Food Program reimbursements.
- Referrals from Child Care Resource and Referral.
- Qualified parents can receive child care assistance for the care provided by their facility.

If the committee does not want to pursue licensing for certain drop-in child care facilities, the Department asks the committee to consider, for clarification, an amendment that seeks to change the definition for "drop-in care" that would limit the four continuous hours of care to be within twenty-four hours time period.

I would be pleased to answer any questions the committee members may have. Thank you.



### Child Care Licensing Types

Type of Care	Location	Maximum Enrollment	# of Programs in ND	Capacity
Family Care	Provider's Home	6-7 children <u>or</u> 4 infants	467	3327
Group Care	Provider's Home or Public or private facility	18 or fewer children	946	13,119
Centers	Public or private facility	19 or more children number determined by space available	168	12,362
Preschools	Public or private facility	Number determined by space available	62	1390
School-Age Care	Public or private facility	Determined by Space available	24	1948

Licensing is required when care is provided for four or more infants or six or more children at one time.

### Unlicensed Child Care

Type of Care	Location	Maximum Enrollment	# of Programs in ND	Capacity
Self-Certified	Provider's Home	5 or fewer <u>or</u> 3 infants	924	4620

Self-Certification, a voluntary process, was created to allow parents access to child care assistance. They self certify that they comply with a few health and safety standards. They are not inspected or monitored unless there is a complaint.

submitted by Corinne Bennett, DHS  
March 2005

## DEFINITIONS OF DROP-IN CHILD CARE

### Oklahoma:

"Part time child care center" means a center that provides child care for no more than four hours per day for any child.

### Ohio:

"Drop-in school child day care center" means a center that provides child day care for children on a temporary, irregular basis. "Temporary, irregular basis" means that no child is in attendance for more than ten hours per month.

### Oregon

"Drop-in Care" means care provided on an unscheduled, irregular basis, any time of the day or night, exclusively for drop-in children in a child care center. The planned attendance for a child in Drop-In Care shall not exceed two and one half full days per week, or twenty-five hours per week.

### Minnesota

A "drop-in child care program" means a child care program that operates for more than 30 days in any 12-month period and is not excluded by Minnesota Statutes, section 245A.03, subdivision 2. The program is not a day program and does not provide care to any child for more than five hours in any one day and 40 hours in any one calendar month. The center where the program operates is licensed exclusively to provide a drop-in child care program and does not have a regularly scheduled, ongoing child care program with a stable enrollment.

### Tennessee

A place or facility operated by any person or entity providing child care, at the same time, for fifteen (15) or more children, who are not related to the primary caregiver, for short periods of time, not to exceed ten (10) hours per week for not more than six (6) hours, per day for any individual child, while the parents or other custodians of the children are engaged in short-term activities that do not include employment of the parent or other custodian of the child.

### National Health and Safety Standards- "Caring for our Children"

Drop-in facility: A facility providing care that occurs for fewer than 30 days per year per child, either on a consecutive or intermittent basis, or on a regular basis but for a series of different children.

## Exempt Language

### North Carolina

Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;

## CHILD TO STAFF RATIO

### Texas

(3) If your child-care center was licensed as a drop-in child-care center, the following chart applies:

If the age of youngest child in the group is	Then the maximum number of children to be supervised by one caregiver is...
0 - 11 months	4
12 - 17 months	5
18 - 23 months	10
2 - 5 years	12
6 years and older	15

### Delaware

A Center providing Drop-in Care shall have sufficient staff available to efficiently handle the admission procedure, irregular check-in and check-out hours and communication with parents.

### Minnesota

Have at least two staff persons present at the center whenever the program is operating even when the ages and numbers of children present are such that the staff-to-child ratio requirements established in subpart 3 could be met by having only one staff person. Staff distributions for drop-in child care programs must meet the requirements in items A and B.

A. If a drop-in child care program serves both infants and older children, the following minimum staff distribution pattern applies for the supervision of infants ages six weeks through 16 months and children ages 17 months through 29 months:

- (1) The first staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.
- (2) The second staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.
- (3) The third staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.
- (4) The fourth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) The fifth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(6) The sixth staff person needed to meet the staff-to-child ratios required in subpart 3, items A and B, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

B. The following minimum staff distribution pattern applies for the supervision of children 30 months and older.

(1) The first staff person needed to meet the required staff-to-child ratio specified in subpart 3, item C, must meet the qualifications for teachers specified in part 9503.0032.

(2) The second, third, and fourth staff persons needed to meet the required staff-to-child ratio specified in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(3) The fifth staff person needed to meet the staff-to-child ratio required in subpart 3, item C, must have at least the qualifications of an assistant teacher as specified in part 9503.0033.

(4) The sixth, seventh, and eighth staff persons needed to meet the staff-to-child ratio required in subpart 3, item C, must have at least the qualifications of an aide as specified in part 9503.0034, subpart 1.

(5) For any additional staff persons needed after the eighth staff person to meet ratio requirements, the pattern of required staff qualifications established in sub items (3) and (4) applies.

### Subp. 3. Staff ratios.

The minimum ratio of staff persons to children that a license holder may maintain is:

A. For infants ages six weeks through 16 months, one staff person for every four infants;

B. for children ages 17 months through 29 months, one staff person for every seven children; and

C. for children ages 30 months through 12 years, one staff person for every ten children.

**Weezie Potter**

**From:** "Wonder Years" <wonderyears@wiktel.com>  
**To:** <gjkreidt@peoplepc.com>; <cdamschen@state.nd.us>; <sobenc@state.nd.us>;  
 <jonelson@stste.nd.us>; <wolfpak@stellarnet.com>; <vpietsch@state.nd.us>;  
 <tkporter@state.nd.us>; <guglem@state.nd.us>; <lkaldor@state.nd.us>;  
 <weezie@gra.midco.net>; <ssandvig@state.nd.us>  
**Sent:** Tuesday, February 15, 2005 4:00 PM  
**Subject:** Letter to the House bill #2304

Dear Legislators:

RE: FIRST ENGROSSMENT ENGROSSED SENATE BILL NO. 2304

After reading the ENGROSSED SENATE BILL NO. 2304 we noticed that this bill, did not in any way state in writing that drop-in-child facilities need to be licensed. It was understood that the Senate Committee wanted to include drop-in-child care facilities to be licensed by the state of North Dakota. One of the amendments to this BILL was to allow licensed drop-in-child care facilities to care for children when parents are at work, on an occasional, or unscheduled basis to meet the short-term needs of families. That is not the way it reads in the bill.

AMENDMENT. 50-11.1-02 Definitions. Lines 14-15 (#4) reads:

“DROP-IN CARE” means the care of children on a one-time, occasional or unscheduled basis to meet the short-term needs of families.

*This is fine if the following changes are made:*

Lines 16-20 (#5) should read:

“Early childhood facility” means any facility where early childhood services are provided, whether the facility is known as a child care center, day care home, preschool educational facility nursery school, kindergarten, child play school, progressive school, child development center, preschool, **drop-in-child facilities** or known by any other name.

**drop-in-child facilities needs to be added**

Lines 12-16 (e) reads

Early childhood services does not include: (**Letter a-e are exceptions and do not have to be licensed**)

**This is how it now reads**

*Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hour while the child's parent, guardian, or custodian is attending church services, shopping or engaged in other activities, on or near the premises.*

*(Now this states that drop-in-child facilities can take in children of parents going to work and the facility **will not have to be licensed**. Parents and the center can bend the word “near” to mean within the vicinity of the city. How it states “not exceeding four continuous hours” means to the parent that they can bring their child to this drop-in-child care facility for four hours in the morning, pick them up for lunch, and bring them back for another four hour in the afternoon.)*

**How it should read**

Child care provided in facilities operated in connection with a church, shopping center, business, or other establishment where children are cared for during periods of time not exceeding four continuous hours **within a 24 hour time period** while the child's parent, guardian, or custodian is attending church services, shopping or engaged in other activities, **other than employment on the premises.**

**within a 24 hour time period should be added, other than employment kept, and "near" taken out.**

Lines 10-12 (#10) should read

"License" means the rights, authority, or permission granted by the department to operate a family child care home, group child care facility, child care center, preschool educational facility, **or drop-in-child care facility.**

**drop-in-child care facility needs to be added**

If a parent is going to use drop-in care for employment, it needs to be licensed so someone will be able to oversee it so it isn't abused. By including drop-in-child facilities in #5 and #10 it makes it clear to the facility, parents, and North Dakota Social Services that drop-in-child care facilities are to be licensed. The only exemptions would be to the churches, shopping centers, exercise centers, and business that provide drop-in-care, in the facility, for the convenience of the parents when they are not working.

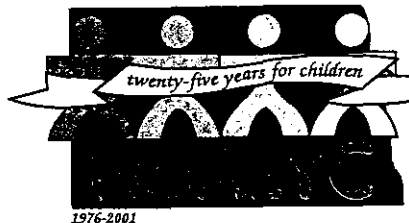
We will mail a hard copy with the changes so you can get a better understanding.

Thank you,

Wonder Years Child Care Center  
2550 28<sup>th</sup> Ave So  
Grand Forks, ND 58201  
Curt Kreun, owner

# VOICES FOR NORTH DAKOTA'S CHILDREN

(2)



CENTER FOR EARLY CHILDHOOD LEADERSHIP & ADVOCACY

**To: Clara Sue Price, Chairman, House Human Services Committee**

**From: Barb Arnold-Tengesdal, Executive Director, Voices for North Dakota's Children**

**Date: March 16, 2005**

**Re: Testimony in support of SB 2304**

*Voices for North Dakota's Children* is a collaborative advocacy effort of early childhood education professional organizations. It is made up of the North Dakota Head Start Association, North Dakota Association for the Education of Young Children, Child Care Resource & Referral Network, Children's Caucus, and Early Childhood Higher Education consortium.

The child care industry has grown significantly in the past 15-20 years, the beginning of which the first regulations for this growing industry were being formulated. An industry that use to be compiled of nursery schools, family child care and a handful of child care centers has now grown to become the 10<sup>th</sup> largest industry in our state generating revenues over \$123 million (*Economic Impact of Child Care in North Dakota, NDSU data center, October 2004*).

We now have established many categories of care: group and double group programs, on-site employee care, Head Start, Early Head Start, Drop-in care, after-school care, extended daycare, odd-hour care, Jr. Kindergarten, Pre-K, preschool and support services like Child Care Resource & Referral, early childhood licensors and KIDS COUNT!. Times have changed, and so has the industry.

This bill in its simplest form asks create a set of "drop-in" child care regulations. In the broadest understanding and looking at an extreme case scenario, a parent could potentially have a child in unlicensed/unregulated care for up to 20 hours a week. This is not good for children. Thus, it is time for creating flexible simple regulations for these types of care situations. We support the creation of a new set of regulations for drop-in care that allows for an environment that is monitored and licensed. It would benefit the caregiver by allowing them to take families on childcare assistance, and set some health and safety standards that I believe the industry and drop-in care providers support.