



NOV 02 2015  
Legal Advisory Unit

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Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

November 2, 2015

Vonette Richter, Assistant Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1  
Early Childhood Services

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on December 8, 2015, beginning at 10:30 a.m. and continuing until 12:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Alm", is written over a light blue horizontal line.

Jonathan Alm  
Legal Advisory Unit

JA/jl

cc: Rebecca Eberhardt, Early Childhood Services

Enclosures

Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTERS 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11  
AND 75-03-11.1  
EARLY CHILDHOOD SERVICES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1 at 10:30 a.m. on Tuesday, December 8, 2015, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1, Early Childhood Services, are necessary to comply with 2015 House Bill No. 1247, relating to infant safe sleep practices, P.L. 113-186, relating to Child Care and Development Block Grant Act of 2014, and are the result of continued work with Early Childhood Services Advisory Board. The proposed amendments are intended to balance the need for healthy and safe early childhood services with the need to have a streamlined licensing process.

The proposed changes are as follows:

**Section 75-03-07-04** is amended to reflect a statutory change regarding training requirements for providers who provide care to infants and to provide additional language to include a services-required determination from another state.

**Section 75-03-07.1-00.1** is amended to provide consistency across chapter 75-03-07.1 regarding the use of provider and emergency designee.

**Section 75-03-07.1-02** is amended to remove redundant language, provide consistency across chapter 75-03-07.1 regarding the use of provider and emergency designee, to reflect a statutory change regarding training requirements for providers and emergency designees who provide care to infants, frequency of training courses, clarify who decides and to whom a child shall be released from care to, and to address aquatic activities.

**Section 75-03-07.1-05** is amended to provide consistency across chapter 75-03-07.1 regarding the use of provider.

**Sections 75-03-07.1-06** is amended to provide consistency across chapter 75-03-07.1 regarding the use of provider and emergency designee, to add "arson" as a direct bearing offense, provide a requirement that a fingerprint based criminal history record check is required upon hire and every five years after initial

approval, to provide a background check results review process, and to provide additional language to include a services-required determination from another state.

**Section 75-03-07.1-08** is amended to include a monitor in the room with sleeping infants unless the provider or emergency designee is in the room with the sleeping infant.

**Section 75-03-07.1-09** is amended to provide consistency across chapter 75-03-07.1 regarding the use of provider and emergency designee.

**Section 75-03-07.1-10** is amended to add 75-03-07.1-08 and to provide consistency across chapter 75-03-07.1 regarding the use of emergency designee.

**Section 75-03-07.1-12** is amended to allow for the issuance of a restricted license.

**Section 75-03-08-12** is amended to add the exception of substitute staff and emergency designees from basic child care courses and to reflect a statutory change regarding training requirements for staff members who provide care to infants.

**Section 75-03-08-14** is amended to remove redundant language, to add a requirement for an initial and annual fire inspection, and to obtain written statements of compliance to provide consistency across all licensed child care providers.

**Section 75-03-09-14** is amended to remove redundant language.

**Section 75-03-09-17** is amended to require an initial and annual fire inspection.

**Section 75-03-10-09** is amended for clarification purposes and to add language to clarify who decides and to whom a child shall be released from care to.

**Section 75-03-11-13** is amended to require all staff members to complete a department approved basic child care course within the first three months of employment with the exception of substitute staff and emergency designees.

**Section 75-03-11.1-22** is amended to add a requirement that records shall be kept at the school age program premises and satellite sites where the child is enrolled in.

**Sections 75-03-07-06, 75-03-08-27, 75-03-09-27, 75-03-10-27, 75-03-11-27, and 75-03-11.1-27** are amended to add “arson” as a direct bearing offense, a requirement that a fingerprint based criminal history record check is required upon hire and every five years after initial approval, and a background check results review process.

**Sections 75-03-07.1-00.1, 75-03-08-03, 75-03-09-03, 75-03-10-03, 75-03-11-03, and 75-03-11.1-03** are amended to add a definition of aquatic activity.

**Sections 75-03-08-08.1 and 75-03-09-08** are amended to remove the exemption of substitute staff and emergency designee to complete CPR and First Aid and add language to clarify who decides and to whom a child shall be released from care to.

**Sections 75-03-08-10, 75-03-09-10, 75-03-09-12, 75-03-10-10, 75-03-10-11.1, and 75-03-10-12** are amended to reflect a statutory change regarding training requirements for directors, providers, supervisors, and staff members who provide care to infants and frequency of training courses.

**Sections 75-03-08-21.1, 75-03-09-18, 75-03-10-18, 75-03-11-18, and 75-03-11.1-18** are amended to address aquatic activities.

**Sections 75-03-08-24, 75-03-09-24, and 75-03-10-24** are amended to include a monitor in the room with sleeping infants unless a staff member is in the room with the sleeping infant.

**Sections 75-03-08-28, 75-03-09-28, 75-03-10-28, 75-03-11-28, and 75-03-11.1-28** are amended to provide additional language to include a services-required determination from another state.

**Sections 75-03-11-08 and 75-03-11.1-08** are amended to clarify who decides and to whom a child shall be released from care to.

**75-03-11-13 and 75-03-11.1-08.4** are amended address frequency of training courses and to require a basic child care course.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State

Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Friday, December 18, 2015.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 2<sup>nd</sup> day of November, 2015.



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

November 2, 2015

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1  
Early Childhood Services

TO WHOM IT MAY CONCERN:


The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1, Early Childhood Services. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on December 18, 2015.

The department has scheduled an oral hearing for December 8, 2015. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Maggie D. Anderson,  
Executive Director

MDA/jgl

Attachments

cc: Vonette Richter, Legislative Council  
Rebecca Eberhardt, Early Childhood Services