

AUG 20 2012



**Legal Advisory Unit**

Fax (701) 328-2173  
Legal (701) 328-2311  
Appeals (701) 328-2311  
ND Relay TTY (800) 366-6888

Jack Dalrymple, Governor  
Carol K. Olson, Executive Director

August 17, 2012

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

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

Dear Mr. Walstad:

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 Monday, September 24, 2012, beginning at 10:00 a.m. and continuing until 11:30 a.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 blue ink that reads "Julie Leer".

Julie Leer  
Legal Advisory Unit

JL/cs

Cc: Jennifer Barry, ECS

Enclosures



Jack Dalrymple, Governor  
Carol K. Olson, Executive Director

August 17, 2012

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, 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 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, 75-03-11.1, Early Childhood Services. The department has adopted procedures to assure public input into the formulation of such 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 Thursday, October 4, 2012.

The department has scheduled an oral hearing on Monday, September 24, 2012. 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,

A handwritten signature in black ink that reads "Carol K. Olson".

Carol K. Olson,  
Executive Director

CKO/cs

Attachments

Cc: John Walstad, Legislative Council  
Jennifer Barry, ECS



Jack Dalrymple, Governor  
Carol K. Olson, Executive Director

**NOTICE OF INTENT TO AMEND**  
**ADMINISTRATIVE RULES RELATING TO**  
**N.D.A.C. CHAPTERS 75-03-07.1, 75-03-08, 75-03-09,**  
**75-03-10, 75-03-11, 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 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, 75-03-11.1 at 10:00 a.m. on Monday, September 24, 2012, in Bismarck, N.D. in the AV Room – Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, 75-03-11.1, Early Childhood Services, are the result of continued work with the Early Childhood Services Advisory Board, as well as comments from the field and new recommendations regarding the care of young children. 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 75-03-7.1-02** is amended to require department-approved basic child care training.

**Section 75-03-07.1-04** is amended to include license and in-home registration in limitation of one provider or operator per residence and to require the emergency designee for a self-declarant to be at least 18 years of age and approved by the department.

**Section 75-03-07.1-06** is amended to restructure the section and to correct a word usage error.

**Section 75-03-08-05.1** is repealed.

**Section 75-03-08-09** is amended to remove language that is redundant of statutory language.

**Section 75-03-10-08** is amended to clarify language.

**Section 75-03-10-11.1** is amended to address minimum qualifications for child care center supervisors.

**Section 75-03-10-18** is amended to address space requirements for cots, cribs, and portable cribs, to require that pathways between cots, cribs, and



portable cribs contain no obstructions, and to address requirements for toilet facilities.

**Section 75-03-11-19** is amended to remove specific outdoor space requirement for preschools.

**Section 75-03-11-20** is amended to require the curriculum for preschools to include outdoor play.

**Section 75-03-11.1-18** is amended to require a health inspection when the program prepares meals and to address requirements for toilet facilities.

**Sections 75-03-08-07, 75-03-09-07, 75-03-10-07, 75-03-11-07, and 75-03-11.1-07** are being amended to include self-declaration and in-home registration in limitation of one provider or operator per residence.

**Sections 75-03-07.1-08, 75-03-08-24, 75-03-09-24, and 75-03-10-24** are amended to require a provider to obtain written parental permission for infants to sleep with blanket, pacifier, or security item.

**Sections 75-03-08-08.1, 75-03-08-19, 75-03-09-08, 75-03-10-09, 75-03-11-08, 75-03-11-09, and 75-03-11.1-08** are amended to reorganize written policy requirements under one rule to make it easier for operators to understand what policies are required of them, and to add a requirement to obtain written parental permission for certain children to leave the childcare unsupervised.

**Sections 75-03-09-10, 75-03-10-10, 75-03-11-08.1, 75-03-11-08.2, and 75-03-11.1-08.1** are amended to add more options to allow individuals to meet qualifications of group supervisor, center director, preschool director, preschool teacher, and school age-center director.

**Sections 75-03-09-14 and 75-03-11-14** are amended to address requirements for toilet facilities.

**Sections 75-03-09-24 and 75-03-10-24** are amended to include additional exemptions for programs which only serve drop-in children.

**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 restructure the sections.

**Sections 75-03-07.1-10, 75-03-08-29, 75-03-09-29, 75-03-10-29, 75-03-11-29, and 75-03-11.1-29** are amended to add North Dakota Century Code chapter 50-11.1 to the provisions requiring corrections of violations and to make minor changes to ensure these sections are consistent with each other.

**Sections 75-03-07.1-11, 75-03-08-30, 75-03-09-30, 75-03-10-30, 75-03-11-30, and 75-03-11.1-30** are amended to add North Dakota Century Code chapter 50-11.1 to the provisions regarding fiscal sanctions and to make minor changes to ensure these sections are consistent with each other.

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 Thursday, October 4, 2012.

**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 17th day of August, 2012.