

2009 HOUSE HUMAN SERVICES

HB 1472

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1472

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 27, 2009

Recorder Job Number: 7847

Committee Clerk Signature



Minutes:

Chairman Weisz called hearing on HB 1472 to order.

Rep. Thoreson from District 44 in Fargo sponsor of bill: introduced and testified in support of bill.

Rep. Berg from District 45 sponsor of bill: testified in support stating there aren't enough day care providers in the state. It's difficult to start up a day care and understand the rules and regulations. The intent of this bill is to have 7 members on this board that they re-write the rules. I want common sense in these rules and to ensure our children are safe and rules are done. This adversary committee would work with dept. as they work through the new rules and then they will recommend rule changes to our administrative rules committee. My goal is to make ND the best place in the country for day care.

Chairman Weisz: Subsection 3 where you are delaying rule making until group meets, can't implement any rules until 2011 even if legislation in 2009?

Rep. Berg: My preference is the new rules would be in place as quickly as possible. I'm in favor of moving that deadline up as soon as possible.

Rep. Potter: Focus is really child day care and I didn't hear you talk about education. Do you see this bill having this?

Rep. Berg: I would follow the money. I think if you look at all the money you spent appropriated and money that wasn't, it's not (inaudible) an equal basis. Last time regulations were changed was 1999. Let's empower the people who are doing this day in and day out to help streamline things and make common sense changes as we move forward.

Rep. Conrad: Distinguish between for profit and non-profit. Is family day care for profit?

Rep. Berg: Not an expert on this. There are two different levels. In home day care and then we have places like YMCA. Most grant dollars go to non-profit day care centers. Need to encourage private sector and help them too.

Rep. Conrad: What rules need to be changed?

Rep. Berg: Guidelines not clear such as background checks, guidelines to conduct TB tests, CPR and first aid certificates, some do, some don't. They're not reprimanded if they don't.

Opposition to bill.

JoAnn Brager, Vice-President of Public Policy for ND Association for the Education of Young Children: testified in opposition. **See Testimony #1.**

Statement from Rep. Berg.

Rep. Berg: Things that were presented here (referring to Testimony #1), that was not my intent.

Hearing clsd.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1472

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 4, 2009

Recorder Job Number: 8711 9 min. 22 sec.

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Weisz: Let's look at HB 1472. Some issues and opposition by Appropriation for the Education of Young Children. Intent (inaudible) with child care. The bill says child care services which is why there is opposition by the Appropriation for the Education of Young Children.

Rep. Kilichowski: motion for a DO NOT PASS.

Rep. Holman: Second.

Rep. Conrad: I believe we have one for profit center in Minot and 14-20 non-profit. It not structured (inaudible). This is a little pre-mature.

Rep. Potter: There's another bill, HB 1400 that sort of duplicates.

Chairman Weisz: You're right, there is another bill for childhood services.

Rep. Conrad: Talking with some of the dept., they do have (inaudible). They can come and testify if they don't like this (inaudible).

Roll Call Vote For a DO NOT PASS: 12 yes, 0 no, 1 absent Rep. Hofstad

Motion carried on a DO NOT PASS

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1472

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9270

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Weisz: Let's take up 1472. Is there a motion to bring it back ?

Rep. Kilichowski: Motion to bring back HB 1472 to the committee.

Rep. Porter: Second.

Voice Vote: 13 yeas, 0 nays, 0 absent.

MOTION CARRIED.

Rep. Berg from District 45 gave an informational briefing: The people who spoke against the bill met up in Legislative Council and we went through the statute and Rep. Hofstad had gotten that information, but unfortunately wasn't here when you took the bill up. The concerns I heard addressed at the hearing are already exempted in statute. You just received our Century Code Statute and if you will look at 7 at the handout you just received, it talks about the things that are exempted. The intent of this bill was to simply create a better communication system between the department who's licensing and regulating the daycares that you normally think of by creating a board that would work on the rules and regulations. Other issue in discussion was, if we have someone who has a private daycare in another town other than Bismarck, they are going to hire someone to watch the kids while they come to a meeting here. The

amendment before us would add a fiscal note that will allow those people to be compensated.

Dept. of Human Services has a policy like this for other people who are coming to a meeting.

Rep. Kilichowski: What's the reason for emergency.

Rep. Berg: Every 10 years they go through their new rules and regulations for daycare and if you have the emergency clause on there then they can start organizing to include these people. It will require the Governor to appoint some people for the board.

Vonnette Richter: from Legislative Council gave information only: Talked about definitions and how they apply to bill.

Rep. Hofstad: Motion to move amendments.

Rep. Kilichowski: Second.

Voice Vote: 13 yeas, 0 nays, 0 absent.

MOTION CARRIED:

Rep. Potter: Is there a bill like this in the Senate side?

Chairman Weisz: I'm not familiar with one.

Rep. Hofstad: Motion for a DO PASS AS AMENDED.

Rep. Frantsvog: Second.

Rep. Conrad: Have some concerns. And have to oppose this.

Roll Call Vote: 7 yes, 6 no, 0 absent.

MOTION CARRIED ON DO PASS.

BILL CARRIER: Rep. Hofstad.

FISCAL NOTE

Requested by Legislative Council
03/13/2009

Amendment to: Reengrossed
HB 1472

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$20,776		\$20,776	
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

A bill relating to the creation of an early childhood services advisory board.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section one of this bill creates an early childhood services advisory board, of which members are to be appointed by the director of human services to a four year term. The board is to be composed of seven members and those serving on the board will be entitled to reimbursement for travel expenses and compensation for their time while serving on the board. A member will also receive reimbursement of up to \$100 per day to provide for a substitute early childhood services provider while a member performs their official duties.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Those serving on the board are entitled to reimbursement for travel related expenses which would include meals, lodging and mileage, \$11,816, as well as an honorarium for their participation at board meetings \$3,360. Members would also be eligible to receive reimbursement to provide for a substitute early childhood services provider while a member performs their official duties \$5,600.

The travel reimbursement was factored on one meeting per quarter including: 1.5 days of meal reimbursement (\$25 x 1.5 days x 8 meetings x 7 members), one night lodging including taxes (\$61 x 1 night x 8 meetings x 7 members) and round trip mileage at \$.45 per mile (250 miles x \$.45 x 8 meetings x 7 members). Additionally, the members would be provided a \$60 honorarium (\$60 x 8 meetings x 7 members). Since all board members could represent child care providers the cost for the substitute early childhood services provider was calculated as such, 7 members x 8 days x \$100 per day maximum

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

Appropriation of \$20,776 is included in the Department of Human Services appropriation bill (HB1012).

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	03/15/2009

FISCAL NOTE
Requested by Legislative Council
02/13/2009

Amendment to: HB 1472

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$20,776		\$20,776	
Appropriations			\$20,776		\$20,776	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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A bill relating to the creation of an early childhood services advisory board.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section one of this bill creates an early childhood services advisory board, of which members are to be appointed by the director of human services to a four year term. The board is to be composed of seven members four of which are to represent for-profit early childhood service providers. Those serving on the board will be entitled to reimbursement for travel expenses and compensation for their time while serving on the board. A member will also receive reimbursement of up to \$100 per day to provide for a substitute early childhood services provider while a member performs their official duties.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Those serving on the board are entitled to reimbursement for travel related expenses which would include meals, lodging and mileage, \$11,816, as well as an honorarium for their participation at board meetings \$3,360. Members would also be eligible to receive reimbursement to provide for a substitute early childhood services provider while a member performs their official duties \$5,600.

The travel reimbursement was factored on one meeting per quarter including: 1.5 days of meal reimbursement (\$25 x 1.5 days x 8 meetings x 7 members), one night lodging including taxes (\$61 x 1 night x 8 meetings x 7 members) and round trip mileage at \$.45 per mile (250 miles x \$.45 x 8 meetings x 7 members). Additionally, the members would be provided a \$60 honorarium (\$60 x 8 meetings x 7 members). Since all board members could represent child care providers the cost for the substitute early childhood services provider was calculated as such, 7 members x 8 days x \$100 per day maximum

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

The Department of Human Services appropriation bill (HB1012) does not include funding for this advisory board. General fund appropriation of \$20,776 will be needed in 2009-2011.

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	02/13/2009

FISCAL NOTE
Requested by Legislative Council
01/20/2009

Bill/Resolution No.: HB 1472

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$15,176		\$15,176	
Appropriations			\$15,176		\$15,176	

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

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Section one of this bill creates an early childhood services advisory board, of which members are to be appointed by the director of human services to a four year term. The board is to be composed of seven members four of which are to represent for-profit early childhood service providers. Those serving on the board will be entitled to reimbursement for travel expenses and compensation for their time while serving on the board.

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A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Those serving on the board are entitled to reimbursement for travel related expenses which would include meals, lodging and mileage, \$11,816, as well as an honorarium for their participation at board meetings \$3,360.

The travel reimbursement was factored on one meeting per quarter including: 1.5 days of meal reimbursement (\$25 x 1.5 days x 8 meetings x 7 members), one night lodging including taxes (\$61 x 1 night x 8 meetings x 7 members) and round trip mileage at \$.45 per mile (250 miles x \$.45 x 8 meetings x 7 members). Additionally, the members would be provided a \$60 honorarium (\$60 x 8 meetings x 7 members).

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The Department of Human Services appropriation bill (HB1012) does not include funding for this advisory board.

General fund appropriation of \$15,176 will be needed in 2009-2011.

Name:	Brenda M. Weisz	Agency:	DHS
Phone Number:	328-2397	Date Prepared:	01/26/2009

Date: 2-4-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1472

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended

Motion Made By Rep. Kilichowski Seconded By Rep. Holman

Representatives	Yes/	No	Representatives	Yes/	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTZVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	A		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 12 No 0

Absent 1 Rep. Hofstad

Bill Carrier Rep. Kilichowski

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

REPORT OF STANDING COMMITTEE

HB 1472: Human Services Committee (Rep. Welsz, Chairman) recommends DO NOT PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1472 was placed on the Eleventh order on the calendar.

VR
2/12/1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1472

Page 1, line 2, after "board" insert "; and to declare an emergency"

Page 1, line 21, after the underscored period insert "A member also is entitled to be reimbursed up to one hundred dollars per day for the expenses incurred by the member which relate to the hiring of a substitute early childhood services provider in order that the member may attend meetings and perform the member's official duties."

Page 2, after line 19, insert:

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

Renumber accordingly

Date: 2-11-09

Roll Call Vote #:

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1472

House HUMAN SERVICES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

☒ Do Pass☐

Do Not Pass

☒

Amended

Motion Made By

Rep. Hofstad

Seconded By

Rep. Frantsoog

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN		✓
VICE-CHAIR VONNIE PIETSCH		✓	REP. KARI L CONRAD		✓
REP. CHUCK DAMSCHEN		✓	REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSOOG			REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER		✓
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM		✓			

Total (Yes)

7

No

6Absent 0

Bill Carrier

Rep. Hofstad

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

*Motion Carried
on DO PASS*

REPORT OF STANDING COMMITTEE

HB 1472: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 2, after "board" insert "; and to declare an emergency"

Page 1, line 21, after the underscored period insert "A member also is entitled to be reimbursed up to one hundred dollars per day for the expenses incurred by the member which relate to the hiring of a substitute early childhood services provider in order that the member may attend meetings and perform the member's official duties."

Page 2, after line 19, insert:

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

Renumber accordingly

2009 SENATE HUMAN SERVICES

HB 1472

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/2/09

Recorder Job Number: 9937, 9997

Committee Clerk Signature

Mary R. Moxson

Minutes:

Senator J. Lee opened the hearing on HB 1472 relating to the creation of an early childhood services advisory board; and to declare an emergency.

Rep. Blair Thoreson (District 44) introduced HB 1472 and asked for the support of the committee. He referred the committee to page 2 starting in subsection c of section 2. He said this is what the bill is really about.

Rep. Rick Berg (District 45) testified in support of HB 1472. He referred the committee to lines 15-18 on the last page of this bill and said he thought this was the solution to the problems in the ND. The challenge is how to meet the need out there. This bill takes a different approach which he talked about. The concept is to create a 7 member advisory board balanced between for profit day care and nonprofit day care. The 1st challenge facing the day care industry is a rewrite of their rules. That is the purpose of the emergency clause. He explained that the purpose of the fiscal note. In the House there were those who were concerned with the funding and, as a result, the emergency clause failed on the floor. The money was added in the human services dept.

The emergency clause was discussed and was noted that it was still in the bill.

Rep. Berg provided the committee with a copy of the definitions from the century code.

Attachment #1

JoAnn Brager (VP of Public Policy for the ND Association for the Education of Young Children) testified in opposition to HB 1472. Attachment #2

Senator Dever asked if she provided the same testimony in the House.

Ms. Brager replied that she did.

Rep. Berg reappeared at the podium to emphasize a couple of points. (1) All the rules are approved by the legislative administrative rules committee. (2) There are a lot of childcare related organizations but they are primarily made up of agencies, non profits, and people who have the ability to take time off and be involved. What is being looked at here is a group that he thinks has the biggest opportunity to meet the childcare need – the private sector people.

It is a very focused effort.

Senator J. Lee asked if there was a potential melding with HB 1400.

Rep. Berg said his concern with 1400 is that it is the K-12 funding bill and that isn't the way they want to go.

Senator J. Lee asked if anyone from the Dept. of Human Services would have anything to say.

Linda Jagielo (Early Childhood Services Administrator, Dept. of Human Services) said her understanding of 1400 was that the early learning council is coming from federal legislation that was passed with the head start batch in Dec. The idea behind that council is to pull all different kinds of early childhood together. It was her understanding and her opinion that the intent of this bill could be covered in a subcommittee for 1400.

Senator Dever thought that was talking about preschool education and this bill is talking about childcare.

Ms. Jagielo said it was supposed to be all encompassing.

Senator Dever said he felt some discomfort with institutionalization of early childhood.

Discussion followed on the idea of government sponsored preschool, kids not being ready for school, and what can be done about preparing kids for school.

Senator J. Lee asked everyone to think about what can be done to blend 1472 with what is already out there. She didn't think there was a need for several boards and commissions and task forces.

Rep. Berg thought there has been a lot of confusion on this. He thought the two were very compatible – 1400 and 1472. He explained his long term goals and addressed the dangers he could see.

The hearing on HB 1472 was closed.

Job #9997

Senator J. Lee opened HB 1472 for committee work.

There was discussion about already having enough boards and some possible redundancy if this one is formed. Child care related to economic development was talked about as well as committees that already deal with this topic.

Reimbursement for expenses to participate on the board was discussed.

It was pointed out that some of the meetings for child care providers can be a two day event which makes it difficult especially for the home day care providers. It was suggested that this could be done interactively which would eliminate traveling and could be done in the evenings.

Senator Erbele moved a **Do Not Pass**.

Second by **Senator Heckaman**.

Senator Dever pointed out that he would be opposed to the motion. One of the topics of discussion was the new proposals for preschool. He went on to say some of the discussion indicated that it would probably close some of the private preschools because it would be free through our public institutions. Also that it might close some of the child care facilities because people will send their kids to the preschool rather than to the child care facility. It seemed to him that we are turning the kids over to the government which is a concern for him.

The preschool being part of the public school system was discussed and if the education commission is looking at putting government money into preschool in the public schools and private entities.

Senator Heckaman voiced concerns about having only providers on the committee proposed by HB 1472.

Senator Pomeroy talked about it being hard to get seven people for the committee who would be able to look at the whole state.

Senator J. Lee asked if there was any reason to know more about the other groups before voting. With no real concerns voiced, she called for the vote.

Roll call vote 4-1-1. **Motion carried.**

Carrier is **Senator J. Lee**.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/3/09

Recorder Job Number: 10066, 10099

Committee Clerk Signature	<i>Mary K Monson</i>
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Minutes:

Senator J. Lee reopened HB 1472. She explained that Carol Olson from Dept. of Human Services had been unable to be at the hearing and wanted the committee to know that she felt this was important. She was unaware that the committee had already voted a do not pass on it. **Senator J. Lee** asked the committee if they would reconsider their actions so they could hear more from the department on why this would be helpful.

Senator Pomeroy moved to reconsider HB 1472.

Second by **Senator Dever**.

The motion passed on a voice vote 3-1 (**Senator Heckaman**).

Tara Muhlhauser (Dept. of Human Services) thanked the committee for reconsidering HB 1472 and said the dept. does support this bill. It is one of the efforts that help them bring a provider voice and more of a citizen voice to the work they do in childcare. They have a lot of constituent input that comes their way but a lot of times it is after the fact. This would help the dept. get ahead of this and bring the providers on board to give advice and counsel about rules, program issues, and opportunities to have discussions about what is going on in the childcare community. The dept. would value the opportunity to work with a council of this sort and bring in the providers to the table to work more formally with them.

Some of the providers feel like they are not equally represented at the table.

Senator J. Lee informed the dept. that one of the things the committee discussed was that they were trying to not be redundant. She asked them to comment on the other boards or councils that include child care providers.

Ms. Muhlhauser explained that the Early Learning Council does have child care components and sits at the early learning council table. The dept. views the council under 1472 to be a council that would be focused specifically and only on child care issues and issues that are more programmatic in nature as opposed to the Early Childhood Council that talks about more collaborative issues. (Meter 04:00) She feels they are certainly complimentary but not duplicative

Senator Pomeroy (Meter 05:30) pointed out that one size fits all is the problem. He voiced his concerns of whether the seven members would represent everyone or if they would all have their individual concerns.

Ms. Muhlhauser responded that part of the challenge will be for the executive director to look not only in terms and geography but also the constellation of people that would be appointed. The good advisory council always starts with the mission of recognizing that people represent the entity they come from but there is an expectation that they will also represent similarly situated entities outside of their geographic areas. (Meter 07:25)

Senator Heckaman asked what other kinds of advisory boards are being formed to help the dept. work on early childhood services.

Ms. Muhlhauser said she wasn't aware of any formal advisory council. (Meter 09:10) She talked about people the program administrator brings together for different reasons which isn't a consistent cover. There are strong feelings that centers have not been equally represented.

Senator Heckaman said her concern was that they would only be getting the provider. She thought this should be expanded to include a variety of stakeholders. This is a narrow group of individuals. That's why she liked the other committees that were talked about. She referred to testimony on the ND Association for Education of Young Children who has a number of providers. Why couldn't that be the organization to provide the input versus starting another group?

Ms. Muhlhauser said that particular organization doesn't always include the entire provider community. Apparently there is a reason that the greater provider community feels like they don't necessarily fit into that organization.

Senator Heckaman was concerned about the narrowness of the scope.

Ms. Muhlhauser said one of the things she could offer is that the more focused work on building the rules would be the work of this committee. There would still be plenty of opportunity in the rulemaking process for those outside stakeholders to have comment. She talked more about the rulemaking process.

Senator J. Lee said the idea of having someone from the Early Childhood Learning Council on this committee might address some of the concern by **Senator Heckaman**. (Meter 15:20)

Senator Dever offered information that home child care providers had concerns that their concerns were not being addressed. (Meter 16:30)

Senator J. Lee talked about the benefits of day care providers such as Merit Care which is non profit and Scheels which is for profit. The partnership between childcare providers and businesses needs to be enhanced.

Senator Heckaman asked if someone from the reservations could be included.

Ms. Muhlhauser said they would be very open to that. She said right now they are working with a number of reservation communities with the Bush grant. They are developing their infant and toddler programs.

Senator Dever asked if there are jurisdictional issues as far as the dept. involvement in child care providers on the reservation.

Ms. Muhlhauser said their contract for childcare resource and referral does serve reservation based areas. They bring them into training and offer them developmental opportunities.

There are some jurisdictional problems. The dept. rules do not apply on the reservation unless they want them to. (Meter 22:00)

Senator J. Lee recessed committee work.

Job #10099

Senator J. Lee reconvened the committee to work on HB 1472.

An amendment was discussed to include a 4 year sunset.

Senator Pomeroy asked why it was specified that the board would have at least 4 members from for profit early childhood services and no more than 3 from non profit.

Senator Dever said there was concern on the part of the sponsors that they didn't want schools and other public entities to have a majority vote on this board.

Senator J. Lee thought the size of the center was maybe more important. (Meter 05:28)

Senator Heckaman said her concern was they would all come from one corner of the state. She suggested having one childcare representative out of each of the human service regions. There was discussion that all areas of the state would then be represented.

This should be only those that provide all day child care which would eliminate schools who only do after school programs.

Tara Muhlhauser appeared on a request from **Senator J. Lee** and answered the question posed by **Senator Pomeroy** about the number of members. It was her understanding that providers who run centers have felt they have been under represented in some of the collaborative discussions that have taken place to date. (Meter 11:00)

The emergency clause was discussed.

Senator Dever asked who the dept. would like to see at the table.

Ms. Muhlhauser replied that they would like to see licensures of every variety.

Discussion followed on taking out the four and three and let the dept. choose.

Carol Olson from the Dept. of Human Services entered in the discussion. She didn't want to limit the group but also didn't want it to become so large that nothing would get done.

Wording was discussed on having a broad based geographically balanced membership on the committee and if more than seven members were needed to include everyone.

The thought was that the tribal representative and the representative from the NDAEYC could be fit under the seven.

Ms. Olson said the dept. could work it out. They will make sure the representation on the committee is what is needed to get the debate and dialogue going. on the programmatic day care issues.

More discussion followed on how to word the amendment (Meter 21:00)

The emergency clause needs to be back on and they want a 4 year sunset.

The \$100 reimbursement for hiring a substitute was discussed and some opposition was voiced. This probably addresses the concerns of the 2 or 3 people operation more so than the centers.

Senator J. Lee asked the intern to draft the amendment and recessed committee work on HB 1472.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/11/09

Recorder Job Number: 10758, 10760

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee informed the committee that they now had the corrected bill (0400) to work on.

Job # 10760

The amendments dated 3/11/09 were reviewed. Attachment #3

Senator Heckaman moved to accept the amendments.

Second by **Senator Dever**.

Roll call vote 6-0-0. Amendment adopted.

Senator Heckaman moved a **Do Pass as Amended** and rerefer to Appropriations.

Second by **Senator Dever**.

Roll call vote 5-1-0. Motion carried.

Carrier is Senator J. Lee.

Date: 3/2/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais		
Senator Dick Dever		✓	Senator Jim Pomeroy	✓	

Total (Yes) 4 No 1

Absent 1

Floor Assignment Senator J. Lee

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

Date: 3/3/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☐ Adopt Amendment ☒ Reconsider

Motion Made By Sen. Pomeroy Seconded By Sen. Dever

[illegible]

Total (Yes) 3 No 1

Absent 2

Floor Assignment _____

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

[Signature]
3/12/09

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1472

Page 1, line 2, after "board" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 9, replace "at least four members who represent for-profit early childhood service" with "a broad-based geographically distributed membership"

Page 1, remove line 10

Page 1, line 11, remove "childhood service providers"

Page 2, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 3/11/09

Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations
☒ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 3/11/09

Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HB 1472

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90743.0401 Title 0500

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☒ Rerefer to Appropriations
☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair		✓	Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 5 No 1

Absent 0

Floor Assignment Senator J. Lee

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

REPORT OF STANDING COMMITTEE

HB 1472, as reengrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 2, after "board" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 9, replace "at least four members who represent for-profit early childhood service" with "a broad-based geographically distributed membership"

Page 1, remove line 10

Page 1, line 11, remove "childhood service providers"

Page 2, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2009 SENATE APPROPRIATIONS

HB 1472

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1472

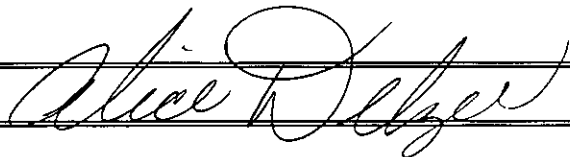
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-18-09

Recorder Job Number: 11179

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee to order in reference to HB 1472 in regards to the creation of an early childhood services advisory board.

Representative Rick Berg, District 45 explained the bill to the committee. It is trying to accomplish one simple objective. And that is to engage the people throughout North Dakota operating childcare/daycare facilities the rules and regulations that their industry would be governed by. What this bill does is basically creates a small board of childcare providers that would work with the Department of Human Services. In the course of this debate the discussion was someone that is running a daycare with maybe 100 children cannot just come to Bismarck for a meeting. They will have to hire someone to take their position at daycare. So the fiscal note on this was a result of those people on the board, if they are coming to meet and help create the rules for their industry that we would compensate them a per diem mileage and if they did hire someone we would in fact reimburse up to \$100.00 a day for the person they would hire. The dollars for this bill were put in the Department of Human Services budget so that really is the question This bill has a fiscal note and that is why it is here. .

Senator Krauter Was this money put in by the governor?

Rick Berg No, it was put in by the House. But when we passed this bill in the House we said we would put so much money (2.45) that was in the budget.

VICE-CHAIRMAN GRINDBERG MOVED A DO PASS. SECONDED BY VICE-CHAIRMAN BOWMAN. A ROLL CALL VOTE WAS TAKEN RESULTING IN 14 YEAS, 0 NAYS, 0 ABSENT. SENATOR JUDY LEE WILL CARRY THE BILL. (03.59)

Chairman Holmberg closed the hearing on HB 1472.

JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children submitted written testimony # 1 in support of the reengrossed bill but did not testify.

Date: 2/18

Roll Call Vote #

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1472

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Grindberg Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch	✓		Sen. Tim Mathern	✓	
Sen. Tony S. Grindberg, VCh	✓		Sen. Aaron Krauter	✓	
Sen. Bill Bowman, VCh	✓		Sen. Larry J. Robinson	✓	
Sen. Randel Christmann	✓		Sen. John Warner	✓	
Sen. Rich Wardner	✓		Sen. Elroy N. Lindaas	✓	
Sen. Ralph L. Kilzer	✓		Sen. Tom Seymour	✓	
Sen. Tom Fischer	✓				
Sen. Karen K. Krebsbach	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Committee

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

Sen. Judy Lee

REPORT OF STANDING COMMITTEE (410)
March 18, 2009 10:10 a.m.

Module No: SR-49-5192
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1472, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Reengrossed HB 1472 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1472

#1

January 27, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairman Weisz and members of the Human Services Committee

Re: HB 1472, Relating to the creation of an early childhood services advisory board

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members who work with and on behalf of children ages birth through age 8 years.

The Association opposes this bill for several reasons but there is confusion among early childhood professionals with the apparent synonymous use of the terms "early childhood services" and "child care". It appears that HB 1472 intends to set up a committee to review child care licensing rules as written by the ND Department of Human Services. While "child care" is an early childhood service, not all early childhood services are "child care."

The first reason for opposition is an apparent duplication of effort as HB 1400 Section 30 has a North Dakota early learning council established at a state level and a subcommittee could easily perform the primary functions of HB 1472. There are already many state-level advisory councils or groups that could simply be asked, and would be happy to do so, to review child care regulatory rules and work in conjunction with the Department of Human Services.

The second reason for opposition is that the rules for early childhood services does not relate to just one set of rules. Early childhood services

includes rules set forth for child care by the ND Department of Human Services; Head Start Performance Standards set forth in conjunction with the Improving Head Start for School Readiness Act of 2007 and monitored by the Office of Head Start; Individualized Education Plan rules set forth by Individuals with Disabilities Act and monitored through the ND Department of Public Instruction; Individualized Family Service Plan rules set forth by Individuals with Disabilities Act and monitored through the Department of Human Services. And that does not include other rules for early childhood services such as Child Find, Right Track, New Born home visitation, and Early Head Start, to name a few.

While the apparent intent of HB 1472 is to have a group of non-state employees be a resource to the Department of Human Services, the interpretation to early childhood professionals is confusing and duplicated. We urge you to not pass this bill.

#1

50-11.1-02. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Authorized agent" means the county social service board, unless another entity is designated by the department.

2. "Child care center" means an early childhood facility where early childhood services are provided to nineteen or more children.

3. "County agency" means the county social service board in each of the counties of the state.

4. "Department" means the department of human services.

5. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.

6. "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, drop-in care center, or known by any other name.

7. "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, on or near the premises.

Church / Bible School
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.

child care for sick children
j. Child care provided by a hospital by medical personnel within the physical structure of the hospital to children who are ill.

8. "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.

9. "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.

10. "In-home provider" means any person who provides early childhood services to children in the children's home.

11. "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, drop-in care center, or preschool educational facility.

12. "Multiple licensed facility" means an early childhood facility that provides more than one type of early childhood services.

13. "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.

14. "Registrant" means the holder of a registration document issued by the department in accordance with this chapter.

15. "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.

16. "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.

Source. S.L. 1975, ch. 444, § 2; 1979, ch. 509, § 2; 1981, ch. 491, § 1; 1985, ch. 526, § 2; 1987, ch. 578, § 1; 1989, ch. 582, § 1; 2001, ch. 161, § 28; 2005, ch. 418, § 5; 2005, ch. 419, § 1.

50-11.1-02.1. Number of children in program — How determined.

For the purpose of determining the number of children in an early childhood facility, all children of the operator or employees, present in the facility and under the age of twelve years, must be counted except for purposes of determining fire, safety, or zoning requirements.

Source. S.L. 1981, ch. 491, § 10; 1985, ch. 526, § 3.

March 2, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairperson Lee and members of the Senate Human Services Committee

Re: HB 1472, Relating to the creation of an early childhood services advisory board

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members who work with and on behalf of children ages birth through age 8 years.

The Association opposes HB 1472 intends to set up a center care director committee to review child care licensing rules as written by the ND Department of Human Services.

The first reason for opposition is that the rules for early childhood services does not relate to just providers. Rules are put into place to ensure the health, welfare and safety of our most vulnerable North Dakota citizens, our children. It is up to us adults to ensure quality standards are maintained and improved upon. I have attached the complete 27-page North Dakota child care center regulations to my testimony. As an early care and education provider the rules are minimal and put children's health, welfare and safety first.

The second reason for opposition is an apparent duplication of effort as HB 1400 Section 30 has a North Dakota early learning council established at a state level and a subcommittee could easily perform the primary functions of HB

1472. In addition to HB 1400, the largest and most inclusive state wide committee already in place for several years is the Healthy North Dakota Early Childhood Alliance which is a group of over 50 agency, parent, and advocacy organization representatives developed as parts of efforts to build a comprehensive plan for early childhood in the state. There are five subcommittees: Access to Health Insurance and Medical Home, Mental Health and Social/Emotional Development, Early Care and Education/child care, Family Support and Parent Education. One of the key goals is to establish critical pathways, including checks and balances for child care licensure standards and practices and to assure uniformity of delivery statewide. This state-wide committee is already in place and could easily meet the intent of HB 1472. Regional organizations include Dickinson and Fargo's United Way's Success by Six and Region VII Children Services Coalition Early Childhood Taskforce.

The third reason for opposition is that the Department of Human Services provides ample opportunity to have input into rule making. Hearings are held across the state, all comments are reviewed and responded to and all licensed care providers are provided with notice of rule making.

While the intent of HB 1472 is to have a group of non-state employees be a resource to the Department of Human Services, it duplicates other committees that are already organized and could easily meet the spirit of this bill. We urge you to not pass HB 1472.

Child Care Center - North Dakota Early Childhood Services Chapter 75-03-10(1/1/99)**75-03-10-01. Purpose.**

Repealed effective January 1, 1999.

75-03-10-02. Authority and objective.

Repealed effective January 1, 1999.

75-03-10-03. Definitions.

As used in this chapter:

1. "Attendance" means the total number of children present at any one time at the facility.
2. "Caregiver" means any individual whose prime responsibility is the provision of direct care, supervision, and guidance to children in a child care center under the guidance and supervision of the child care center operator.
3. "Child care center" means an early childhood facility where early childhood services are provided to nineteen or more children.
4. "Child care center director" means any individual responsible for overseeing and planning the day-to-day child care center activities.
5. "Child care center operator" means the individual who has the legal responsibility and the administrative authority for the operation of a child care center. The child care center operator is the applicant for license or the licensee under this chapter.
6. "Child care center supervisors" means any individual with the responsibility for organizing and supervising daily program activities.
7. "Department" means the North Dakota department of human services.
8. "Emergency designee" means an individual designated by the child care center operator to be a backup caregiver for emergency assistance or to provide substitute care.
9. "Parent" means an individual bearing the legal relationship of father or mother to a child enrolled in a child care center, including an individual who legally stands in place of a parent, including a legal guardian or custodian.
10. "Staff member" means operator, substitute staff, volunteer, care giver, or other individual whose prime responsibility is the provision of direct care, supervision, and guidance to children in the child care center.
11. "Substitute staff" means paid or unpaid staff who work less than thirty-two hours per month.
12. "Volunteer" means an individual who visits or provides an unpaid service or visit, including a fireperson for fire safety week, McGruff, or Santa Claus person.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996,

amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-02

75-03-10-04. Effect of licensing and display of license.

1. The issuance of a license to operate a child care center is evidence of compliance with the standards contained in this chapter and North Dakota Century Code chapter 50-11.1 at the time of licensure.

2. The current license must be displayed in the premises to which it applies.

3. The license must specify the maximum number of children who may be cared for by the center. The center may at no time admit a greater number of children.

History: Effective December 1, 1981; amended effective July 1, 1996; -July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-03, 50-11.1-04

75-03-10-05. Denial or revocation of license.

1. A license may be denied or revoked under the terms and conditions of North Dakota Century Code sections 50-11.1-04, 50-11.1-09, and 50-11.1-10.

2. If an action to revoke a license is appealed, the licenseholder may continue the operation of the child care center pending the final administrative determination or until the license expires, whichever occurs first; provided, however, that this subsection does not limit the actions the department may take pursuant to North Dakota Century Code section 50-11.1-12.

3. The department may revoke a license to operate a child care center without first issuing a correction order.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-09

75-03-10-06. Provisional license.

1. The director of a regional human service center, in the director's discretion, or the director's designee, may issue a provisional license for the operation of a newly opened child care center or for a previously licensed child care center, although the child care center fails to comply with all applicable standards and rules of the department.

2. A provisional license must:

- a. Prominently state that the child care center has failed to comply with all applicable standards

and rules of the department;

b. State that the items of noncompliance are set forth on a document available upon request made to the child care center's operator;

c. Expire at a set date, not to exceed six months from the date of issuance; and

d. Be exchanged for an unrestricted license, which bears the same date of issuance as the provisional license, upon demonstrating compliance, satisfactory to the department, with all applicable standards and rules.

3. A provisional license may be issued only to an applicant who has waived, in writing:

a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and

b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the nonissuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license.

4. Any provisional license issued must be accompanied by a written statement of violations signed by the regional director of the human service center or the regional director's designee and acknowledged in writing by the operator.

5. Subject to the exceptions contained in this section, a provisional license entitles the holder to all rights and privileges afforded the holder of an unrestricted license.

6. The department may not issue a provisional license if the facility is not in compliance with section 75-03-10-17 or 75-03-10-18.

7. The operator shall prominently display the provisional license.

8. The operator shall provide parents notice that the facility is operating on a provisional license and the basis for the provisional license.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-07, SC-11.1-C7.2, 50-11.1-08

75-03-10-07. Application for and nontransferability of child care center license.

An application for a license must be submitted to the county agency in the county in which the facility is located.

1. Application must be made in the form and manner prescribed by the department.

2. The license is nontransferable and is valid only on the premises that are indicated on the license.

3. A new application for a license must be filed by a licensed center upon change of operator or location.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC SC-11.1-C8

Law Implemented: NDCC 50-11.1-03, SC-11.1-04

75-03-10-08. Duties of child care center operator.

1. The operator of a child care center is responsible to the department for compliance with the requirements set forth in the standards and North Dakota Century Code chapter 50-11.1. In meeting this responsibility, the operator shall ensure:

- a. Establishment of the child care program;
- b. An application is made for a license for each child care center operated;
- c. Creation of an outline of a written plan and policies for the operation of each child care center;
- d. Notification is provided to the county agency of any major changes in the operation or in the ownership or governing body of the child care center and of any staff or caregiver changes;
- e. Liability insurance for bodily injury and property damage for the child care center is carried;
- f. Formulation of written policies and procedures relating to:
 - (1) Hiring practices and personnel policies for staff;
 - (2) Methods for obtaining references and employment histories of staff;
 - (3) Methods of conducting staff performance evaluations;
 - (4) Children's activities, care, and enrollment; and
 - (5) The responsibilities and rights of staff and parents;
- g. Maintenance of required enrollment, attendance, health, financial, and related records;
- h. Responsibility for all child care center staff, volunteers, or others who provide services in the facility and for notifying the department and county agency of any change of directors;
- i. Maintenance of necessary information to verify staff qualifications and to ensure safe care for the children in the child care center;
- j. Designation of a qualified director;
- k. That parents of enrolled children and other interested parties are informed of the goals, policies,

procedures, and content of the child care center's program, including:

- (1) An explanation of how accidents and illnesses may be dealt with; and
 - (2) Methods of discipline and developmentally appropriate guidance techniques to be used;
- l. That parents of enrolled children:
 - (1) Are advised of the center's service fees, operating policies and procedures, location, and the name, address, and telephone number of the operator and the director; and
 - (2) Receive written notice of the effective date, duration, scope, and impact of any significant changes in the center's services;
 - m. That the center is sufficiently staffed at all times to meet the child and staff ratios for children in attendance and that no more children than the licensed capacity are served at any one time;
 - n. That the child care center has sufficient qualified caregivers available to substitute for regularly assigned staff who are sick, on leave, or who are otherwise unable to be on duty;
 - o. That written agreements with the parents of each child specify the fees to be paid, methods of payment, and policies regarding delinquency of fees;
 - p. That written policies are established which provide for emergency medical care, the care of children with special physical, emotional, or mental needs, if children with these needs are in care, and the treatment of illness and accident;
 - q. That written policies are established concerning the care and safeguarding of personal belongings brought to the child care center by children or others on their behalf;
 - r. Parents are provided unlimited access and opportunities to observe their children at any time while in care, and are provided regular opportunities to meet with caregivers before and during enrollment to discuss their children's needs;
 - s. Parents are provided, upon request, any progress reports on their children;
 - t. The reporting of any suspected child abuse or neglect as required by North Dakota Century Code chapter 50-25.1 and development of a written policy for staff to handle this reporting;
 - u. That there is, at all times when children are receiving care, a staff member on duty who meets current certification requirements in basic cardiopulmonary resuscitation by the American heart association, American
 - t. red cross, or other similar cardiopulmonary resuscitation training programs and in a first-aid program approved by the department. Substitute staff are exempt from this requirement;
 - v. The development of and compliance with a procedure for accountability when a child fails to arrive for the program; and
 - w. Care check information is made available to parents.

2. If the operator of the child care center is also the director, the operator shall also meet the

qualifications of the director set forth in section 75-03-10-11.1.

3. The operator of a facility shall report within twenty-four hours to the county director or the county director's designee a death or serious accident or illness requiring hospitalization of a child while in the care of the facility or attributable to care received in the facility.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC SC-11.1-C8 Law Implemented: NDCC 50-11.1-04

75-03-10-09. Staffing and group size requirements.

1. The number of staff members and their use shall reflect program requirements, individual differences in the needs of the children enrolled, and shall permit flexible groupings, if necessary. Service personnel engaged in housekeeping and food preparation may not be counted in the child and staff ratio for periods of time when so engaged. Children with special conditions requiring more than usual care and supervision shall have adequate care and supervision provided to them without adversely affecting care provided to the remaining children in the child care center.

2. The operator of a child care center shall ensure that the center is sufficiently staffed at all times to meet the staffing requirements for children in attendance, and that no more children than the licensed capacity are served at one time. The minimum ratio of caregivers or program staff to; children in child care centers and maximum groups size of children must be:

- a. If all children in care are children less than twenty-four months of age, one staff member may care for four children, a ratio of .25 in decimal form, with a maximum group size of eight children;
- b. If all children in care are children twenty-four months of age to thirty-six months of age, one staff member may care for five children, a ratio of .20 in decimal form, with a maximum group size of ten children;
- c. If all children in care are children three years of age to four years of age, one staff member may care for seven children, a ratio of .142 in decimal form, with a maximum group size of fourteen children;
- d. If all children in care are children four years of age to five years of age, one staff member may care for ten children, a ratio of .10 in decimal form, with a maximum group size of twenty children;
- e. If all children in care are children five years of age to six years of age, one staff member may care for twelve children, a ratio of .08 in decimal form, with a maximum group size of twenty-four children; and
- f. If all children in care are children six to twelve years of age, one staff member may care for eighteen children, a ratio of .05 in decimal form, with a maximum group size of thirty-six children.

The provisions in this subsection relating to maximum group size shall not apply to child care center operators licensed prior to January 1, 1999, if such child care center operators are otherwise

qualified to operate a child care center. Any child care center operator who discontinues operation of the child care center under a valid license or who fails to renew such license upon expiration thereof shall not thereafter be exempt from the requirements relating to maximum group size.

3. If a child has a disabling condition which requires more than usual care, the child's developmental age level must be used in determining the number of children for which care may be provided.

4. When there are mixed age groups in the same room, the group size must be consistent with the age of the majority of the children when no infants, age zero to twenty-four months, or toddlers, age twenty-four months to thirty-six months, are in the mixed age group. When infants or toddlers are in the mixed age group, the group size for infants and toddlers must be maintained.

5. The number of children in each age category is divided by the corresponding ratio number and carried to the nearest hundredth. To determine the number of caregivers necessary at any given time, numbers of caregivers for all age categories are added, and any fractional caregiver count is then rounded to the next highest whole number whenever the fractional caregiver count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped.

6. Children using the licensed facility for a McGruff safe house, a block house, or a certified safe house program during an emergency may not be counted under this section.

History: Effective December 1, 1981; amended effective July 1, 1984; January 1, 1987; September 1, 1990; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-02, 50-11.1-02.1

75-03-10-10. Minimum qualifications of child care center supervisor.

A supervisor shall:

1. Have had training and demonstrated ability in working with children;

2. Meet at least one of the following qualifications:

a. An associate degree in the field of early childhood development;

b. Certification as a child development associate or similar status where such a local, state, or federal certification program exists;

c. Certification from a Montessori teacher training program; or

d. A high school diploma or high school equivalency with at least one year of experience in a child care or similar setting.

3. Possess the capacity and willingness to increase skills and competence through experience, training, and supervision;

Be an adult of good mental and physical health, capable of mature judgment, and shall possess knowledge and experience in interpersonal relationships;

5. Have current certification in basic cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs approved by the department; and

6. Certify attendance at a minimum of thirteen hours of county agency approved training related to child care annually.

History: Effective December 1, 1981; amended effective January 1, 1987; September 1, 1990; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-11. Duties of child care center director.

The child care center director shall, coextensive with the child care center operator:

1. Be responsible for program planning, supervision, and activity;
2. Be responsible for maintenance of required enrollment, attendance, health, financial, and related records;
3. Be responsible for the screening, scheduling, supervision, and conduct of staff members;
4. Ensure that a child care center has a director or a designated acting director who must be present at the center at least sixty percent of the time that the center is open;
5. Ensure that the individual designated as an acting director for an ongoing period of less than thirty days meets the qualifications of a child Care supervisor; and
6. Ensure that the individual designated as an acting director for an ongoing period of more than thirty days meets the qualifications of a child care center director.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-04

75-03-10-11.1. Minimum qualifications of child care center director.

1. A Child care center director must be an adult of good mental and physical health, capable of mature judgment, and shall possess knowledge and experience in management and interpersonal relationships.
2. A child care center director shall meet at least one of the following qualifications, in addition to those set out in subsection 1:
 - a. A bachelor's degree in the field of early childhood education with eight or more weeks of supervised student teaching experience in a child care center or similar setting;

b. A bachelor's degree with at least twenty-four semester hours or thirty quarter hours in child development, child psychology, or fields directly related thereto, with at least six months of experience in a child care center or similar setting;

c. An associate degree in the field of early childhood development with at least six months of experience in a child care center or similar setting;

d. A teaching certificate in elementary education with at least six months of experience in a child care center and at least twelve semester hours or fifteen quarter hours in child development, child psychology, early childhood education, or related fields;

e. Certification as a child development associate or similar status where such a local, state, or federal certification program exists, with at least one year of experience in a child care center or similar setting;

f. A bachelor's degree with at least twelve semester hours or fifteen quarter hours in child development, child psychology, or fields directly related thereto, with at least one year of experience in a child care center or similar setting; or

g. Certification for a Montessori teacher training program with at least one year of experience in a Montessori school, child care center, or similar setting and at least twelve semester hours or fifteen quarter hours in child development, child psychology, early childhood education, or related fields.

3. The director shall certify attendance at a minimum of thirteen hours of county-approved training related to child care annually.

History: Effective January 1, 1999. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-12. Minimum qualifications for all caregivers.

1. Caregivers shall:

a. Be at least fourteen years of age, provided that each such individual under age sixteen has written parental consent for such employment, and the employment arrangements comply with North Dakota Century Code chapter 34-07;

b. Be mentally, physically, and emotionally able to provide adequate care for the children under supervision;

c. Certify annual attendance at county-approved training related to child care;

(1) If working thirty to forty hours per week, certify thirteen hours of county-approved training annually.

(2) If working twenty to thirty hours per week, certify eleven hours of county-approved training annually.

(3) If working ten to twenty hours per week, certify nine hours of county-approved training annually.

(4) Working less than ten hours per week, certify seven hours of county-approved training annually;

d. Not use or be under the influence of any alcohol or judgment-altering drugs while children are in care; and

e. At no time place a child in an environment that would be harmful or dangerous to a child's physical or emotional health.

2. Newly hired caregivers shall have a two-day, onsite orientation to the child care program during the first week of employment. The orientation must address the following:

a. Emergency health, fire, and safety procedures at the center;

b. The importance of handwashing and sanitation procedures to reduce the spread of infection and disease among children;

c. Any special health or nutrition problems of the children; assigned to the caregiver;

d. Any special needs of the children assigned to the caregiver;

e. The planned program of activities at the child care center;

f. Rules and policies of the child care center; and

g. Child abuse and neglect laws.

3. Caregivers under the age of eighteen and all children in care shall have adult supervision in the child care center at all times.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-13. Minimum health requirements for all caregivers.

1. Each operator or caregiver shall complete a health self-certification form certifying that the operator or caregiver does not have health problems that would interfere with the person's functioning as a caregiver or that would be detrimental to the health of the children or other staff. If the operator adds or replaces a caregiver after the licensure process is complete, the operator shall submit a self-certification form completed by the new caregiver to the county agency within five working days of the caregiver's first workday.

2. Each operator or caregiver shall furnish documentation of a negative Mantoux tuberculosis test prior to initial licensure or employment, and every two years thereafter. If the operator adds or replaces a caregiver after the licensure process is complete, the caregiver shall furnish documentation of a negative Mantoux tuberculosis test before the first day of employment. Substitute staff are exempt from this requirement. A child care center operator who uses an untested emergency designee may not be found in violation of this provision.

3. If the physical or mental health of an operator or caregiver appears questionable, the department may require the individual to be evaluated by appropriate professionals, with the results provided to the department. The department is not responsible for the costs of any required evaluation.

4. While children are in care, staff members may not use or be under the influence of any alcohol or judgment-altering drugs.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-14. Minimum qualifications for volunteers.

If providing child care, volunteers shall meet qualifications of child care caregivers and receive orientation as needed for all assigned tasks.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-15. Minimum standards for provision of transportation.

1. The operator shall establish a written policy governing the transportation of children to and from the child care center, if the child care center provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the child care center. If the child care center provides transportation, the operator shall inform the parents of any insurance coverage on the vehicles. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.

2. When transportation is provided by a child care center, children must be protected by adequate staff supervision, safety precautions, and liability and medical insurance.

a. Child and staff ratios must be maintained to assure the safety of children while being transported. The department requires one bus driver per twenty children and one additional individual for twenty-one children or more.

b. A child may not be left unattended in a vehicle.

3. Children must be instructed in safe transportation conduct as appropriate to their age and stage of development.

4. The driver shall comply with all relevant state and local laws.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-88 Law Implemented: NDCC 50-11.1-04

75-03-10-16. Minimum emergency evacuation and disaster plan.

1. Each child care center shall have an approved and posted emergency disaster plan for the safety of the children in care. Written disaster plans must be developed in cooperation with the authorities.
2. Fire evacuation drills must be performed in accordance with the local fire department's guidelines.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999. General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-02, 50-11.1-02.1

75-03-10-17. Fire inspections.

1. Annual fire inspections must be completed by local or state fire authorities. The operator shall have corrected any code violations noted by the fire inspector and shall file reports of the inspections with the county licensing agency.
2. The child care center must be equipped with sufficient smoke detectors and fire extinguishers, as recommended by the local fire department.
3. The child care center shall provide:

- a. The local fire inspector's written statement of compliance with the local fire code, if there is one;
- b. The local fire inspector's written statement that the child care center has been inspected and that the inspector is satisfied that the child care center meets minimum fire and safety standards; or
- c. A written statement from an appropriate fire official that the child care center meets minimum fire and safety standards adopted by the state fire marshal.

History: Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-04, 50-11.1-07

75-03-10-18. Minimum sanitation and safety requirements.

1. In centers where meals are prepared, the state department of health shall conduct an annual inspection. If only snacks or occasional cooking projects are prepared, a state department of health inspection is not required.
2. Child care center bathroom lavatories, toilets, tables, chairs, and floors must be cleaned daily. Cots and mats must be individually labeled, and cleaned and sanitized at least weekly. If different children use the same cots or mats, they must be thoroughly cleaned and sanitized between each use. Separate storage must be provided for personal blankets or coverings.
3. The child care center's building, grounds, and equipment must be located, cleaned, and maintained to

protect the health and safety of children. Routine maintenance and cleaning procedures must be established to protect the health of the children and the caregivers.

4. Caregivers shall wash their hands before preparing or serving meals, after nose wiping, after diapering, after using toilet facilities, and after any other procedure that may involve contact with bodily fluids. Hand soap and paper towels must be available at each lavatory.
5. Indoor and outdoor equipment, toys, and supplies must be safe, strong, nontoxic, and in good repair. All toys must be easily cleanable and must be cleaned and sanitized on a routine basis.
6. The child care center ground areas must be free from accumulations of refuse, standing water, unprotected wells, debris, flammable material, and other health and safety hazards.
7. Garbage must be kept away from areas used by children and kept in containers with tight lids, made of noncombustible materials. Open burning is not permitted.
8. Exterior play areas in close proximity to busy streets and other unsafe areas must be contained, fenced, or have natural barriers to restrict children from those unsafe areas.
9. Potential hazards, including household cleaning chemicals, uninsulated wires, medicines, poisonous plants, and open stairways may not be accessible to young children.
10. Indoor floors and steps may not be slippery or have splinters. Steps and walkways must be kept free from accumulations of water, ice, snow, or debris.
11. Elevated areas, such as stairs or porches, must have railings and approved safety gates where necessary to prevent falls.
12. Child care centers shall take steps to keep the facility free of insects and rodents. Chemicals for insect and rodent control may not be applied in areas accessible to children when children are present in the facility.
13. Exit doorways and pathways may not be blocked.
14. If the center is providing care to children in wheelchairs, the center shall ensure doors have sufficient width and construction to accommodate any children in wheelchairs who are receiving care at the center.
15. Light bulbs in areas used by children must be properly shielded or shatterproof.
16. Combustible materials must be kept away from light bulbs and other heat sources.
17. There must be adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children. During the heating season when the child care center is occupied by children, the room temperature may not be less than sixty-eight degrees Fahrenheit [20 degrees Celsius] and not more than seventy-four degrees Fahrenheit [23.33 degrees Celsius] measured three feet [91.44 centimeters] above the floor. All heating devices must be approved by the local fire authorities.
18. All child care center buildings erected before January 1, 1970, which contain painted surfaces in a peeling, flaking, chipped, or chewed condition in any area where children may be present, must have these surfaces repainted or must submit evidence that the surfaces do not contain hazardous levels of lead-bearing substances. For purposes of this chapter, Hazardous levels of lead-bearing substances means any paint, varnish, lacquer, putty, plaster, or similar coating of structural material which contains

lead or its compounds in excess of seven-tenths of one milligram per square centimeter, or in excess of five-tenths of one percent in the dried film or coating, when measured by a lead-detecting instrument approved by the state department of health.

19. Personal items including combs, pacifiers, and toothbrushes must be individually identified and stored in a sanitary manner.

20. All pets present in the child care center must be properly immunized, restricted, and maintained. Nondomestic animals such as skunks, opossum, or raccoon, whether or not regarded as pets, may not be present in the child care center. Pets may not be allowed in the kitchen or eating area during meal preparation or meals.

21. Wading pools used by the child care center must be strictly supervised and must be emptied and cleaned daily.

22. All swimming pools must be approved by the local health unit.

23. Smoking is not permitted in any child care center at any time during which a child who receives early childhood services from that child care center is present and receiving services.

24. Diapering:

a. There must be a designated cleanable diapering area in the child care center if children requiring diapering are in care. A handwashing lavatory must be immediately accessible to the diapering area.

b. Cloth diapers may not be used in a child care center.

c. Diapers must be changed promptly when needed and in a sanitary manner. Infants must be changed on a cleanable surface which must be thoroughly cleaned with detergent and sanitized after each diapering.

d. Soiled or wet disposable diapers must be stored in a sanitary, airtight container until removed from the child care center.

25. Water supply standards:

a. The child care center shall have a drinking supply from an approved community water system or from a source tested and approved by the state department of health.

b. Drinking water must be easily accessible to the children and must be provided by either an angle-jet drinking fountain with mouthguard or by a running water supply with individual, single-serve drinking cups.

c. The child care center must have hot and cold running water. Hot water heaters must be turned down or there must be a tempering valve or antiscalding device on the faucets used by children so that the temperature of hot water supplied to lavatories and bathing facilities does not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].

26. Toilet and lavatory facilities:

a. Toilet and lavatory facilities must be provided and must be convenient to the areas used by the

children and staff.

b. Toilet and lavatory facilities must meet requirements of the state department of health.

c. Toilets must be located in rooms separated from those used for cooking, eating, and sleeping. A minimum of one lavatory and one flush toilet must be provided for each fifteen children, excluding those children who are not toilet trained.

d. Separate restrooms must be provided for boys and girls six years of age and over, and partitions must be installed to separate toilets in these restrooms.

e. Child-sized toilet adapters, training chairs, or potty chairs must be provided for use by children who require them. Training chairs must be emptied promptly and thoroughly cleaned and sanitized after each use.

f. At least one handwashing lavatory must be provided per toilet room facility. Sanitary hand-drying equipment or paper towels must be provided near handwashing lavatories.

g. Safe step stools must be provided to allow standard-size toilets and lavatories to be used by the children or child-size toilets and lavatories must be provided.

27. Sewage and wastewater disposal:

a. A child care center shall meet the requirements of the state plumbing code as contained in North Dakota Administrative Code article 62-03.

b. Any child care center not on a municipal or public water supply or wastewater disposal system approved by the state department of health.

28. Laundry:

a. If the child care center provides laundry service for common use linens, towels, or blankets, it shall have adequate space and equipment for safe and effective operation.

b. Soiled linens must be placed in closed containers or hampers during storage and transportation.

c. In all new or extensively remodeled child care centers, the handling, sorting, or washing of soiled linen or blankets must take place in a designated area that is separated by a permanent partition from food preparation, serving, and kitchen areas.

d. In existing child care centers where physical separation of laundry and kitchen areas is impractical, procedures must be developed that prohibit the washing or transportation of laundry while meals are being prepared or served.

e. Sorting of laundry may not be allowed in food preparation, serving, or kitchen areas.

f. If the child care center provides laundry service for common use linens, towels, or blankets, or if different children's clothing, towels, or blankets are laundered together, the water temperature must be greater than one hundred seventy degrees Fahrenheit [77.2 degrees Celsius].

g. If the water temperature is less than one hundred seventy degrees Fahrenheit [77.2 degrees Celsius], then bleach must be used in the laundry process during the rinse cycle to achieve fifty

parts per million of available hypochlorite at a temperature of at least seventy-five degrees Fahrenheit [24 degrees Celsius].

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, SC-11.1-02.2, SC-11.1-04

75-03-10-19. Minimum requirements regarding space and lighting.

1. Each child care center shall provide adequate space for all children in attendance.
2. The child care center shall provide adequate space, indoors and out, for the daily activities of the children. This must include a minimum of thirty-five square feet [3.25 square meters] of space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of play space per child outdoors. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, and space children are not permitted to occupy. If available outdoor play space does not accommodate the licensed capacity of the child care center at one time, the child care center operator shall prepare a written schedule of outdoor playtime which limits use of the play area to its capacity, giving every child an opportunity to play outdoors.
3. The child care center must be properly lighted. The following technical requirements must be met:
 - a. Sixty-five foot-candles of light for all general use and play areas;
 - b. Twenty-five foot-candles of light for all bathrooms;
 - c. Fifty foot-candles of light for any kitchen, laundry, and office facilities; and
 - d. Fifteen foot-candles of light for corridors and storage areas.
 - e. If the lighting of the child care center appears questionable, the department may require the operator to obtain additional lights so that a minimum of sixty-five foot-candles of light is used in the areas generally used for children's activities.

History: Effective December 1, 1981; amended effective July 1, 1996;

July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999. General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04

75-03-10-20. Program requirements.

1. The child care center operator shall have a program of daily individual or small group activities appropriate to the ages and needs of the children in the child care center. The program must include activities which foster sound social, intellectual, emotional, and physical growth, developed with discussion and consultation with parents as to their children's needs.
2. The program must be flexible and subject to modification for individual child differences.

3. The program must be written and varied in order to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge, and to foster the development of language skills, concepts, self-discipline, and problem-solving activities. The program must describe how the activities planned meet the children's developmental needs, including the special needs of children in the child care center who are multilingual or disabled. The written program must be made available to parents.
4. The program must include firsthand experiences for children to learn about the world in which they live. Opportunities must be provided for older children to participate in supervised visits and recreational activities in the community.
5. Learning experiences must be conducted in consultation with parents in order to ensure harmony with the lifestyle and cultural background of the children.
6. The program must provide a balance of quiet and active indoor and outdoor group and individual activities. A time for supervised child-initiated and self-selected activity must be established.
7. If children are allowed to assist in any food preparation, the activity must be limited to use of equipment and appliances that do not present a safety hazard. Children may not be allowed in the kitchen or laundry area unsupervised.
8. A variety of games, toys, books, crafts, and other activities and materials must be provided to enhance the child's intellectual and social development and to broaden the child's life experience. Each child care center shall have enough play materials and equipment so, that at any one time, each child in attendance may be individually involved.
9. The cultural diversity of the children must be reflected in the program through incorporation of their language, food, celebration, and lifestyles, if appropriate.
10. Equipment and furniture must be durable and safe and must be appropriately adapted for children's use.
11. Sufficient space accessible to children must be provided for each child's personal belongings.
12. The child care center shall supplement, augment, and reinforce the child's activities at home, and where applicable, at school.
13. At the time of enrollment, the child care center staff shall discuss with the parents the children's habits, activities, and schedules while at home and in school and their parents' special concerns about their past and future behavior and development. The schedule and activities must be designed to complement and supplement the children's experiences at home and in school.
14. Staff shall encourage parents to visit the facility, observe, and participate in the care of their children.
15. The child care center supervisor shall contact parents to exchange information concerning the child and the child care program as well as to offer meaningful opportunities to participate in general program policymaking.
16. Personal hygiene practices appropriate for a child's age and development must be stressed.

17. The child care supervisor shall contact parents to exchange information concerning the child and any concerns about the health, development, or behavior of the child. These concerns must be communicated to the parent promptly and directly.

18. Each child's cultural and ethnic background and primary language or dialect must be respected by the caregivers.

19. Each child care center shall have a designated area where a child can sit quietly or lie down to rest. There must be sufficient cots or sleeping mats so that each child in attendance may have an individual napping space. The floor may be used only when carpeted or padded, warm, and free from drafts, and when individual blankets or coverings are used. Napping schedules must be set for children according to their ages and needs. For children unable to sleep, time and space for quiet play must be available.

History: Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, SC-11.1-C4

75-03-10-21. Minimum standards for food and nutrition.

1. When the operator is responsible for providing food to children, the food supplied must meet United States department of agriculture standards and must be properly prepared, sufficient in amount, varied according to diets of the children enrolled, and served at appropriate hours. Food that is prepared, served, or stored in a child care center must be treated in a sanitary and safe manner with sanitary and safe equipment.

2. When parents bring sack lunches for their children, the operator may supplement lunches to provide nutritious and sufficient amounts of food for children, and shall provide adequate and appropriate refrigeration and storage as required.

3. If the services are available free of charge, a dietitian or other food service professional must be used as a consultant.

4. Children must be served a nutritious morning and afternoon snack and, if the parent does not provide a sack lunch, a nourishing meal.

a. Children in care for more than three hours shall receive either a snack or meal, whichever is appropriate to that time of the day.

b. Children in care during any normal mealtime hour must be served food appropriate to that time of the day.

c. Children in care in after-school child care center programs who have not had any food since lunch must be provided with a snack.

5. When the operator is responsible for providing food to children, menus must be prepared on a weekly basis and made available to the parents, the department, or other appropriate individuals.

6. Information provided by the children's parents as to their eating habits, food preferences, or special needs must be considered in the feeding schedules and in the tailoring of menus.

7. Children must be served in a manner commensurate with their age, using appropriate foods, portions, dishes, and eating utensils.
8. Children may be encouraged to eat the food served, but may not be subjected to coercion or force feeding.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-07

75-03-10-22. Records.

1. The child care center shall maintain the following records:

- a. The child's full name, birth date, and current home address;
- b. Names of the child's parents or legal guardian, and the business and home telephone numbers where those individuals may be reached;
- c. Names and telephone numbers of individuals who may assume responsibility for the child if the individual legally responsible for the child may not be reached immediately in an emergency;
- d. A written statement from the parents or legal guardian authorizing emergency medical care;
- e. Names and telephone numbers of individuals authorized to take the child from the child care center;
- f. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the state department of health, unless the child is a drop-in or school aged; and
- g. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child, that must indicate any special precautions for diet, medication, or activity, must serve as evidence that a child is physically able to take part in the child care program, and must be completed annually.

2. All records maintained with respect to children receiving child care services must be kept confidential, and access must be limited to staff members, the parents, or legal guardian of each child, and to:

- a. Authorized county agency and department representatives;
- b. Individuals having a definite interest in the well-being of the children concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary; and
- c. Individuals who possess a written authorization from the child's parent or legal guardian. The child care center shall have a release of information form available and shall have the form signed prior to the release of information.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996,

amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07

75-03-10-23. Discipline - Punishment prohibited.

Disregard of any of the following disciplinary rules is grounds for license denial or revocation:

1. The child care center must have a written policy regarding the discipline of children that must be interpreted to staff members before the child care center begins operation or before staff members begin working with children.
2. Discipline must be constructive or educational in nature and may include diversion, separation from the problem situation, talking with the child about the situation, praise for appropriate behavior, and gentle physical restraint, such as holding. Children may not be subjected to physical harm, fear, or humiliation.
3. Authority to discipline may not be delegated to or be accomplished by children.
4. Separation, when used as discipline, must be brief and appropriate to the child's age and circumstances. Any child must be in a safe, lighted, well-ventilated room within hearing of an adult. A child may not be isolated in a locked room or closet.
5. A child may not be physically punished for lapses in toilet training.
6. When addressing a child, or while in the presence of a child, staff members may not make derogatory remarks about the child, the child's family, race, or religion, nor use profane, threatening, unduly loud, or otherwise abusive language.
7. A child may not be force-fed, unless medically prescribed and administered under a physician's care.
8. Deprivation of meals may not be used as a form of discipline or punishment.
9. A child may not be punched, spanked, shaken, pinched, bitten, roughly handled, or struck by any staff member or any other adult in the child care center.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04

75-03-10-24. Specialized types of care and minimum requirements therefor.

1. Infant care.

- a. A child care center serving children from birth to twenty-four months shall provide an environment which protects the children from physical harm and is not so restricted so as to inhibit physical, intellectual, emotional, and social development.

- b. Nonwalking children shall have the opportunity during each day for freedom of movement, including creeping or crawling in a safe, clean, open, uncluttered area.
- c. Each infant shall have an individual sleeping space. The sheets must be changed whenever they become soiled or wet. If individual protective coverings are used for each child to protect linens, the protective coverings must be laundered at least weekly.
- d. Any child under twelve months of age or unable to walk unassisted must be provided sleeping space in a crib with a firm mattress or a playpen with adequate padding.
- e. Children must be taken outdoors or to other areas within the child care center for a part of each day to provide some change of physical surroundings and to be with other children. A child may not be confined to a crib or playpen during the entire time at the child care center, unless the child is preparing to sleep or sleeping for the duration of the care.
- f. Each infant shall have periodic individual personal contact and attention from an adult, such as being held, rocked, talked to, or sung to.
- g. Low chairs and tables or infant seats with trays must be provided for table play and mealtime for children no longer being held for feeding. Highchairs, if used, must have a wide base and a safety strap.
- h. Children may not be shaken or jostled.
- i. All cries of infants must be investigated.
- j. Infants must be fed or supervised individually and the diet and pattern of feeding must be appropriate to the individual developmental needs and parent's wishes.
- k. Infants must be provided age-appropriate nutritious foods. Only breast milk or iron-fortified artificial milk, meeting the requirements of the Infant Formula Act of 1980 [Pub. L. 96-359; 94 Stat. 1190; 21 U.S.C. 301 note et seq.], may be fed to infants less than six months of age, unless otherwise instructed by the infant's parent.
- l. Infants must be fed only the specific brand of artificial baby milk requested by the parent. Staff members shall use brand-specific mixing instructions unless alternative mixing instructions, based upon directions of a child's physician, are provided.
- m. Mixed formula, in single bottles or batches, that has been unrefrigerated more than one hour, must be discarded.
- n. Frozen breast milk must be thawed under cool running tap water, in amounts needed. Unused, thawed breast milk must be discarded at the end of each day.
- o. Staff members shall hold infants when bottle-feeding breast milk, artificial baby milk, soy or cow's milk based ready-to-feed, concentrate, powdered prepared formulas or cow or goat milk.
- p. Infants, determined by the parent to be developmentally ready for foods other than breast milk or artificial baby milk, shall have those other foods offered from a spoon only.
- q. Staff members may not leave an infant unattended during the infant's feeding or eating process.

r. There must be a minimum space of two feet [58.42 centimeters] between each crib or cot. Aisles between cots and cribs must be kept free of all obstructions while they are occupied.

2. Night care.

a. Any child care center offering night care shall provide program modifications for the special needs of children and their parents during the night.

b. In consultation with parents, special attention must be given by the caregiver to provide a transition into this type of care appropriate to the child's emotional needs.

c. When practical, children must be left for care and picked up before and after their normal sleeping period to ensure minimal disturbance of the child during sleep, but consideration must be given to the parent's work schedule.

d. Preschool age children must be supervised when bathing.

e. Comfortable beds, cots, or cribs, complete with a mattress or pad, must be available.

(1) Pillows and mattresses must have clean coverings.

(2) Sheets and pillowcases must be changed as often as necessary for cleanliness and hygiene, at least weekly. If beds are used by different children, sheets and pillowcases must be laundered before use by other children.

(3) Each bed or cot must have sufficient blankets available.

f. The child care center operator shall require each child in night care to have night clothing and a toothbrush marked for identification.

g. For child care centers, during sleeping hours, the staff must be awake and within listening distance in order to provide for the needs of children and respond to an emergency.

3. Drop-in child care centers.

a. If a child care center serves drop-in children, schoolchildren, or before-school and after-school children, the child care center must be sufficiently staffed to effectively handle admission records and explain the policies and procedures of the program.

b. The program must reflect the special needs of the children who are provided drop-in service.

c. Admission records must comply with all enrollment requirements contained in section 75-03-10-22, except the immunization record requirement.

d. Admittance procedures must provide for a period of individual attention for the child in order to acquaint the child with the child care center, its equipment, and the staff.

e. A child care center may not receive drop-in or part-time children who, when added to the children in regular attendance, cause the child care center to exceed the total number of children for which the child care center is licensed.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04

75-03-10-25. Mini requirements for care of children with special needs.

When children with special needs are admitted to a child care center, there must be appropriate provisions to meet those needs. The child care center shall document how the child's special needs may be met.

1. When children with special needs are admitted, the child care center supervisor shall consult with the child's parents, and, with the parent's permission, the child's source of professional health care, or, when appropriate, other health and professional consultants.
2. Caregivers shall receive proper instructions as to the nature of the child's disability and potential for growth and development.
3. If the nature of the special needs or the number of children with special needs warrants added care, the child care center shall add sufficient staff and equipment as deemed necessary by the department to compensate for these needs.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04

75-03-10-26. Minimum provisions regarding emergency care for children.

The child care center shall have plans to respond to illness and emergencies including burns, serious injury, and ingestion of poison. Parents of enrollees must be advised of these plans. Plans must provide that:

1. Emergency response procedures be conspicuously posted;
2. Training concerning emergency procedures be available for all staff members to ensure awareness of the hazards of infection and accidents and how such problems may be minimized;
3. At least one state department of health-approved first-aid kit be maintained and kept in a designated location, inaccessible to children, yet readily accessible to staff members;
4. The child care center have a working telephone line immediately accessible to staff with a list of emergency telephone numbers conspicuously posted adjacent to the telephone;
5. Medical consultation be available regarding special care and medication when health policies of the facility allow ill children to be admitted or to remain in the child care center;

6. Written permission to dispense medication be obtained from the parent if a child in the child care center requires medication, as well as proper instructions for the administration of medication:

- a. Medications prescribed by a physician must be accompanied by the doctor's written instructions as to dosage and storage, and labeled with the child's name and dated;
- b. Medications must be stored in an area inaccessible to children, and medications stored in a refrigerator must be stored collectively in a spillproof container;
- c. A written record of the administration of medication, including over-the-counter medication, to each child must be kept, and records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child; and
- d. Completed medication records must be included in the child's record;

7. A supervised temporary isolation area be provided for a child who is too ill to remain in the group or who has an infectious or contagious disease, with the following procedures being followed when those signs or symptoms are observed:

- a. Parents are notified immediately and asked to pick up their child; and
- b. First aid is provided and medical care is sought as necessary;

8. Children with infectious or communicable conditions be excluded from the child care center until the condition may no longer be transmitted, and guidance regarding exclusion and return to the child care center is obtained through consultation with local and state health department authorities;

9. Adequate supervision be available for all children who are ill and remain at the center;

10. A source of emergency health services be readily available to the child care center, including:

- a. A prearranged plan for emergency medical care in which parents of enrollees are advised of the arrangement; and
- b. Provisions for emergency transportation, specifically that when a child is to be brought to another place for emergency care, the child is to be accompanied by an adult who will remain with the child until medical personnel assume responsibility for the child's care and until the parent or legal guardian arrives;

11. Information be provided to parents, as needed, concerning child health and social services available in the community, and that assistance be available for parents to obtain these services;

12. The child care center inform parents in writing of any first aid administered to their child within twenty-four hours of the incident, and immediately notify parents of any injury which requires emergency care beyond first aid; and

13. Each injury report be made a part of the child's record.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended

effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04,

75-03-10-27. Effect of conviction on licensure and employment.

1. A child care center operator may not be, and a child care center may not employ, in any capacity that involves or permits contact between the employee and any child cared for by the child care center, an individual who has been found guilty of, pled guilty to, or pled no contest to:

a. An offense described in North Dakota Century Code chapters 12.1-16, homicide; 12.1-17, assaults - threats - coercion; or 12.1-18, kidnapping; North Dakota Century Code sections 12.1-20-03, gross sexual imposition; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-22-01, robbery; or 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; North Dakota Century Code chapter 12.1-27.2, sexual performances by children; or North Dakota Century Code sections 12.1-29-01, promoting prostitution; 12.1-29-C2, facilitating prostitution; or 12.1-31-05, child procurement; or an offense under the laws of another jurisdiction which requires, proof of substantially similar elements as required for conviction under any of the enumerated North Dakota statutes; or

b. An offense other than an offense identified in subdivision a, if the department in the case of a child care center operator, or the child care operator in the case of a child care center employee, determines that the individual has not been sufficiently rehabilitated.

2. A child care center shall establish written policies, and engage in practices that conform to those policies, to effectively implement this section.

3. For the purposes of subdivision b of subsection 1, the department in the case of a child care center operator, or the child care center operator in the case of a child care center employee, shall treat completion of a period of five years after final discharge from any term of probation, parole, or other form of community correction, or imprisonment, without subsequent conviction, as prima facie evidence of sufficient rehabilitation.

4. The department has determined that the offenses enumerated in subdivision a of subsection 1 have a direct bearing upon an individual's ability to serve the public in a capacity involving the provision of child care services.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-C8

Law Implemented: NDCC 50-11.1-01, 50-11.1-04

75-03-10-28. Child abuse and neglect determinations.

If a probable cause determination or a decision that services are required under North Dakota Century Code chapter 50-25.1 exists, indicating that any child has been abused or neglected by a staff member,

that individual shall furnish information satisfactory to the department, from which the department may determine the staff member's current ability to provide care free of abuse and neglect. The determination of current ability must be furnished to the child care center operator and to the regional director of the human service center or the regional directors designee for consideration and action on the center child care license.

History: Effective December 1, 1981; amended effective, January 1, 1987;

July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 50-11.1-08

Law Implemented: NDCC 50-11.1-01, 50-11.1-04

75-03-10-29. Allowable time periods for correction of deficiencies.

1. Deficiencies noted in a correction order must be corrected:

a. For a violation of section 75-03-10-09, subsection 3 of section 75-03-10-18, and section 75-03-10-23, within twenty-four hours; -

b. For a violation or deficiency requiring the hiring of a child care supervisor with those qualifications set forth in section 75-03-10-10, or a child care center director with those qualifications set forth in section 75-03-10-11.1, within sixty days;

c. For a deficiency that requires an inspection by a state fire marshal or local fire department authority pursuant to section 75-03-10-17, within sixty days;

d. For a deficiency that requires substantial building remodeling, construction, or change, within sixty days; and

e. For all other deficiencies, within twenty days.

2. All periods for correction begin on the date of receipt of the correction order by the licensee.

3. The regional supervisor of early childhood program licensing may grant an extension of additional time to correct deficiencies, up to a period of one-half the original allowable time allotted. An extension may be granted upon application by the licensee and a showing that the need for the extension is created by unforeseeable circumstances and the licensee has diligently pursued the correction of the deficiency.

4. The operator shall furnish a written notice of completion of the correction order action to the county agency. The correction order is effective until the county receives the notice.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 5C-11.1-C8

Law Implemented: NDCC 5C-11.1-C1, 50-11.1-C4

75-03-10-30. Fiscal sanctions.

1. A fiscal sanction of twenty-five dollars per day must be assessed for each violation of subdivision i of subsection 2 of section 75-C3-10-C8; subsection 2 of section 75-C3-10-C9; section 75-C3-1C-17; subsections 6, 9, and 13 of section 75-C3-10-18; subsection 2 of section 75-03-1C-19; section 75-C3-10-23; and section 75-C3-1C-28, for each day after the allowable time for correction of deficiencies ends, that the child care center has not verified correction.

2. A fiscal sanction of fifteen dollars per day must be assessed for each violation of section 75-C3-1C-11.1; section 75-03-10-15; subsections 2, 3, 4, 7, 8, 11, 19, and subdivision f of subsection 26 of section 75-C3-10-18; subsection 1 of section 75-03-1C-19; subsections 3, 8, and 19 of section 75-C3-1C-2C; and subdivision a of subsection 1 of subsection 3 of section 75-C3-10-24, for each day after the allowable time for correction of deficiencies ends, that the child care center has not verified correction.

3. A fiscal sanction of five dollars per day must be assessed for each violation of any other provision of this chapter, for each day after the allowable time for correction of deficiencies ends, that the child care center has not verified correction.

History: Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.

General Authority: NDCC 5C-11.1-08
Law Implemented: NDCC 5C-11.1-C1, 50-11.1-04

75-03-10-31. Appeals.

An applicant or provider may appeal a decision to deny or revoke a license by filing a written appeal with the department within ten days of receipt of written notice of such a decision. Upon receipt of a timely appeal, an administrative hearing must be conducted in the manner provided in chapter 75-01-03.

History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999.
General Authority: NDCC 5C-11.1-08
Law Implemented: NDCC 50-11.1-C7.2

75-03-10-32. Penalties.

Repealed effective January 1, 1999.

3/11/09

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PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL 1472

Page 1, line 9, replace "at least four members who represent for-profit early childhood service" with "a broad based geographically distributed membership."

Page 1, remove line 10

Page 1, line 11, remove "childhood service providers."

Page 2, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30th, 2013, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Renumber accordingly

March 18, 2009

From: JoAnn Brager, Vice President of Public Policy for the North Dakota Association for the Education of Young Children

To: Chairman Holmberg and members of the Senate Appropriations Committee

Re: HB 1472, Relating to the creation of an early childhood services advisory board

My name is JoAnn Brager and I am the Vice President of Public Policy for the North Dakota Association for the Education of Young Children. The Association represents 400 members who work with and on behalf of children ages birth through age 8 years.

The Association is in support of reengrossed HB 1472 (90743.0500) with the membership of the board inclusive of a broad-based geographically distributed membership and with the sunset clause of June 30, 2013.

Rules are put into place to ensure the health, welfare and safety of our most vulnerable North Dakota citizens, our children. It is up to us adults to ensure quality standards are maintained and improved upon. The early childhood services advisory board has the challenge of balancing the need for rules to ensure safe quality child care with the need to revise or eliminate rules that create unnecessary barriers.

The Association supports the reengrossed HB 1472. Thank you for your consideration.