

Sixty-third  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1422**

Introduced by

Representatives Hawken, Frantsvog, Hatlestad, N. Johnson

Senators Heckaman, Krebsbach

1 A BILL for an Act to create and enact a new subsection to section 50-11.1-03 and two new  
2 sections to chapter 50-11.1 of the North Dakota Century Code, relating to staffing as group  
3 sizes for licensed child care; to amend and reenact subsection 9 of section 50-11.1-02 of the  
4 North Dakota Century Code, relating to the definition of group child care; and to provide an  
5 appropriation to the department of human services for a child care stabilization initiative.

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

7 **SECTION 1. AMENDMENT.** Subsection 9 of section 50-11.1-02 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 9. "Group child care" means a child care program licensed to provide early childhood  
10 services for ~~eighteen~~thirty or fewer children.

11 **SECTION 2.** A new subsection to section 50-11.1-03 of the North Dakota Century Code is  
12 created and enacted as follows:

13 A license is not required for onsite child care provided by an employer for the children  
14 of employees which is not open to the public.

15 **SECTION 3.** A new section to chapter 50-11.1 of the North Dakota Century Code is created  
16 and enacted as follows:

17 **Play area regulation.**

18 The department may not require the recreation areas used by children in a facility licensed  
19 under this chapter to be indoors.

20 **SECTION 4.** A new section to chapter 50-11.1 of the North Dakota Century Code is created  
21 and enacted as follows:

1        **Staffing requirements.**

- 2        1. The operator shall ensure that the center or group child care facility is sufficiently  
3        staffed at all times to meet the child-to-staff ratios for children in attendance and that  
4        no more children than the licensed capacity are served at one time.
- 5        2. The minimum ratio of staff members responsible for caring for or teaching children to  
6        children in a child care center and a group child care facility and maximum group size  
7        of children must be:
- 8        a. If all children in care are less than eighteen months of age, one staff member  
9        may care for five children, a ratio of .20 in decimal form, with a maximum group  
10       size of ten children with two staff members;
- 11       b. If all children in care are children eighteen months of age to thirty-six months of  
12       age, one staff member may care for seven children, a ratio of .14 in decimal form,  
13       with a maximum group size of fifteen children with two staff members;
- 14       c. If all children in care are three years of age to four years of age, one staff  
15       member may care for ten children, a ratio of .10 in decimal form, with a maximum  
16       group size of twenty children with two staff members;
- 17       d. If all children in care are four years of age to five years of age, one staff member  
18       may care for twelve children, a ratio of .08 in decimal form, with a maximum  
19       group size of twenty-five children with two staff members;
- 20       e. If all children in care are five years of age to six years of age, one staff member  
21       may care for fifteen children, a ratio of .05 in decimal form, with a maximum  
22       group size of thirty children with two staff members; and
- 23       f. If all children in care are six years of age to twelve years of age, one staff  
24       member may care for an unlimited number of children.

25        **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general  
26        fund in the state treasury, not otherwise appropriated, the sum of \$2,100,000, or so much of the  
27        sum as may be necessary, to the department of human services for the purpose of a child care  
28        stabilization initiative, for the biennium beginning July 1, 2013, and ending June 30, 2015. The  
29        initiative must provide assistance to stabilize child care operations, recruit and retain a qualified  
30        workforce, and advance quality child care practices through the implementation and  
31        administration of the following programs:

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1	Technical assistance and shared services	\$1,600,000
2	Data collection and evaluation	\$500,000