

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; to~~
6 provide a contingent appropriation; to provide legislative intent; to provide a report to the
7 legislative management; to provide for application; and to provide an expiration date.

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

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

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

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

15 A license is not required for onsite child care ~~provided by an employer for the children~~
16 ~~of employees which is not open to the public~~ services that are located in the actual
17 building in which the child's parent is employed, not to exceed ten children per
18 location.

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

21 **Play area regulation.**

22 ~~The~~ If a facility licensed under this chapter has sufficient indoor recreation space, the
23 department may not require ~~the recreation areas used by children in a facility licensed under~~
24 this chapter to be indoors outdoor play space.

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

3 ~~**Staffing requirements.**~~

4 ~~1. The operator shall ensure that the center or group child care facility is sufficiently~~
5 ~~staffed at all times to meet the child to-staff ratios for children in attendance and that~~
6 ~~no more children than the licensed capacity are served at one time.~~

7 ~~2. The minimum ratio of staff members responsible for caring for or teaching children to~~
8 ~~children in a child care center and a group child care facility and maximum group size~~
9 ~~of children must be:~~

10 ~~a. If all children in care are less than eighteen months of age, one staff member~~
11 ~~may care for five children, a ratio of .20 in decimal form, with a maximum group~~
12 ~~size of ten children with two staff members;~~

13 ~~b. If all children in care are children eighteen months of age to thirty-six months of~~
14 ~~age, one staff member may care for seven children, a ratio of .14 in decimal form,~~
15 ~~with a maximum group size of fifteen children with two staff members;~~

16 ~~c. If all children in care are three years of age to four years of age, one staff~~
17 ~~member may care for ten children, a ratio of .10 in decimal form, with a maximum~~
18 ~~group size of twenty children with two staff members;~~

19 ~~d. If all children in care are four years of age to five years of age, one staff member~~
20 ~~may care for twelve children, a ratio of .08 in decimal form, with a maximum~~
21 ~~group size of twenty five children with two staff members;~~

22 ~~e. If all children in care are five years of age to six years of age, one staff member~~
23 ~~may care for fifteen children, a ratio of .05 in decimal form, with a maximum~~
24 ~~group size of thirty children with two staff members; and~~

25 ~~f. If all children in care are six years of age to twelve years of age, one staff~~
26 ~~member may care for an unlimited number of children.~~

27 **Staffing requirements.**

28 The maximum group size of children in a child care center must be:

29 1. For children less than eighteen months of age, the maximum group size is ten
30 children;

1 2. For children eighteen months of age to thirty-six months of age, the maximum group
2 size is fifteen children;

3 3. For children three years of age to four years of age, the maximum group size is twenty
4 children;

5 4. For children four years of age to five years of age, the maximum group size is
6 twenty-five children;

7 5. For children five years of age to six years of age, the maximum group size is thirty
8 children; and

9 6. For children six years of age to twelve years of age, the maximum group size is forty
10 children.

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

18 ~~— Technical assistance and shared services ————— \$1,600,000~~

19 ~~— Data collection and evaluation ————— \$500,000~~

20 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general
21 fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the
22 sum as may be necessary, to the department of human services for the purpose of providing
23 child care provider incentive grants pursuant to section 50-11.1-14.1, for the biennium beginning
24 July 1, 2013, and ending June 30, 2015.

25 **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general
26 fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the
27 sum as may be necessary, to the department of human services for the purpose of funding early
28 childhood services specialists pursuant to section 50-11.1-18, for the biennium beginning July 1,
29 2013, and ending June 30, 2015.

30 **SECTION 7. CONTINGENT APPROPRIATION.** If the changes in the eligibility and copay
31 requirements for the child care assistance program as contained in section 8 of this Act require

1 more funding than the amounts appropriated to the department of human services in House Bill
2 No. 1012, as approved by the sixty-third legislative assembly, for the child care assistance
3 program for the 2013-15 biennium, there is appropriated out of any moneys in the general fund
4 in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum
5 as may be necessary, to the department of human services for the purpose of implementing the
6 changes contained in section 8 of this Act, for the biennium beginning July 1, 2013, and ending
7 June 30, 2015. If the changes in section 8 of this Act can be implemented within the child care
8 assistance program appropriation appropriated to the department of human services in House
9 Bill No. 1012, as approved by the sixty-third legislative assembly, for the child care assistance
10 program for the 2013-15 biennium, or requires less than the \$2,500,000 provided in this section,
11 up to \$1,000,000 of the \$2,500,000 appropriated in this section may be used by the department
12 of human services to provide child care provider incentive grants pursuant to section
13 50-11.1-14.1.

14 **SECTION 8. LEGISLATIVE INTENT - CHILD CARE ASSISTANCE PROGRAM - REPORT**
15 **TO THE LEGISLATIVE MANAGEMENT.** It is the intent of the legislative assembly that the
16 department of human services change the eligibility requirement for the child care assistance
17 program from fifty percent of the state median income to eighty-five percent of the state median
18 income. Beginning July 1, 2014, if the funding appropriated to the department of human
19 services in House Bill No. 1012, as approved by the sixty-third legislative assembly, and in
20 section 7 of this Act for the child care assistance program is sufficient, the department of human
21 services may reduce copay requirements for the child care assistance program. The
22 department of human services shall report the impact of these changes to the legislative
23 management.

24 **SECTION 9. APPLICATION.** Section 4 of this Act does not apply to a child care center
25 operator who has maintained a license since before January 1, 1999.

26 **SECTION 10. EXPIRATION DATE.** Sections 4 and 9 of this Act are effective until the date
27 the administrative rules containing the requirements of section 4 of this Act on maximum group
28 size of children in a child care center take effect. The department of human services shall certify
29 to the legislative council the date those rules will take effect, and as of that date sections 4
30 and 9 of this Act become ineffective.