

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SECOND ENGROSSMENT  
with Senate Amendments**

**REENGROSSED HOUSE BILL NO. 1497**

Introduced by

Representatives Maki, Marschall, Monson, Jonas

Senator Schaible

- 1 A BILL for an Act to amend and reenact subsection 1 of section 50-11.1-21 and section  
2 50-11.1-23 of the North Dakota Century Code, relating to age requirements for an approved  
3 four-year old program and eligibility for the best in class program; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 50-11.1-21 of the North Dakota  
6 Century Code is amended and reenacted as follows:

- 7 1. ~~Any~~A person or school district operating or seeking to operate a four-year old program  
8 may request approval for a two-year period of the four-year old program from the  
9 department. The department shall approve a four-year old program if the program:
- 10 a. Is taught by individuals licensed or approved to teach in early childhood  
11 education by the education standards and practices board ~~or approved to teach~~  
12 ~~in early childhood education by the education standards and practices board;~~  
13 b. Follows four-year old program requirements approved by the department;  
14 c. Is in compliance with all municipal and state health, fire, and safety requirements;  
15 d. Limits enrollment to children who have reached the age of four years old before  
16 August first in the year of enrollment, unless the child will be four years old before  
17 December first and the school district determines, based on child development  
18 factors, including development milestones, school readiness, and other individual  
19 considerations, to allow a child to enroll based on a request;  
20 e. Submits a nonrefundable fee of fifty dollars ~~at the time when~~ the application is  
21 filed. All fees collected under this section must be paid to the department and

1 must be used to defray the cost of investigating, inspecting, and evaluating  
2 applications for approval; and

3 f. Is in compliance with this chapter.

4 **SECTION 2. AMENDMENT.** Section 50-11.1-23 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-11.1-23. Eligibility for best in class program.**

7 1. An approved four-year old program, federally funded head start program, or early  
8 childhood program may submit, in the form and manner prescribed by the department,  
9 an application to the department under section 50-11.1-22, if the provider certifies to  
10 the department the provider:

11 a. Operates an approved four-year old program, federally funded head start  
12 program, or early childhood program in this state;

13 b. Operates a program for children who have reached four years of age before  
14 August first in the year of enrollment, unless otherwise provided in subdivision d  
15 of subsection 1 of section 50-11.1-21;

16 c. Operates a program that has a duration of at least four hundred hours over a  
17 period of at least thirty-two consecutive weeks;

18 d. Incorporates within the program at least ten hours of research-based family  
19 engagement;

20 e. Has been determined to meet the standards and expectations of no less than  
21 step three in the North Dakota early childhood quality improvement system; has  
22 met the standards and expectations of a nationally recognized early childhood  
23 accrediting entity; has met the federal performance standards for head start; or  
24 has obtained approval or certification from the department of public instruction;

25 f. Admits children of all learning abilities;

26 g. Admits children who receive assistance from the child care assistance program;  
27 and

28 h. Operates in compliance with the program requirements, including:

29 (1) Complying with requirements related to qualifications, training, and  
30 professional development of staff delivering services in the best in class  
31 program; and

- 1                   (2) Adhering to expectations established by the department related to best in
- 2                   class program monitoring, operation, and oversight.
- 3       2. The department may distribute funds under this section to approved applicants.
- 4       3. The department may recapture funds from an awarded program that is found by the
- 5           department to be out of compliance with requirements established for the best in class
- 6           program.
- 7       4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
- 8           award, or payments made under this section.
- 9       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.