



1 Testimony in support of HB 1497 – 4-year-old program **PLEASE NOTE AMENDMENT**  
2 **REQUEST AT THE BOTTOM**

3 Thank you for the opportunity to testify on this bill. Earlier this year it was brought to my  
4 attention about a perceived gap in how we were approaching admittance into our 4 year old  
5 programs. In North Dakota Century Code, the current guidance is that the age of the child at  
6 attend pre-school under the 4-year-old program, the child must be 4 years old by August  
7 1<sup>st</sup>. Occasionally, there may be a child who is born after August first may be ready to be in the  
8 program, and the parent may wish for them to attend, and the district may have space in their  
9 program and are willing to admit. However, currently we have no mechanism to allow for this to  
10 happen.

11 In the Kindergarten section of code, we do have a mechanism to allow for this. In the Kindergarten  
12 section of code, it states that by August 1<sup>st</sup> the student must be 5 to attend Kindergarten, however,  
13 for this grade, there is a mechanism whereby if a student passes a test showing readiness, or the  
14 student has been in kindergarten elsewhere, and their birthday falls somewhere between August 1  
15 and December 31, they could be admitted into kindergarten.

16 What this bill does, is provides a provision for pre-school that is similar to the kindergarten  
17 model that K12 schools are familiar with a bit of flexibility with regard to the age of the  
18 student being admitted into school on the basis of room in the school, student readiness,  
19 and parent desire for them to attend. At the kindergarten level, although the date to be  
20 admitted at the age of 5 is August 1<sup>st</sup>, if readiness is shown through screening and those  
21 other parameters in place, a school may admit that student so long as their birthday was  
22 between August 1 and December 1.

23  
24 I will say from the beginning that we do have a modest change that needs to be made so I'd  
25 as that you please accept this amendment to the current bill, but it ensures that the district  
26 is able to admit on the basis of district discretion as well (keeping in mind that a 4 year old  
27 program offering is not a legal requirement for schools) but it does serve a community well.

28 This bill asks for similar flexibly on admittance as does the current kindergarten law allow  
29 districts to have some flexibility without losing their grant funding while providing that.

30 This addition to the language and minor amendment requested will provide flexibility and an  
31 environment where a district can respond to the needs of a community and yet maintain some local  
32 decision making.



1 Our school districts believe that this is a good move for our students. The local decision making  
2 on space and readiness is important. We ask that you please consider adopting this amendment  
3 and providing a do pass recommendation for this bill.

4 **NOTE THIS EMAIL OF SUPPORT AND NEED OF AN ADDITIONAL AMENDMENT FOR**  
5 **HHS TO BE ABLE TO HELP ENACT THIS BILL.... BELOW IS EMAIL AND ADDITIONAL**  
6 **ATTACHMENT IS AMENDMENT ☺**

7 Rep. Maki / Sen. Schaible / Dr. Copas.  
8 HHS has been following HB 1497 as it made its way through the House. We were appreciative of the  
9 House approved-amendments as they will make it easier to implement the direction outlined in the Bill.

10  
11 We've been thinking further about implementation of HB1497.

12  
13 It appears from testimony that the intent is actually to create both the ability to grant age exceptions in  
14 approved 4-year-old programs (which are school-based programs for kids in the year before  
15 kindergarten) and to have the exception carry through for Best in Class awards to approved-4-year-old  
16 programs that have chosen to grant such an exception.

17  
18 There is a separate section of Century Code that defines Best in Class. Because Best in Class  
19 specifically defines ages as an element of awardee eligibility, an amendment to that section will be  
20 required in addition to what has already been proposed. This would allow HHS as the administrator of  
21 both 4-year-old program approvals and Best in Class, to be able to honor the 4-year-old program age  
22 exception that would be permissible as per HB 1497.

23  
24 Jon Alm, HHS chief legal officer, drafted sample amendment language for your consideration. We believe  
25 it is written in a way that would accomplish what testimony and committee work indicated as the intent  
26 and would give HHS authority to accomplish what is intended.

27  
28 Thank you for considering.  
29 If you'd like to visit, just let me know. I'd be happy to do so.  
30 Jessica

31  
32  
33 **Jessica Thomasson**  
34 *Executive Director*  
35 *Human Services Division*



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## PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1497

### Page 1, lines 1 through 3:

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

### Page 2, after line 3 insert:

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

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

1. An approved four-year old program, federally funded head start program, or early childhood program may submit, in the form and manner prescribed by the department, an application to the department under section 50-11.1-22, if the provider certifies to the department the provider:
  - a. Operates an approved four-year old program, federally funded head start program, or early childhood program in this state;
  - b. ~~Operates~~ Unless otherwise provided in subdivision d of subsection 1 of section 50-11.1-21, operates a program for children who have reached four years of age before August first in the year of enrollment;
  - c. Operates a program that has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks;
  - d. Incorporates within the program at least ten hours of research-based family engagement;
  - e. Has been determined to meet the standards and expectations of no less than step three in the North Dakota early childhood quality improvement system; has met the standards and expectations of a nationally recognized early childhood accrediting entity; has met the

federal performance standards for head start; or has obtained approval or certification from the department of public instruction;

- f. Admits children of all learning abilities;
  - g. Admits children who receive assistance from the child care assistance program; and
  - h. Operates in compliance with the program requirements, including:
    - (1) Complying with requirements related to qualifications, training, and professional development of staff delivering services in the best in class program; and
    - (2) Adhering to expectations established by the department related to best in class program monitoring, operation, and oversight.
2. The department may distribute funds under this section to approved applicants.
  3. The department may recapture funds from an awarded program that is found by the department to be out of compliance with requirements established for the best in class program.
  4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient, award, or payments made under this section.

**Page 2, line 4:**

**SECTION 23. EMERGENCY.** This Act is declared to be an emergency measure.