

2025 HOUSE HUMAN SERVICES

HB 1119

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1119
1/27/2025

Relating to early childhood services training and certification requirements; relating to early childhood services and child care assistance; relating to training requirements for early childhood services staff; and to provide an effective date.

11:23 a.m. Chairman M. Ruby opened the hearing.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Holle, Kiefert, Rios, Rohr
Members absent: Representative Hendrix

Discussion Topics:

- License requirements
- Clarification and relocation of code.
- Unified training calendar.

11:24 a.m. Carmen Traeholt, Early Childhood Services Licensing Administrator with the Department of Health and Human Services, testified in favor and submitted testimony, #31427, #31428, #31485.

11:46 a.m. Kay Larson, Director of Early Childhood Services, testified in favor.

11:48 a.m. Dr. Rachel Schafer, Childcare Assistance, testified in favor.

11:51 a.m. Amy Cleary, introduced Lorrie Thoemke.

11:51 a.m. Lorrie Thoemke, Vice President of Learning Centers YMCA of the Northern Sky, testified in favor and submitted testimony, #31539.

11:58 a.m. Senator Beard, District 23, testified in opposition and submitted testimony, #31827.

12:13 p.m. Carmen Traeholt testified and answered questions.

Additional written testimony:

Angie Barber, Owner of Adventure Academy, submitted testimony in favor, #31464.
Kelli Odden, Early Childhood Professional, submitted testimony in favor, #31670.

12:14 p.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk



House Bill No. 1119

Overview of Key Elements

Proposed early childhood law changes would reduce administrative burdens & support increased availability of child care

1. Decouple training and licensing calendars to better align to realities of staff training
2. Streamline child care licenses / non-licensed early childhood service (ECS) types by reducing the total categories defined in law from 8 to 4
3. Create “recognition” as a pathway for programs operating as license exceptions to more easily access ND child care infrastructure
4. Align in-home provider definitions between licensing and child care assistance to better support children with special needs



#1: DE-COUPLE THE TIMEFRAME FOR COMPLETION OF ANNUAL TRAINING REQUIREMENTS FROM THE LICENSING APPLICATION TIMELINE

CURRENT

- Provider submits evidence that all annual training requirements have been met when a license renewal is submitted
- 12-month training “clock” is set based on provider licensing renewal date

PROPOSED

- Provider assures that all annual training requirements have been met by all staff members during each calendar year
- 12-month training clock would run from January 1 – December 31 for all staff.



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHY DO THIS?

What is the Benefit of the change?

- Assures that providers get “credit” for all training that is completed by staff
- Removes de facto “black out period” that exists today in the 30-60 days before license renewal



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHAT STAYS THE SAME?

- It is as important as ever that staff complete their training requirements every year.
- Within 90 days of hire, staff are still required to complete HHS-approved basic child care course (Getting Started), pediatric CPR/AED and First Aid.
- Safe Sleep and Mandated Reporter training are still required to be completed annually.



DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

WHAT WOULD CHANGE?

When new law becomes effective (April 2026), licensing team will:

- Monitor the previous year of training rather than the current year
- Select a sample of total staff training records and monitor for compliance
 - If training is completed as expected, no further action needed
 - If staff are missing training hours, licensing specialist will continue to review the training records and if necessary, issue a corrective order
 - If correction order is not addressed timely, HHS will escalate corrective action as per ND Admin Rule and Law.

DE-COUPLE TRAINING AND LICENSING PROCESS TIMELINES

HOW WILL LICENSING TEAM MONITOR INDIVIDUAL STAFF TRAINING?

- Pre-service training (13 hours) is still required to be completed in the first 90 days of employment.
 - Timeline begins with new staff hire date.
 - Licensing specialist will monitor staff's pre-service training at a licensing visit to assure it is completed as required.
- Ongoing annual training will be required to be completed between January 1 and December 31 of the calendar year.
 - Ex. Annual training completed Jan 1 2024 – Dec 31 2024 will be monitored by licensing specialist at the 2025 renewal visit



#2: STREAMLINE NUMBER OF CHILD CARE LICENSES / NON-LICENSED ECS TYPES

Reduce the number of child care licenses/non-licensed ECS types from 8 to 4

CURRENT

- ND Century Code outlines 8 types of licenses / types (NDCC 50-11.1); and ND Admin Code has 7 unique chapters for early childhood services (NDAC 75-03-01 thru 12)
- In order to adhere to the current framework, providers are often required to reapply for a new license when they change capacity or other program characteristics.
- Subtle differences between licenses / types can be a source of confusion.

PROPOSED

- ND law will outline 4 license / types; ND Admin Code will be amended to 3 unique chapters for early childhood services (Center, Family, Self Declared)
- Circumstances that require a change in license type will be greatly diminished, thus reducing the administrative burden of repeated licensure efforts.
- Consolidated license types will make it easier for providers to operate in and maintain compliance.

Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

WHY DO THIS?

- Keeps all current program variations while removing overlapping provisions within licenses / program types
- Greater flexibility for providers to adjust capacity
- Opens up new opportunities for preschool designation with highly credentialed staff
- Eliminates the need for a multiple license to offer preschool or school age programming
- Fewer application changes will help licensing team process applications more efficiently
- Supports more consistent interpretation of rules
- Reduced complexity enables more timely system updates
- Easier for families to understand EC licensing expectations and philosophy



Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

CURRENT STATE

Current Type (type code)	Current NDCC	Defined	When is a license required?	Proposed Type (type code)
Child Care Center (C)	50-11.1-02(3); 50-11.1-03(3)	An early childhood program licensed to provide early childhood services (ECS) to 19 or more children	>=30 kids at any one time	Child Care Center (C)
Group in a Facility (H)	50-11.1-02(9)	A child care program licensed to provide ECS for 30 or fewer children	>=8 and <30 kids at any one time	
Multiple Lic Program (M)	50-11.1-02(14)	An early childhood program licensed to provide more than one type of ECS		
Preschool (E)*	50-11.1-02(19)	A program licensed to offer ECS which follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than 3 hours per day		
School Age Care (K)	50-11.1-02(25)	A child care program licensed to provide ECS on a regular basis for children aged at least 5 years through 11 years		
Family Child Care (F)	50-11.1-02(7); 50-11.1-03(1)	A private residence licensed to provide ECS for no more than 7 children at any one time, except that the term includes a residence licensed to provide early childhood services to 2 additional school-age children	4+ ages <=24mo, or 6 or 7 through age 11, witch includes no more than 3 <24 mo	Family Child Care (F)
Group Child Care (G)	50-11.1-02(9); 50-11.1-03(2)	A child care program licensed to provide ECS for 30 or fewer children	>=8 and <30 kids at any one time	
In-home provider (I)	50-11.1-02(11)	Any person who provides ECS to children in the children's home.		In-home provider (I)
Self Declaration (S)	50-11.1-02(27)	An individual providing ECS in a private residence for up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months.		Self Declared (S)

*Proposed "Preschool Designation" can layer on top of either a Child Care Center or Family Child Care License Type

Streamline Number of Child Care Licenses/Non-Licensed ECS Types from 8 to 4

PROPOSED FUTURE STATE

<u>Current Type</u> (type code)	<u>Current NDCC</u>	<u>Proposed Type</u> (type code)	<u>Defined</u>	<u>When is the <u>proposed</u> license required?</u>
Child Care Center (C)	50-11.1-02(3)	Child Care Center (C)	An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages.	If early childhood services are provided for more than 12 children at any one time
Group in a Facility (H)	50-11.1-02(9)			
Multiple Licensed Program (M)	50-11.1-02(14)			
Preschool (E)*	50-11.1-02(19)			
School Age Care (K)	50-11.1-02(25)			
Family Child Care (F)	50-11.1-02(7)	Family Child Care (F)	An early childhood program operated in a private residence licensed to provide ECS for no more than 12 children at any one time.	If early childhood services are provided for <ul style="list-style-type: none"> • 4 or more children ages 24 months and under, or • 12 children through age 12 at any one time which includes no more than 3 children under 24 months
Group Child Care (G)	50-11.1-02(9)			
In-home provider (I)	50-11.1-02(11)	In-home provider (I)	Updated to align to Child Care Assistance definition	As per NDCC, Non-Licensed provider of Early Childhood Services
Self Declaration (S)	50-11.1-02(27)	Self Declaration (S)	No change	As per NDCC, Non-Licensed provider of Early Childhood Services

*Proposed "Preschool Designation" can layer on top of either a Child Care Center or Family Child Care License Type

STREAMLINE NUMBER OF CHILD CARE LICENSE / NON-LICENSED ECS TYPES FROM 8 TO 4

WHAT STAYS THE SAME?

- Licensing looks at a combination of physical space characteristics and staff qualifications to establish health and safety thresholds
- There are typically multiple options for staff to meet credential requirements for various positions



STREAMLINE NUMBER OF CHILD CARE LICENSE / NON-LICENSED ECS TYPES FROM 8 TO 4

WHAT WOULD CHANGE?

- Providers would select a license type based on whether they serve 12 or more children OR 12 or fewer children
 - Admin Rule will provide direction specific to staff credentialing and other requirements based on type of setting and number of children served (ex. centers serving 13-30 kids v 30+ kids, multi-site school age programs)
- Child care would be considered a permitted use in any residential zoning district if the provider holds a center-license authorized by HHS for up to 30 children.



COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

CHILD CARE CENTER (C)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(3) ; 50-11.2-03(3)	50-11.1-02(3); 50-11.2-03(2)
NDCC definition/when req	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services to 19 or more children Required if ECS are provided for 30 or more kids at any one time 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-10	75-03-10
# kids (min / max)	Min = 19; Max = n/a	Min = 12; Max = n/a
Staff-to-Child Ratio	0-17 mo. 1:4, 18-25 mo. 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20	No change
Staff credential requirements	<p><u>Director</u>: (1) B.A. in ECE/Child Dev OR B.A. w/6 mo. experience & approved ECE training/credential OR (2) Assoc Deg in ECE w/6 mo. experience OR approved ECE training/credential OR (3) Teaching cert in Elem Ed w/6 mo. experience OR (4) CDA OR approved credential w/1 yr experience OR (5) Montessori teacher cert w/1 yr experience</p> <p><u>Supervisor</u>: Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member</u>: 14+ years old & basic CC training outlined for all staff</p>	<p><u>Director</u>: No change</p> <p><u>Supervisor</u>: No change</p> <p><u>Staff member</u>: No change</p>
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep & 1 hr mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hrs. 20-30 hrs./wk. = +11 hrs, 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hrs 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

MULTIPLE PROGRAMS (M)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	<u>Potential</u> Future State
NDCC Reference(s)	50-11.1-02(14)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> An early childhood program licensed to provide more than one type of early childhood services 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	Depends on combination of license types	75-03-10
# kids (min / max)	Depends on combination of license types	Min = 12; Max = n/a
Staff-to-Child Ratio	0-17 mo. 1:4, 18-25 mo. 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20	No change
Staff credential requirements	Depends on requested combination of license types	Adhere to Child Care Center requirements
Staff training requirements	Depends on requested combination of license types	Adhere to Child Care Center requirements

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

PRESCHOOL (E)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(19)	Amend current section to create "Preschool Designation"; available to any program type that meets Preschool Designation criteria
NDCC definition/when req	<ul style="list-style-type: none"> A program licensed to offer early childhood services which follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than 3 hours per day 	<ul style="list-style-type: none"> Preschool designation" means a program licensed to offer ECS & which employs highly credentialed staff and follows a preschool curriculum or course of study designed primarily to enhance the educational development of the children enrolled, as defined and verified by the department.
NDAC Reference(s)	75-03-12	75-03-10
# kids (min / max)	N/A	N/A
Staff-to-Child Ratio	2-3 yr old 1:6, 3-4 yrs old 1:11, 4-5 yrs old 1:13, 5-6 yrs old 1:16	2-3 yr 1:7, 3-4 yr 1:10, 4-5 yr 1:12, 6-12 yr 1:20
Staff credential requirements	<ul style="list-style-type: none"> A bachelor's degree w/8 semester hrs. or 12 qtr. hrs. early childhood ed or child dev OR An associate's degree with at least 1 yr exp. in a preschool or similar setting and 8 semester hrs. or 12 quarter hrs. of ECE/Child Dev OR 120 hrs. of EC training OR Current certification as a Child Dev Assoc or similar status OR Certification from a Montessori teacher training program 	<ul style="list-style-type: none"> Staff credential requirements follow provider's license type The Preschool Designation layers on top of base staff credential requirements. Preschool Designation is available if lead teacher on staff with B.S. in Early Childhood Education OR B.S. in Elementary Education with 1 year EC experience OR extensive experience in the EC field as defined and approved by HHS.
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr. safe sleep and 1 hr. of mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hrs. 20-30 hrs./wk. = +11 hrs. 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hrs.) 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

SCHOOL AGE CARE (K)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(25)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services on a regular basis for children aged at least 5 years through 11 years 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-11.1	75-03-10
# kids (min / max)	Max group size 40 school age children	Min = 12; Max = n/a
Child-to-Staff Ratio	20 school age children to 1 staff	
Staff credential requirements	<p><u>Director</u>: (1) B.A. in ECE/Child Dev OR B.A. w/6 mo. experience & approved ECE training/credential OR (2) Assoc Deg in ECE w/6 mo. experience OR approved ECE training/credential OR (3) Teaching cert in Elem Ed w/6 mo. experience OR (4) CDA OR approved credential w/1 yr experience OR (5) Montessori teacher cert w/1 yr experience</p> <p><u>Supervisor</u>: Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member</u>: 14+ years old & basic CC training outlined for all staff</p>	No change
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment & 1hr safe sleep + 1 hr mandated reporter training Annual training based on work hours (30+ hrs./wk. = +13 hr., 20-30 hrs./wk. = +11 hrs. 10-20 hrs./wk. = +9 hrs. <10 hrs./wk. = +7 hr. 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

GROUP IN A FACILITY (H)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(9)	Eliminate current section; adhere to Child Care Center language (50-11.1-02(3) and 50-11.2-03(2))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services for 30 or fewer children 	<ul style="list-style-type: none"> An early childhood program licensed to provide early childhood services for children from birth through age twelve, following appropriate ratios according to square footage and ages. Required if early childhood services are provided for more than 12 children at any one time
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min= N/A Max specified on license	Min = 12; Max = n/a
Staff-to-Child Ratio	<ul style="list-style-type: none"> Up to 3 children under age 24 mo w/additional children over 24 mo OR Up to 4 children under age 24 mo when not caring for additional older children If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member 	0-17 mo 1:4, 18-25 mo 1:5, 3 yr 1:7, 4 yr 1:10, 5 yr 1:12, 6-12 yr 1:20
Staff credential requirements	<u>Supervisor:</u> Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience <u>Staff member:</u> 14+ years old & basic CC training outlined for all staff	No change
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep and 1 hr of mandated reporter training Annual training based on work hours (30+ hrs/wk = +8 hrs, 20-30 hrs/wk = +6 hrs, 10-20 hrs/wk = +4 hrs, <10 hrs/wk = +2 hrs) 	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment + 1 hr safe sleep & 1 hr mandated reporter Annual training based on work hours (30+ hrs/wk = +13 hrs, 20-30 hrs/wk = +11 hrs, 10-20 hrs/wk = +9 hrs, <10 hrs/wk = +7 hrs)

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

FAMILY CHILD CARE (F)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(7); 50-11.2-03(1)	Amend to increase capacity (50-11.1-02(7) and 50-11.2-03(1))
NDCC definition/when req	<ul style="list-style-type: none"> A private residence licensed to provide early childhood services for no more than 7 children at any one time, except that the term includes a residence licensed to provide early childhood services to 2 additional school-age children If ECS provided for 4 or more kids ages ≤ 24mo, or 6 or 7 through age 11, which includes no more than 3 age 0-24 mo. 	<ul style="list-style-type: none"> An early childhood program operated in a private residence licensed to provide early childhood services for no more than twelve children at any one time. Required if early childhood services are provided for <ul style="list-style-type: none"> 4 or more children ages 24 months and under, or 12 children through age 12 at any one time which includes no more than 3 children under 24 months
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min = 4; Max = 7 + 2 school age (excludes provider's own children older than age 11)	Min = 4; Max = 12 (excludes provider's own children older than age 11)
Staff-to-Child Ratio	<ul style="list-style-type: none"> Up to 3 children under age 24 months with additional children over 24 months OR <ul style="list-style-type: none"> Up to 4 children under age 24 months when not caring for additional older children 	<ul style="list-style-type: none"> If caring for 4-8 children, no change from current If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member
Staff credential req	Same as training req	No change
Staff training requirements	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Completion of minimum of 9 hrs. HHS-approved training related to child care annually, including 1 hr. mandated reporter and safe sleep. 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

GROUP IN A HOME (G)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(9)	Eliminate current section; adhere to Family Child Care language (50-11.1-02(7) and 50-11.2-03(1))
NDCC definition/when req	<ul style="list-style-type: none"> A child care program licensed to provide early childhood services for 30 or fewer children 	<ul style="list-style-type: none"> An early childhood program operated in a private residence licensed to provide early childhood services for no more than twelve children at any one time. If early childhood services are provided for <ul style="list-style-type: none"> 4 or more children ages 24 months and under, or 12 children through age 12 at any one time which includes no more than 3 children under 24 months
NDAC Reference(s)	75-03-09	75-03-10
# kids (min / max)	Min= N/A Max= specified on license	Min = 4; Max = 12 (excludes provider's own children older than age 11)
Staff-to-Child Ratio		<ul style="list-style-type: none"> If caring for 4-8 children, no change from current If caring for 9-12 children, follow point system to determine child-to-staff ratio: 0-17 mo 0.25, 18-25 mo 0.20, 3 yr 0.14, 4 yr 0.10, 5 yr 0.08, 6-12 yr 0.05 In mixed age group, no more than 4 kids younger than 18 mo are allowed per staff member
Staff credential requirements	<p><u>Supervisor</u>: Assoc Dec in ECE OR CDA OR Montessori teacher cert OR HS Diploma/GED + 1yr experience</p> <p><u>Staff member</u>: 14+ years old & basic CC training outlined for all staff</p>	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Completion of minimum of 9 hrs HHS-approved training related to child care annually, including 1 hr mandated reporter
Staff training requirements	<ul style="list-style-type: none"> Certify completion of HHS-approved basic child care course, pediatric CPR/1st Aid within 90 days of employment and 1 hr safe sleep and 1 hr of mandated reporter training Annual training based on work hours (30+ hrs/wk = +8 hrs, 20-30 hrs/wk = +6 hrs, 10-20 hrs/wk = +4 hrs, <10 hrs/wk = +2 hrs) 	<ul style="list-style-type: none"> At least 18 years old Completion of HHS-approved basic child care course within 90 days of licensure Completion of minimum of 9 hrs HHS-approved training related to child care annually, including 1 hr mandated reporter

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

IN-HOME PROVIDER (I)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	<u>Potential</u> Future State
NDCC Reference(s)	50-11.1-02(11)	Amend to align with child care assistance definition (50-33-08)
NDCC definition/when req	<ul style="list-style-type: none"> Any person who provides early childhood services to children in the children's home. 	<ul style="list-style-type: none"> Any person who provides early childhood services to a child in the child's home when the child has a health condition or disability that would make it not feasible for the child to receive services outside the child's home due to the unique medical or behavioral health needs of the child.
NDAC Reference(s)	75-03-07	No change
# kids (min / max)	1	No change
Staff-to-Child Ratio	N/A	No change
Staff credential requirements	18 yrs old, able to use mature judgement	No change
Staff training requirements	<ul style="list-style-type: none"> Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Shall participate in specialized training related to child care if provided by or approved by HHS 	No change

COMPARING CURRENT AND FUTURE STATE BY PROGRAM TYPE

SELF DECLARED PROVIDER (S)

Details provided here are for discussion purposes. Full Administrative Rules process to occur after legislative session, including opportunities for public comment

	Current State	Potential Future State
NDCC Reference(s)	50-11.1-02(27)	No change
NDCC definition/when req	<ul style="list-style-type: none"> An individual providing early childhood services in a private residence for up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months. 	No change
NDAC Reference(s)	75-03-07-01	No change
# kids (min / max)	Up to 5 children through the age of 11, of which no more than 3 may be under the age of 24 months	No change
Staff-to-Child Ratio	N/A	No change
Staff credential requirements	At least 18 years old	No change
Staff training requirements	<ul style="list-style-type: none"> Completion of HHS-approved basic child care course within 90 days of licensure Including safe sleep course prior to having unsupervised access to infants. Completion of minimum of 3 hrs HHS-approved training related to child care annually, including 1 hr. mandated reporter & 1 hr safe sleep 	No change

SPECIAL LOOK: COMPARING CURRENT & FUTURE STATE FOR GROUP PROVIDERS

GROUP IN A HOME (G) & GROUP IN A FACILITY (H)

- Current state - Group providers serving 9-30 children can operate like Family Child Care if they are located in a home (G) or like a Child Care Center if they are located in a facility (H).
- Future state – Providers follow Family Child Care law/rule if serving 12 or fewer children or Child Care Center law/rule if serving 13 or more children.
- Admin Rule for Child Care Center licenses will include variations for centers serving 13-30 children, to acknowledge some of the operational differences that are the reality for smaller centers.



#3: CREATE A PATHWAY FOR PROGRAMS OPERATING AS LICENSE EXCEPTIONS TO MORE EASILY ACCESS ND CHILD CARE INFRASTRUCTURE

Allow certain programs operating as license exceptions to voluntarily request to be **recognized** by HHS as complying with the provisions of state law related to licensing.

CURRENT

- ND Century Code establishes 11 situations where child care is exempted from having to apply for a license.

PROPOSED

- Create “recognized” as a status to allow programs operating as one of six exception types to voluntarily document that they are complying with state licensing requirements

WHY IS THIS IMPORTANT?

- HHS does not have information on programs operating with a license exception and as such, cannot always connect them with the benefits of ND’s child care infrastructure (ex. resource and referral information provided to families, QRIS, grant opportunities, training incentives)
- Creates an opportunity to help support quality care for kids in more settings while preserving current license exceptions.

CENTURY CODE DEFINES 5 STATUSES FOR EARLY CHILDHOOD SERVICES / CHILD CARE

Status	NDCC	Status relevant for which License / Non-Lic ECS Types	What does the status mean?
Licensed	50-11.1-02(12)	Child Care Center (C), Family Child Care (F)	Fully licensed by HHS; has the rights, authority, or permission granted by the department to operate and provide early childhood services
Approved	50-11.1-02(8); 50-11.1-21(1)	Four-year old program	Applicant (person or school district) complies with the applicable rules and standards as prescribed by HHS
Recognized	50-11.1-02(21)	Child Care provided in: Educational facility grade 1 or above (b), kindergarten (c), Educational facility for children under 6 (d), Head Start / Early Head Start (i), Medical facility for children who are ill (j), or Dept of Defense-certified programs (k)	Voluntarily self-certify to HHS that program complies with NDCC 50-11.1 (i.e., licensing standards)
Registered / Self Dec Cert	50-11.1-02(23) / 50-11.1-02(27)	In home provider (I) / Self Declared (S)	Registrant complies with NDCC 50-11.1 and the applicable rules and standards as prescribed by HHS
Exempt	50-11.1-02(6a) – (6k)	Child Care provided in: (a) Substitute parental care, (b) Educational facility grade 1 or above, (c) kindergarten, (d) Educational facility for children under 6, (e) church/business while parent on premise, (f) summer schools/church, (g) 2-week summer camps, (h) sporting events/activities, (i) Head Start / Early Head Start, (j) Medical facility for children who are ill, or (k) Dept of Defense-certified programs	Has the ability as per ND law to offer child care in within the manner prescribed (i.e., exempt from licensure)

CENTURY CODE DEFINES 5 STATUSES FOR EARLY CHILDHOOD SERVICES / CHILD CARE

Status	NDCC	Child Care 50-11.1-02(2)	Early Childhood Services 50- 11.1-02(6)	Early Childhood Program 50-11.1-02(5)
		The care, supervision, education, or guidance of a child that is not provided by parents, legal guardians, or legal custodians.	The care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. (incl list of exceptions in subdivisions a-k)	Any program licensed, registered, or recognized under this chapter where early childhood services are provided for at least three hours a day for three or more days a week.
Licensed	50-11.1-02(12)	X	X	X
Approved	50-11.1-02(8)	X	X	
Recognized	50-11.1-02(21)	X	X	X
Registered / Self Dec Cert	50-11.1-02(23) / 50-11.1- 02(27)	X	X	X
Exempt	50-11.1-02(6a) – (6k)	X		

CHILD CARE INVESTMENTS CAN SUPPORT AFFORDABILITY, AVAILABILITY & QUALITY ACROSS PROVIDER TYPES

	Licensed	Registered	Recognized	Approved	Exempt
Monitored (per CCDF)	X	X			
Eligible for CCAP (per CCDF)	X	X			
Access to Training	X	X	X	X	X
Training Incentives	X	X	X		
Career Pathway Incentives	X	X	X		
Grow Grants	X				
Facility Grants	X				
Inclusion Grants	X				
Participate in QRIS	X		X		
Quality Grants	X		X		
Shared Services	X				
Best in Class	X			X	



#4: ALIGN LICENSING AND CHILD CARE ASSISTANCE DEFINITIONS OF IN-HOME PROVIDER TO BETTER SERVE CHILDREN WITH SPECIAL NEEDS

Clarify the circumstances in which Child Care Assistance can help support the cost of providing child care in a family's home.

CURRENT

- In-home providers are a non-licensed provider type that, because they are defined in law, are eligible to participate in Child Care Assistance (CCAP)
- State law outlines circumstances for documenting a child/family's eligibility that does not align to current best practice.

PROPOSED

- Clarify that CCAP is available if, due to health and/or disability, that it is not feasible for the child to receive services outside the child's home
- Clarify what family needs to provide for documentation

WHY IS THIS IMPORTANT?

- This provision can be an important resource for families of children with special needs that today is not being used, in part because of outdated program definitions that are mis-aligned with practice.

Testimony
House Bill No.1119
House Human Services Committee
Representative Matthew Ruby, Chairman
January 27, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Carmen Traeholt, Early Childhood Services Licensing Administrator with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1119, which was introduced at the request of the Department.

As a follow up to conversations that occurred in and around the time of the 2023 Legislative Session, the Department commissioned a comprehensive study that had a purpose of evaluating current child care licensing processes and offering recommendations for improvement. Dr. Kelli Odden, Professor, Dean and Division Chair of Mayville State University Education Department, completed a crosswalk and comparison study of the laws, rules, and policies relevant to North Dakota's 6 license types and 2 non-license types that make up the North Dakota's child care infrastructure. Dr. Odden's study identified areas of redundancy within the 6 license types and suggested streamlining license types defined in law and the associated regulations to reduce administrative challenges and better support child care providers.

House Bill No. 1119 proposes a proactive approach to strengthening North Dakota's child care infrastructure. By streamlining license types, providing clearer pathways for support, and creating flexibility for completing required training, the Bill aims to address the evolving needs of families and child care providers across the state.

The Department has been reaching out to child care providers across the state to solicit feedback on the changes proposed in the Bill throughout the drafting process. Because it may be helpful to you as a reference, I have provided a copy of the summary presentation shared with the Early Childhood Advisory Committee in December.

The simplification that is proposed in the Bill represents a significant change to the state's child care licensing framework. While most providers we spoke to initially expressed some degree of skepticism about the impact the change may have on them personally, as we had an opportunity to talk in more depth about their specific questions and concerns, they overwhelmingly came to see the positive potential of these proposed changes. I will walk through the various sections of the Bill, highlighting key elements in each section.

Section 1:

The proposed changes in Section 1 of the Bill amend section 50-11.1-02 of the North Dakota Century Code by modifying or removing various definitions relevant to this section of law to align to the simplified framework. Additionally, Section 1 offers clarifying language related to use of consistent terminology, provides a definition of child care, which is a term previously undefined in this chapter, and better aligns the definition of "in-home provider" with the definition used in the Child Care Assistance Program.

The changes in this Section help establish the foundation for the combination of several license types into two main license types: Family Child Care and Center Child Care. This simplifies the existing framework, will allow the Department to streamline regulations, and allows providers to increase capacity without needing to apply for a new license. An individual still has the option to register as a self-declared provider.

Page 4 lines 6 through 10 describes an opportunity for programs that meet specific criteria, including employing highly credentialed staff and following a preschool curriculum, to earn a "Preschool Designation" instead of maintaining the requirement that programs pursue a separate preschool license.

Page 4, line 13 through 15, establishes a voluntary "recognized" status for programs operating under six of the 11 license exemptions outlined in law today (NDCC 50-11.1-02(6)). This status would allow programs to voluntarily document that they are operating in compliance with state licensing provisions even though not required to do so and can then also participate in the referral network for families, quality improvement initiatives and grants, training opportunities, and other incentives offered by the Department. The proposal preserves current license exemptions and maintains their status as exempt while creating an opportunity for them to also be "recognized" by the Department.

Section 2:

Today, when the Department determines the number of children in a child care setting for the purposes of licensing. This includes evaluation of the physical space as well as the relationship of the child to the caregiver (i.e. whether a caregiver caring for their own child) The proposed changes in Section 2 of the Bill amend section 50-11.1-02.1 regarding the number of children in a program and how that number is determined. These changes help assure that the state is in alignment with Child Care Development Block Grant requirements for licensing but does not impact the ability of a family child care provider to exempt their own children over the age of eleven from the number of children determination.

Page 5, lines 23 through 26 identifies child care as a permitted use in any residential zoning district as long as the program is licensed by the Department and serves 30 children or fewer, regardless of license type. This change will help address any confusion that may arise due to changes in the terminology used to describe license types, as proposed in the Bill.

Section 3:

The proposed changes in Section 3 of the Bill, covering pages 5 through 7, contain additional modifications required to streamline child care licensing structure, clarifying requirements for different types of providers. The Bill removes requirements for various license types and outlines the new criteria for Family Child Care and Center Child Care.

Family Child Care programs would be licensed based on serving 12 or fewer children (Page 5, lines 30-31), while Child Care Centers would be licensed for more than 12 children (Page 6, lines 5-6). Programs will select a license type based on the number of children they serve, helping reduce overlapping provisions and simplifying the licensing process. The proposed changes clarify when a license is required and help ensure compliance with Child Care Development Fund regulations.

The changes being proposed in the Bill do not change the fact that Health and Safety Standards will continue to be monitored for compliance, including characteristics of physical space and staff qualifications. Multiple pathways for staff to meet credentialing requirements will remain, ensuring flexibility and accessibility for providers.

As noted previously, the law changes proposed in the Bill will be supported by a re-write of the Administrative Rules that outline the detailed expectations of child care programs. Administrative rules will provide specific guidance on staff credentialing and requirements based on the type of setting and number of children served (e.g., centers serving 13-30 children vs. 30+ children), including an opportunity for providers with highly qualified staff to be eligible for a Preschool Designation, regardless of their license type.

Page 7, lines 21 through 23 have been struck and a new section, Section 11 of the Bill is being created and enacted related to training and certification requirements.

Section 4 and Section 8:

The proposed changes in both Sections 4 and 8 reduce redundancy in language and acknowledge more simply that applicants are already required to show compliance with this chapter and the rules of the Department. Section 4 addresses applications for license and Section 8 addresses self-declarations.

Language related to specific training requirements (Page 9, lines 1-6, and Page 12 lines 28-30 through Page 13 lines 1-9) have been struck and will be found in Section 11 of the Bill, as part of the clarification of expectations and timeframes related to required training.

On page 9, lines 7 through 8, you'll see the transition to a one-year license. This change is being proposed to align to federal requirements that state licensing specialists verify program documentation annually.

Section 5

On page 10, line 6 is updating the subsection reference to align with the new numbering in 50-11.1-03.

Section 6

The proposed change to Section 50-11.1-11 on page 10 line 13 of the Bill adds “recognized” programs to the list of early childhood programs that state and local governments can consider when purchasing services.

Section 7

The proposed change in this Section of the Bill proposes to remove detailed programmatic language on page 10, lines 29-31 and page 11, lines 1-26, to be more aligned with the level of detail present in other sections of chapter 50-11.1. The removal of this language does not change the availability or character of North Dakota’s existing child care resource and referral services.

Section 9

Section 9 expands who is eligible to receive early childhood inclusion support services by adding both registered and recognized programs to the list of eligible programs (Page 14, lines 3-4).

Section 10

Section 10 offers clarifying language for the best-in-class program by acknowledging that eligible programs may also serve children who are younger or older than four years old (page 14, lines 18-19), and corrects the department reference related to approval and certification (page 14, line 28).

Section 11

Section 11 outlines the other major element of the Bill, which is to de-couple the timeframe for completion of annual training requirements from the licensing application timeline by modifying training and certification requirements. The language on page 15 lines 15-28 describes how the timelines established for staff members to complete required training will be de-coupled from license timeline requirements. The proposed change will establish a unified training calendar, which means that annual training requirements will align with the calendar year (January 1 through December 1) instead of the license renewal deadline. This will eliminate the de facto Blackout Period that exists today; with the change, providers will receive licensing credit for training completed at any time during the calendar year. New staff will still be required to complete Pre-Service Training, basic child course and Pediatric CPR/AED and Pediatric First Aid within 90 days of hire date; this timeline remains tied to individual hire dates.

To implement this change, the licensing team will change how they monitor training requirements. Annual training from January 1 to December 31 will be reviewed during the following year's renewal visit. Licensing Specialists will also choose a random sample of staff training records. If compliant, no action is needed; non-compliance may lead to a correction order or corrective action.

Section 12

The changes on page 16, lines 2-11 offer clarifying language related to the definition of in-home child care and eligibility for child care assistance. The amended language states that child care assistance may be available when, due to health and/or disability, it is not feasible for a child to receive care outside their home and an in-home provider is required.

Families of children with special needs face unique challenges in securing appropriate child care. This provision has the potential to serve as an essential resource, but it is underutilized due to confusing and outdated definitions, and burdensome and unclear documentation requirements.

Section 13

Page 16 lines 12-13 repeal sections 50-11.1-02.3, training on infant safe sleep practices, and 50-11.1-02-4, mandated reporter of suspected child abuse or neglect training as these training requirements are now specified in the language outlined in Section 11 of the Bill.

Section 14

Page 16, line 14 proposes the Act is set to become effective on April 1, 2026. To implement the changes, the Department will need to modify the technology system that is used to track training for owners and staff, to reflect the new requirements and align with the revised license types and training criteria.

The Department will also need to revise the administrative rules to ensure they align with the proposed changes in training requirements and licensing framework. These updates will ensure that the system and rules are consistent with the new licensing structure and support the effective implementation of the Act. The Department is commitment to conducting an inclusive rulemaking process. If the changes outlined in the Bill are approved, we will immediately start working with child care providers to review the proposed revisions to the seven chapters of North Dakota Administrative Code that are relevant to child care licensing.

Overall, the changes proposed in House Bill No. 1119 aim to create a more efficient, flexible, and user-friendly licensing framework by modernizing and streamlining the licensing process while maintaining flexibility, health and safety standards, and support for early childhood experiences of all types. The simplified training and licensing frameworks will make the process easier to understand for families and providers, while also enabling timely updates to systems and rules. Our goal is to support, not hinder, the availability of quality, affordable child care in communities all across our state.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

Angie Barber /Adventure Academy

30 7th St. W

Suite 2F-201

Dickinson, ND 58601

Good afternoon, I am Angie Barber owner/director of Adventure Academy LLC in Dickinson, ND.

I am of support of bill #1119. Here are a few reasons why:

1st, I do believe condensing the number of license types would benefit the potential daycare owners by eliminating the confusing and overlapping license types which could scare away new childcare businesses which our state desperately need. For existing license types, the bill would create more clarity over which regulations are needed for which license type.

My biggest "win" for the education of our states preschoolers is the elimination of limiting preschools to only 3 hours of preschool time per day. We as a nation keep changing our kindergarten requirements while we have maintained a bare minimum of allotted time to prepare students for their elementary career. I firmly believe this puts ND behind greatly in our education for our young ones. By taking away this 3 hour cap, we can incorporate longer education times and utilize different approaches to early learning. I believe learning should always be fun!

I support the requested change of continuing education per calendar year, taking away our 90 day gap where it doesn't "count" in our learning records. Yay!

Thank you for supporting our places of childcare and preschools.

Sincerely,

A handwritten signature in cursive script that reads "Angela Barber". The signature is written in dark ink and is positioned below the word "Sincerely,".

Angie Barber/Adventure Academy

AdventureAcademyND@gmail.com

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1119

SECTION 11. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Training and certification requirements.

1. The department shall establish by rule, training and certification requirements for applicants, providers, staff members, and emergency designees.
2. The department approved training and certification requirements must include safe sleep, mandated reporter of suspected child abuse or neglect, infant and pediatric cardiopulmonary resuscitation, including the use of an automated external defibrillator, and **pediatric** first aid.
3. The department may deny or revoke a license, self-declaration, or registration document, issue a provisional license or self-declaration document, issue a correction order, or apply fiscal sanctions if the applicant, provider, staff member, or emergency designee fails to comply with the training and certification requirements.
4. Unless otherwise provided by rule, the department shall allow an applicant, provider, staff member, and emergency designee twelve months to comply with the annual training and certification requirements.



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

January 27, 2025

Re: HB 1119

Chairman Ruby and Members of the House Human Services Committee,

My name is Lorrie Thoemke and I serve as Vice President of Learning Centers for YMCA Northern Sky which serves communities within Cass and Clay counties. Thank you for the opportunity to testify on House Bill 1119. We offer our support but seek additional clarity in the details beyond this bill's language.

While the YMCA supports the simplification of licensing rules, like those proposed in HB 1119, we do want to urge that the public rulemaking process allow the child care provider community a clear opportunity to help define, communicate, and enforce these rule changes which the department seeks to solidify. Without a concerted effort by the Department of Health and Human Services to involve providers directly impacted by this licensure streamlining, our programs and operating model could be negatively affected.

For instance, in Fargo, if the number of licensing categories are lowered to three from the current seven, this could potentially impact the number of School Age sites that we operate throughout Fargo and West Fargo. It would require the YMCA to provide a licensed director at each site, or increase our director team from 11 to 20, which places additional costs on the organization for those salaries of \$90,000 to \$120,000, as well as the administrative burden with background check delays and other hiring costs. We would have to turn these increased costs back on parents in our programs to offset this shortfall and would have to limit the number of children who are receiving scholarships from the YMCA.

The YMCAs are collectively the largest provider of childcare services in the state. Together, we appreciate the proposals in this bill that seek to allow all child care staff the ability to complete training in a calendar year, and the changes that allow preschool families who qualify to now access Child Care Assistance, or CCAP, among others.

Prior to passage of this bill, however, we would encourage lawmakers to make sure that as many of these nuanced situations are thought of and discussed. Additionally, we encourage the Department to have all rule changes vetted with current providers so that they are aware of the impacts on programs, staff, and the families we serve. The child care ecosystem is fragile, and added costs serve as a threat to the existing infrastructure.

Thank you for your consideration as we work together to address an issue with a direct impact on workforce development in North Dakota.

Thank you,

Lorrie Thoemke
YMCA of the Northern Sky



FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

TODAY. TOMORROW.

TOGETHER.

NORTH DAKOTA ALLIANCE OF YMCAS 2024 COMMUNITY IMPACT REPORT



\$1,736,663 in financial assistance was given to support kids and families from economically disadvantaged backgrounds to participate in North Dakota YMCA programs and activities



3,230 children were enrolled in YMCA licensed childcare centers



29,555 youth participated in out-of-school-time activities at the Y that focus on holistically fostering the physical, social and emotional development of kids

IN ADDITION TO FULL TIME STAFF AT ALL LOCATIONS, YMCAS ARE OFTEN THE FIRST EMPLOYERS OF YOUNG PEOPLE. YMCAS ALSO OFFER OLDER ADULTS OPPORTUNITIES TO SUPPLEMENT THEIR INCOME WHILE BEING PART OF A HEALTHY COMMUNITY.

2,113 individuals are employed by North Dakota YMCAs



\$25,477,591 was paid in wages and benefits by North Dakota YMCAs



WE ARE COMMUNITY

The YMCA makes accessible the support and opportunities that empower people and communities to learn, grow and thrive. There is no other nonprofit quite like the YMCA. That's because in 10,000 neighborhoods across the nation, we have the presence and partnerships to not just promise, but to deliver, lasting personal and social change.



Communities with high rates of volunteerism tend to have greater income equality than similar communities that do not.



When members make a friend they are 50% more likely to stay with the YMCA.

North Dakota YMCA's have over 100 community partnerships, some of which include:



- Foster Families
- Military Families
- Easter Seals
- United Way
- American Red Cross
- AmeriCorps
- Area Churches
- Local Hospitals
- Boys & Girls Club
- Chamber of Commerce
- City Governments
- Schools, Colleges & Universities
- Department of Corrections
- Dakota Boys & Girls Ranch
- Dakota Medica
- Foundation Ministerial Association
- Healthy North Dakota
- Home School Groups



CARING | HONESTY | RESPECT | RESPONSIBILITY



"I love the friendships and coffee at the Y. For many of us that are seniors, it provides a primary social time in our lives."

"Thank you for providing such a wonderful place for fitness and socializing!"

YOUTH DEVELOPMENT | HEALTHY LIVING | SOCIAL RESPONSIBILITY

Alliance of North Dakota YMCAs

Grand Forks YMCA Family Center
215 N 7th St, Grand Forks
gfyymca.org

Missouri Valley Family YMCA
1608 N Washington St, Bismarck
bismarckymca.org

The YMCA of the Northern Sky
400 1st Ave S, & 4243 19th Ave S, Fargo
www.ymcanorthernsky.org

YMCA of Minot North Dakota
3515 16th St SW, Minot
ymcaminot.org

I strongly support the proposed bill to amend and enact new sections to Chapter 50-11.1 of the North Dakota Century Code. Training requirements for early childhood services staff are proposed to be repealed to streamline and update the training process. This legislation is crucial for enhancing the quality and accessibility of early childhood services in our state. By updating training and certification requirements, we ensure that our early childhood professionals are well-equipped with the latest knowledge and skills to foster the development and well-being of our children. This ensures early childhood professionals stay current with the latest educational practices and child development research. Enhanced training programs will improve classroom management and strategies, leading to better learning environments for children. This includes incorporating new techniques for engaging children and addressing the learning needs of all children, focusing on the understanding that early childhood is a critical period for brain development. High-quality early childhood programming helps children develop foundational skills in math, reading, self-control, and positive relationships, setting them up for long-term success. Aiming to ensure that early childhood professionals are equipped with the latest knowledge and skills while implementing certification programs that can open new career opportunities for early childhood educators, making the profession more attractive and retaining talented and prepared individuals. This bill also represents a significant step towards safeguarding the health, safety, and development of our youngest citizens, our children.

Current Ratios				
Age Group	Ratio	Number of Children		Calculation
0 - 18 mo	0.25	4		1
18 mo - 36 mo	0.2	8		1.6
3 yr - 4 yr	0.14	6		0.84
4 yr - 5 yr	0.1	6		0.6
5 yr - 6 yr	0.08	4		0.32
6 yr +	0.05	2		0.1
		30	Total	4.46
Operator/Applicant	Ratio	Total After Operator	Staff Ratio	Staff Total
1	1.34	3.12	1	3.12

1 operator and 4 staff required

Proposed Ratios				
Age Group	Ratio	Number of Children		Calculation
0 - 18 mo	0.25	4		1
18 mo - 36 mo	0.15	8		1.2
3 yr - 5 yr	0.1	12		1.2
5 yr +	0.05	6		0.3
		30	Total	3.7
Operator/Applicant	Ratio	Total After Operator	Staff Ratio	Staff Total
1	1.34	2.36	1	2.36

1 operator and 3 staff required

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1119
2/5/2025

Early childhood services training and certification requirements
--

4:46 p.m. Chairman M. Ruby opened the meeting.

Members present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Kiefert, Rios, Rohr

Members absent: Representative Holle

Discussion Topics:

- Committee work
- Legislative management study

4:47 p.m. Representative Dobervich moved to amend the bill relating to a legislative management study, #44388.

4:47 p.m. Vice-Chairman Frelich seconded the motion.

4:49 p.m. Voice Vote passed.

4:50 p.m. Representative Dobervich moved a Do Pass as amended.

4:51 p.m. Representative K. Anderson seconded the motion.

4:53 p.m. Representative Dobervich rescinded the motion.

4:55 p.m. Representative Dobervich moved to further amend by removing section 4 and making it the new section 3.

4:55 p.m. Representative Bolinske seconded the motion.

4:56 p.m. Voice Vote passed.

4:56 p.m. Representative Dobervich moved a Do Pass as amended and be placed on the consent calendar.

4:56 p.m. Vice-Chairman Frelich seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	AB
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

4:58 p.m. Motion passed 12-0-1.

Representative Bolinske will carry the bill.

4:58 p.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

February 5, 2025

RS 2/5/25
1 of 17

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1119

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota
2 Century Code, relating to early childhood services training and certification requirements; to
3 amend and reenact sections 50-11.1-02, 50-11.1-02.1, 50-11.1-03, and 50-11.1-04,
4 subsection 1 of section 50-11.1-07.2, sections 50-11.1-11, 50-11.1-11.1, and 50-11.1-17,
5 subsection 3 of section 50-11.1-18, and sections 50-11.1-23 and 50-33-08 of the North Dakota
6 Century Code, relating to early childhood services and child care assistance; to repeal sections
7 50-11.1-02.3 and 50-11.1-02.4 of the North Dakota Century Code, relating to training
8 requirements for early childhood services staff; and to provide an effective date. for an Act to
9 provide for a legislative management study regarding early childhood services and child care.

10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

11 ~~SECTION 1. AMENDMENT.~~ Section 50-11.1-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 ~~50-11.1-02. Definitions.~~

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

15 ~~1. "Applicant" means the person applying for a license to operate early childhood~~
16 ~~services as an owner of an early childhood program, self-declaration, or registered~~
17 ~~in-home provider.~~

18 ~~2. "Child care" means the care, supervision, education, or guidance of a child that is not~~
19 ~~provided by a parent, legal guardian, or legal custodian.~~

- 1 ~~3.~~ "Child care center" means an early childhood program licensed to provide early
2 childhood services to nineteen or more ~~for children from birth through age twelve,~~
3 ~~following appropriate ratios according to the square footage of the center and the ages~~
4 ~~of children being served.~~
- 5 ~~3.4.~~ "Department" means the department of health and human services.
- 6 ~~4.5.~~ "Drop-in care" means the care of children on a one-time, occasional, or unscheduled
7 basis to meet the short-term needs of families.
- 8 ~~5.6.~~ "Early childhood program" means any program licensed, ~~registered, or recognized~~
9 under this chapter where early childhood services are provided for at least two ~~three~~
10 hours a day for three or more days a week.
- 11 ~~6.7.~~ "Early childhood services" means the care, supervision, education, or guidance of a
12 child or children, which is provided in exchange for money, goods, or other services.
13 ~~Early childhood services does not include:~~
- 14 ~~a.~~ Substitute parental child care provided pursuant to chapter 50-11.
- 15 ~~b.~~ Child care provided in any educational facility, whether public or private, in grade
16 one or above.
- 17 ~~c.~~ Child care provided in a kindergarten which has been established pursuant to
18 chapter 15.1-22 or a nonpublic elementary school program approved pursuant to
19 section 15.1-06-06.1.
- 20 ~~d.~~ Child care, preschool, and prekindergarten services provided to children under
21 six years of age in any educational facility through a program approved by the
22 department.
- 23 ~~e.~~ Child care provided in facilities operated in connection with a church, business, or
24 organization where children are cared for during periods of time not exceeding
25 four continuous hours while the child's parent is attending church services or is
26 engaged in other activities, on the premises.
- 27 ~~f.~~ Schools or classes for religious instruction conducted by religious orders during
28 the summer months for not more than two weeks, Sunday schools, weekly
29 catechism, or other classes for religious instruction.
- 30 ~~g.~~ Summer resident or day camps for children which serve no children under
31 six years of age for more than two weeks.

- 1 ~~h. Sporting events, practices for sporting events, or sporting or physical activities~~
- 2 ~~conducted under the supervision of an adult.~~
- 3 ~~i. Head start and early head start programs that are federally funded and meet~~
- 4 ~~federal head start performance standards.~~
- 5 ~~j. Child care provided in a medical facility by medical personnel to children who are~~
- 6 ~~ill.~~
- 7 ~~k. A child care program certified by and in good standing with the United States~~
- 8 ~~department of defense family child care certification program, in accordance with~~
- 9 ~~department of defense instruction 6060.02, child development programs.~~
- 10 ~~7.8. "Family child care" means an early childhood program operated in a private residence~~
- 11 ~~licensed to provide early childhood services for no more than seventwelve children at~~
- 12 ~~any one time, except that the term includes a residence licensed to provide early~~
- 13 ~~childhood services to two additional school-age children.~~
- 14 ~~8.9. "Four year old program" means an approved child care early childhood program~~
- 15 ~~operated by a public or private educational entity designed to serve children in the~~
- 16 ~~year before kindergarten.~~
- 17 ~~9. "Group child care" means a child care program licensed to provide early childhood~~
- 18 ~~services for thirty or fewer children.~~
- 19 ~~10. "Household member" means an adult living in the private residence out of which a~~
- 20 ~~program is operated, regardless of whether the adult is living there permanently or~~
- 21 ~~temporarily.~~
- 22 ~~11. "In-home provider" means any person who provides early childhood services to~~
- 23 ~~children a child in the children's child's home when the child has a health condition or~~
- 24 ~~disability that would make it not feasible for the child to receive services outside the~~
- 25 ~~child's home due to the unique medical or behavioral health needs of the child.~~
- 26 ~~12. "Licensed" means an early childhood program has the rights, authority, or permission~~
- 27 ~~granted by the department to operate and provide early childhood services.~~
- 28 ~~13. "Licensee" means the person to which a license has been issued under this chapter.~~
- 29 ~~14. "Multiple licensed program" means an early childhood program licensed to provide~~
- 30 ~~more than one type of early childhood services.~~

- 1 ~~15.~~ "Operator" means the person that has operational responsibility for the early childhood
2 program and premises at which the early childhood service operates.
- 3 ~~16.15.~~ "Owner" means the person who has legal responsibility for the early childhood
4 program and premises at which the early childhood service operates.
- 5 ~~17.16.~~ "Parent" means an individual with the legal relationship of father or mother to a child or
6 an individual who legally stands in place of a father or mother, including a legal
7 guardian or custodian.
- 8 ~~18.17.~~ "Premises" means the indoor and outdoor areas approved for providing early
9 childhood services.
- 10 ~~19.18.~~ "Preschool designation" means a program licensed to offer early childhood services,
11 which employs highly credentialed staff and follows a preschool curriculum and/or
12 course of study designed primarily to enhance the educational development of the
13 children enrolled and which serves no child for more than three hours per day, as
14 defined and verified by the department.
- 15 ~~20.19.~~ "Provider" means an early childhood program, self-declaration, or registered in-home
16 provider.
- 17 ~~21.20.~~ "Public approval Recognized" means a nonlicensed early childhood program operated
18 by a government entity that , exempted by subdivision b, c, d, i, j, or k of subsection 7,
19 which has self-certified that the program complies with this chapter.
- 20 ~~22.21.~~ "Registrant" means the holder of an in-home provider registration document issued by
21 the department in accordance with this chapter.
- 22 ~~23.22.~~ "Registration" means the process whereby the department maintains a record of all
23 in-home providers who have stated that they have complied or will comply with the
24 prescribed standards and adopted rules.
- 25 ~~24.23.~~ "Registration document" means a written instrument issued by the department to
26 publicly document that the registrant has complied with this chapter and the applicable
27 rules and standards as prescribed by the department.
- 28 ~~25.~~ "School-age child care" means a child care program licensed to provide early
29 childhood services on a regular basis for children aged at least five years through
30 eleven years.

~~26. "School-age children" means children aged at least five years but less than twelve years of age.~~

~~27.24. "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months.~~

~~28.25. "Staff member" means an individual:~~

~~a. Who is an employee or operator of an early childhood provider;~~

~~b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or~~

~~c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider.~~

~~**SECTION 2. AMENDMENT.** Section 50-11.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:~~

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

~~1. Except as provided under subsection 2, for the purpose of determining the number of children receiving early childhood services, all children present on the premises and under through the age of twelve years must be counted for an in-home, a self-declaration, family child care, group child care, and child care center, and preschool.~~

~~2. An in-home, self-declaration, A self-declaration, family child care, and group child care provider's own child, foster child, or grandchild over the age of eleven are exempt for the purpose of determining the number of children receiving early childhood services under this section.~~

~~3. For the purpose of determining the number of children receiving early childhood services, all children present on the premises aged at least five years through age eleven must be counted for school-age child care.~~

~~4. All children present are protected by this chapter regardless of whether money is received or goods or other services are received for their care.~~

~~4. Notwithstanding the provisions in chapter 11-33, 40-47, or 58-03, or any other provisions authorizing any political subdivision to establish or enforce zoning regulations, a licensed early childhood program serving thirty or fewer children must be considered a permitted use in any area zoned for residential use.~~

~~SECTION 3. AMENDMENT.~~ Section 50-11.1-03 of the North Dakota Century Code is amended and reenacted as follows:

~~50-11.1-03. Operation of early childhood services program -- License required -- Fees.~~

~~1. A license for family child care is required if early childhood services are provided for four or more children ages twenty four months and under, or six or seventwelve children through age eleven~~twelve~~ at any one time which includes no more than three children under twenty-four months of age.~~

~~2. A license for group child care is required if early childhood services are provided for at least eight and no more than thirty children at any one time.~~

~~3. A license for a child care center is required if early childhood services are provided for more than thirty~~thirty~~twelve children at any one time.~~

~~4.3. Except as provided under subsection 54, a person may not establish or operate a family child care, group child care, preschool, school-age child care, or child care center unless licensed to do so by the department.~~

~~5.4. A governmental organization may not establish or operate a family child care, group child care, preschool, school-age child care, or child care center without first receiving public approvalbeing recognized by certifying, to the department, that it has complied with all rules applicable to family child care, group child care, preschool, or school-age child care, or to child care centers, according to the number and age of children being served.~~

~~6.5. A license is not required for onsite child care services located in the actual building in which the child's parent is employed, not to exceed ten children per location.~~

~~7.6. An applicant for a license shall submit the following nonrefundable fees with the application:~~

~~a. The owner of a family child care applying for a license shall pay an annual license fee of twenty dollars or if the license is issued for a two-year period, a fee of thirty-five dollars.~~

~~b. The owner of a group child care applying for a license shall pay an annual license fee of twenty-five dollars or if the license is issued for a two-year period, a fee of forty-five dollars.~~

~~c. The owner of a preschool applying for a license shall pay an annual license fee of thirty dollars or if the license is issued for a two-year period, a fee of fifty-five dollars.~~

1 ~~d. The owner of a child care center applying for a license shall pay an annual~~
2 ~~license fee of forty dollars or if the license is issued for a two-year period, a fee of~~
3 ~~seventy-five dollars.~~

4 ~~e. The owner of a multiple licensed program applying for a license shall pay an~~
5 ~~annual license fee of fifty dollars or if the license is issued for a two-year period, a~~
6 ~~fee of ninety-five dollars.~~

7 ~~8.7. An applicant for a license who currently holds a license or self-declaration shall submit~~
8 ~~the nonrefundable fees set forth in subsection 76 with the application at least sixty~~
9 ~~days and no more than ninety days before the expiration date of the applicant's~~
10 ~~current license or self-declaration. If the nonrefundable fees and application are~~
11 ~~submitted less than sixty days before the expiration date of the applicant's current~~
12 ~~license or self-declaration, the applicant shall submit with the application two times the~~
13 ~~nonrefundable fees set forth in subsection 76.~~

14 ~~9.8. In addition to any criminal sanctions or other civil penalties that may be imposed~~
15 ~~pursuant to law, the owner of an early childhood program who, after being given~~
16 ~~written notice by the department, continues to provide early childhood services without~~
17 ~~a license as required by this section is subject to a civil penalty of fifty dollars per day~~
18 ~~for each day of operation without the required license. The civil penalty may be~~
19 ~~imposed by the courts or by the department through an administrative hearing~~
20 ~~pursuant to chapter 28-32.~~

21 ~~10.9. All fees collected under subsections 76 and 87 must be paid to the department and~~
22 ~~must be used to defray the cost, to the department, of investigating, inspecting, and~~
23 ~~evaluating the applications or to provide training to providers.~~

24 ~~11. Any hours of department-approved training related to child care which an applicant~~
25 ~~completes after submitting the fees and application as required under subsection 8~~
26 ~~must be counted toward the licensing annual requirements for the following year.~~

27 ~~**SECTION 4. AMENDMENT.** Section 50-11.1-04 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

~~50-11.1-04. Application for license -- Prerequisites for issuance -- License granted --~~
~~Term.~~

~~1. An application for operation of an early childhood program must be made on forms provided, in the manner prescribed, by the department. The department shall investigate the applicant's activities and proposed standards of care and shall make an inspection of all premises to be used by the early childhood program applying for a license. The applicant for a license and the staff members, and, if the application is for a program that will be located in a private residence, every individual living in that residence must be investigated in accordance with the rules adopted by the department to determine whether any of them has a criminal record or has had a confirmed decision for child abuse or neglect. The department may use the findings of the investigation to determine licensure. Except as otherwise provided, the department shall grant a license for the operation of an early childhood program within thirty days of receipt of a completed application and all supporting documents by the department and upon a showing:~~

~~a. The premises to be used are in fit and sanitary condition, are properly equipped to provide for the health and safety for all children, and are maintained according to rules adopted by the department;~~

~~b. Staff members are qualified to fulfill the duties required of the staff members according to the provisions of this chapter and standards prescribed for staff member qualifications by Compliance with this chapter and the rules of the department;~~

~~c.b. The application and supporting documents do not include any fraudulent or untrue representations;~~

~~d.c. Neither the applicant nor anyone who is listed on the application has had a previous license or self-declaration denied or revoked within the twelve months before the date of the current application, unless waived by the department after the department considers the health and safety of children and the licensing history of the owner, operator, or applicant;~~

~~e.d. Neither the applicant nor anyone who is listed on the application has had three or more previous licenses or self-declarations denied or revoked. The most recent~~

- 1 ~~revocation or denial may not have occurred within the three years immediately~~
2 ~~preceding the application date; and~~
- 3 ~~f.e. The applicant paid its license fees and any penalties and sanctions previously~~
4 ~~assessed against the applicant or any program the applicant is associated with~~
5 ~~as required by sections 50-11.1-03 and 50-11.1-07.4; and~~
- 6 ~~g. Staff members have received training and are currently certified in infant and~~
7 ~~pediatric cardiopulmonary resuscitation, including the use of an automated~~
8 ~~external defibrillator by the American heart association, American red cross, or~~
9 ~~other similar cardiopulmonary resuscitation and automated external defibrillator~~
10 ~~training programs that are approved by the department, and are currently~~
11 ~~certified in first aid by a program approved by the department.~~
- 12 ~~2. The license issued to an early childhood program may not be effective for longer than~~
13 ~~two years~~one year.
- 14 ~~3. The department may consider the applicant's past licensing, self-declaration, and~~
15 ~~registration history in determining whether to issue a license.~~
- 16 ~~4. The department may issue a provisional or restricted license in accordance with the~~
17 ~~rules of the department. The department shall consider issuing a provisional or~~
18 ~~restricted license before revoking a license. The department may require the applicant~~
19 ~~or licensee to provide a compliance plan to address compliance issues with this~~
20 ~~chapter and rules of the department. The department shall review the compliance plan~~
21 ~~before issuing a provisional or restricted license. The department shall approve the~~
22 ~~provisional license if the department approves the compliance plan. The department~~
23 ~~may revoke a license if the licensee fails to comply with the department approved~~
24 ~~compliance plan or for any additional violations of this chapter or rules of the~~
25 ~~department.~~
- 26 ~~5. The department shall notify the licensee and operator that the licensee and operator~~
27 ~~are required to post a notice of late application at the early childhood program~~
28 ~~premises if the department has not received a completed application and all~~
29 ~~supporting documents for licensure or self-declaration renewal at least thirty days~~
30 ~~before the expiration date of the early childhood program's license.~~

~~SECTION 5. AMENDMENT.~~ Subsection 1 of section 50-11.1-07.2 of the North Dakota Century Code is amended and reenacted as follows:

~~1. If the department finds, upon inspection, the program, self-declaration, or premises is not in compliance with this chapter or the rules adopted under this chapter, the department may issue a correction order to the licensee or holder of a self-declaration, provided the department does not revoke the license or self-declaration as a result of the noncompliance. The correction order must cite the specific statute or rule violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order must also specify the amount of any fiscal sanction to be assessed if the licensee or holder of a self-declaration fails to comply with the correction order in a timely fashion. This section does not apply to an applicant's failure to comply with subsection 87 of section 50-11.1-03 or subdivision c of subsection 1 of section 50-11.1-16.~~

~~SECTION 6. AMENDMENT.~~ Section 50-11.1-11 of the North Dakota Century Code is amended and reenacted as follows:

~~50-11.1-11. Public agency purchase of early childhood services.~~

~~No agency of state or local government may purchase early childhood services, including care provided by or in the home of a relative, unless the early childhood program is licensed, registered, recognized or approved by the department.~~

~~SECTION 7. AMENDMENT.~~ Section 50-11.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

~~50-11.1-11.1. Resource and referral services -- Authority of department to make grants -- Federal funds -- Components.~~

~~1. The department may make grants to public and private nonprofit entities for the planning, establishment, expansion, improvement, or operation of early childhood services. Public or private nonprofit entities may apply to the department for funding. Applicants shall apply for grants on forms provided by the department. Applications for grants using funds received by the state under subsection 2 must include assurances that federal requirements have been met.~~

~~2. The department shall submit an application annually to the United States secretary of health and human services for the purpose of obtaining the state's allotment of funds~~

- 1 ~~authorized under chapter 8 of title VI of the Omnibus Budget Reconciliation Act of~~
2 ~~1981 [42 U.S.C. 9871-9877] or under any subsequent federal law providing funding for~~
3 ~~child care and development programs.~~
- 4 ~~3. Each public or private nonprofit entity or the department providing early childhood~~
5 ~~resource and referral services shall identify all existing related early childhood services~~
6 ~~through information provided by all relevant public and private nonprofit entities in the~~
7 ~~areas of service and must develop a resource file of these services which must be~~
8 ~~maintained and updated at least quarterly. The services must include early childhood~~
9 ~~services as identified in section 50-11.1-02.~~
- 10 ~~4. Each public or private nonprofit entity or the department providing early childhood~~
11 ~~resource and referral services shall establish a referral process that responds to~~
12 ~~parental needs for information, fully ensures the confidentiality of records and~~
13 ~~information as required under subsection 4 of section 50-11.1-07, affords parents~~
14 ~~maximum access to all referral information, and includes telephone referral available~~
15 ~~for no less than twenty hours per week and access via the internet. Each public or~~
16 ~~private nonprofit entity or the department shall publicize its services through popular~~
17 ~~media sources, agencies, employers, and other appropriate methods.~~
- 18 ~~5. All early childhood services resource and referral public and private nonprofit entities~~
19 ~~or the department shall maintain documentation of the number of calls and contacts~~
20 ~~received and information required or requested by the department.~~
- 21 ~~6. Each early childhood services resource and referral public or private nonprofit entity or~~
22 ~~the department shall have available, as an educational aid to parents, information on~~
23 ~~available parent, early childhood, and family education programs in the community~~
24 ~~and information on aspects of evaluating the quality and suitability of early childhood~~
25 ~~services, including licensing regulation, financial assistance availability, child abuse~~
26 ~~reporting procedures, and appropriate child development information.~~
- 27 ~~7. A child care resource and referral public or private nonprofit entity or the department~~
28 ~~shall provide technical assistance to existing and potential providers of all types of~~
29 ~~early childhood services and to employers.~~

1 ~~8. Services prescribed by this section must be designed to maximize parental choice in~~
2 ~~the selection of early childhood services and to facilitate the maintenance and~~
3 ~~development of such services and resources.~~

4 ~~**SECTION 8. AMENDMENT.** Section 50-11.1-17 of the North Dakota Century Code is~~
5 ~~amended and reenacted as follows:~~

6 ~~**50-11.1-17. Application for self-declaration -- Prerequisites for approval -- Approval --**~~
7 ~~**Term.**~~

8 ~~1. Applications for self-declarations must be made on forms provided and in the manner~~
9 ~~prescribed by the department. The department shall investigate the applicant and~~
10 ~~every individual living in the private residence and shall conduct a background check.~~
11 ~~The department shall conduct the investigation in accordance with the rules adopted~~
12 ~~by the department and shall determine whether any of them has a criminal record or~~
13 ~~has had a confirmed decision for child abuse or neglect. Except as otherwise~~
14 ~~provided, the department shall approve a self-declaration within thirty days of receipt~~
15 ~~of a completed application and all supporting documents by the department and upon~~
16 ~~the applicant's declaration:~~

17 ~~a. The premises to be used are in fit and sanitary condition to provide for the health~~
18 ~~and safety of all children and are maintained according to the standards~~
19 ~~prescribed by the rules of the department;~~

20 ~~b. The applicant is able to provide for the health and safety of each child receiving~~
21 ~~early childhood services from the applicant according to this chapter and~~
22 ~~standards prescribed by the department as set forth in the rules of the~~
23 ~~department;~~

24 ~~b. The applicant's compliance with this chapter and the rules of the department;~~

25 ~~c. The applicant has not had a previous license or self-declaration denied or~~
26 ~~revoked within the twelve months before the date of the current application;~~

27 ~~d. The applicant has not had three or more previous licenses or self-declarations~~
28 ~~denied or revoked. The most recent revocation or denial may not have occurred~~
29 ~~within five years of the application date;~~

30 ~~e. The applicant has paid the required application fees;~~

- ~~f. The applicant has paid any penalties and sanctions assessed against the holder of a self-declaration required by sections 50-11.1-03 and 50-11.1-07.4; and~~
- ~~g. The applicant is currently certified in infant and pediatric cardiopulmonary resuscitation, including the use of an automated external defibrillator by the American heart association, the American red cross, or a similar cardiopulmonary resuscitation and automated external defibrillator training program approved by the department;~~
- ~~h. The emergency designee used by the applicant, if any, is currently certified in infant and pediatric cardiopulmonary resuscitation, including the use of an automated external defibrillator by the American heart association, the American red cross, or a similar cardiopulmonary resuscitation and automated external defibrillator training program approved by the department;~~
- ~~i. The applicant is currently certified in first aid through a training program approved by the department; and~~
- ~~j. The application and supporting documents do not include any fraudulent or untrue representations.~~
- ~~2. The department may consider the early childhood services history of the applicant in determining issuance of a self-declaration document.~~
- ~~3. The department may issue a provisional self-declaration document in accordance with the rules of the department. The department shall consider issuing a provisional or restricted self-declaration document before revoking a self-declaration document. The department may require the holder of a self-declaration to provide a compliance plan to address compliance issues with this chapter and rules of the department. The department shall review the compliance plan before issuing a provisional or restricted self-declaration document. The department shall approve the provisional self-declaration document if the department approves the compliance plan. The department may revoke a self-declaration document if the holder of a self-declaration fails to comply with the department approved compliance plan or for any additional violations of this chapter or rules of the department.~~
- ~~4. The department shall notify the holder of a self-declaration that the holder of a self-declaration is required to post a notice of late application at the self-declaration~~

premises if the department has not received a completed application and all supporting documents for licensure or self-declaration renewal at least thirty days before the expiration date of a self-declaration.

SECTION 9. AMENDMENT. Subsection 3 of section 50-11.1-18 of the North Dakota Century Code is amended and reenacted as follows:

3. To be eligible for the early childhood inclusion support services program, the provider must:

- a. Be a self-declared, licensed, registered, or recognized early childhood program or self-declared;
- b. Collaborate with service providers that provide formal supports to the child or children with disabilities, special needs, or developmental delays; and
- c. Work with the child's family and an inclusion or health specialist to complete a care plan appropriate for the child care setting.

SECTION 10. 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 a program for classroom exclusively serving children who have reached the age of four years of age old 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

- 1 accrediting entity; ~~has met the federal performance standards for head start; or~~
2 ~~has obtained approval or certification from the department of public instruction;~~
- 3 ~~f. Admits children of all learning abilities;~~
- 4 ~~g. Admits children who receive assistance from the child care assistance program;~~
5 ~~and~~
- 6 ~~h. Operates in compliance with the program requirements, including:~~
- 7 ~~(1) Complying with requirements related to qualifications, training, and~~
8 ~~professional development of staff delivering services in the best in class~~
9 ~~program; and~~
- 10 ~~(2) Adhering to expectations established by the department related to best in~~
11 ~~class program monitoring, operation, and oversight.~~
- 12 ~~2. The department may distribute funds under this section to approved applicants.~~
- 13 ~~3. The department may recapture funds from an awarded program that is found by the~~
14 ~~department to be out of compliance with requirements established for the best in class~~
15 ~~program.~~
- 16 ~~4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,~~
17 ~~award, or payments made under this section.~~
- 18 ~~**SECTION 11.** A new section to chapter 50-11.1 of the North Dakota Century Code is~~
19 ~~created and enacted as follows:~~
- 20 ~~**Training and certification requirements.**~~
- 21 ~~1. The department shall establish by rule, training and certification requirements for~~
22 ~~applicants, providers, staff members, and emergency designees.~~
- 23 ~~2. The department approved training and certification requirements must include safe~~
24 ~~sleep, mandated reporter of suspected child abuse or neglect, infant and pediatric~~
25 ~~cardiopulmonary resuscitation, including the use of an automated external defibrillator,~~
26 ~~and first aid.~~
- 27 ~~3. The department may deny or revoke a license, self declaration, or registration~~
28 ~~document, issue a provisional license or self declaration document, issue a correction~~
29 ~~order, or apply fiscal sanctions if the applicant, provider, staff member, or emergency~~
30 ~~designee fails to comply with the training and certification requirements.~~

~~4. Unless otherwise provided by rule, the department shall allow an applicant, provider, staff member, and emergency designee twelve months to comply with the annual training and certification requirements.~~

~~SECTION 12. AMENDMENT.~~ Section 50-33-08 of the North Dakota Century Code is amended and reenacted as follows:

~~50-33-08. Limitations on in-home child care benefits.~~

~~No benefits~~~~A benefit~~ under this chapter may ~~not~~ be provided to an in-home provider or for a child receiving in-home child care unless:

- ~~1. A health professional provides written documentation demonstrating to the department's satisfaction that the child's health condition or disability would be at risk if taken to an outside provider; or~~
- ~~2. A developmental disabilities case manager or a special education case manager provides written documentation demonstrating to the department's satisfaction that the child's disability is such that taking the child to an outside provider creates an undue hardship~~~~the child's home due to the unique medical or behavioral health needs of the child.~~

~~SECTION 13. REPEAL.~~ Sections 50-11.1-02.3 and 50-11.1-02.4 of the North Dakota Century Code are repealed.

~~SECTION 14. EFFECTIVE DATE.~~ This Act becomes effective on April 1, 2026.

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD SERVICES.

1. During the 2025-26 interim, the legislative management shall consider studying the laws, administrative rules, and policies relating to early childhood services and child care.
2. The study must:
 - a. Evaluate the current early childhood services framework, identifying strengths, challenges, and opportunities, including opportunities to streamline the administrative process, to enhance clarity for providers, and to provide services for more children.
 - b. Consider licensing requirements, the federal and state assistance programs available, education requirements for program operators, training and certification

- 1 requirements for staff members, the number of children in an early childhood
- 2 program, child to provider ratios, and square footage requirements.
- 3 3. The legislative management shall report its findings and recommendations, together
- 4 with any legislation necessary to implement the recommendations, to the seventieth
- 5 legislative assembly.

**REPORT OF STANDING COMMITTEE
HB 1119**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.8078.01002](#)) and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1119 was placed on the Sixth order on the calendar.

HB 1119

Sixty-ninth
Legislative Assembly

1 ~~4. Unless otherwise provided by rule, the department shall allow an applicant, provider,~~
2 ~~staff member, and emergency designee twelve months to comply with the annual~~
3 ~~training and certification requirements.~~

4 ~~SECTION 12. AMENDMENT.~~ Section 50-33-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 ~~50-33-08. Limitations on in-home child care benefits.~~

7 ~~No benefit~~ A benefit under this chapter may not be provided to an in-home provider or for a
8 child receiving in-home child care unless:

9 ~~1. A health professional provides written documentation demonstrating to the~~
10 ~~department's satisfaction that the child's health condition or disability would be at risk if~~
11 ~~taken to an outside provider; or~~

12 ~~2. A developmental disabilities case manager or a special education case manager~~
13 ~~provides written documentation demonstrating to the department's satisfaction that the~~
14 ~~child's disability is such that taking the child to an outside provider creates an undue~~
15 ~~hardship the child's home due to the unique medical or behavioral health needs of the~~
16 ~~child.~~

17 ~~SECTION 13. REPEAL.~~ Sections 50-11.1-02.3 and 50-11.1-02.4 of the North Dakota
18 Century Code are repealed.

19 ~~SECTION 14. EFFECTIVE DATE.~~ This Act becomes effective on April 1, 2026.

20 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD SERVICES**
21 **ADVISORY COMMITTEE**

22 1. During the 2025-26 interim, the legislative management shall ~~establish and provide~~
23 ~~staffing and administrative services to an early childhood services advisory committee~~
24 ~~to study the laws, administrative rules, and policies relating to early childhood services~~
25 ~~and child care.~~ *consider studying*

26 2. The study must:
27 a. Evaluate the current early childhood services framework, identifying strengths,
28 challenges, and opportunities, including opportunities to streamline the
29 administrative process, to enhance clarity for providers, and to provide services
30 for more children.

Sixty-ninth
Legislative Assembly

- 1 b. Consider licensing requirements, the federal and state assistance programs
- 2 available, education requirements for program operators, training and certification
- 3 requirements for staff members, the number of children in an early childhood
- 4 program, child to provider ratios, and square footage requirements.
- 5 c. Include input from an advisory committee.
- 6 ~~3. The advisory committee shall consist of:~~
- 7 ~~a. Three representatives of the department of health and human services;~~
- 8 ~~b. Two child care center representatives appointed by the legislative management;~~
- 9 ~~c. Two group child care representatives appointed by the legislative management;~~
- 10 ~~d. Two preschool program representatives appointed by the legislative~~
- 11 ~~management;~~
- 12 ~~e. A member of the house of representatives selected by the majority leader of the~~
- 13 ~~house of representatives; and~~
- 14 ~~f. A member of the senate selected by the majority leader of the senate.~~
- 15 3 ~~4.~~ The legislative management shall report its findings and recommendations, together
- 16 with any legislation necessary to implement the recommendations, to the seventieth
- 17 legislative assembly.

2025 SENATE WORKFORCE DEVELOPMENT

HB 1119

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1119
3/6/2025

A BILL for an Act to provide for a legislative management study regarding early childhood services and child care.

11:00 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Rule change deadline
- Program Evaluation
- Montana's Outcome Report
- Potential Advisory Group

11:00 a.m. Carmen Traeholt, Department Health and Human Services, introduced the bill and submitted testimony in favor #38819.

11:03 a.m. Senator Todd Beard testified in favor and submitted testimony #39263.

11:09 a.m. Andrea Pfennig, Vice President of Government Affairs with ND Greater Commerce, testified in favor and submitted testimony #39135.

11:11 a.m. Bob McWilliams, President and Ceo of YMCA Alliance of North Dakota, testified in favor and submitted testimony #38964.

11:14 a.m. Nicole R. Stevahn, Owner of Charge on Together Childcare LLC, testified in favor and submitted testimony #39146.

11:19 a.m. Tristan Kennedy testified in opposition and submitted testimony #39121.

11:22 a.m. Senator Kathy Hogan testified in neutral and submitted testimony #39273 and #39274.

Additional written testimony:

Adrian A. Miller, Director of Charge on Together Childcare LLC, submitted written testimony #39145.

Cale Dunwoody, FMWF Chamber of Commerce, submitted written testimony in favor #39120.

Laura Lacher, Executive Director of Economic Development Association of North Dakota, submitted written testimony in favor #39151.

Michelle Roeszler, Wild About Play LLC, submitted written testimony in favor #39085.

11:38 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

Testimony
House Bill No. 1119
Senate Workforce Development Committee
Senator Mike Wobbema, Chairman
March 6, 2025

Chairman Wobbema, and members of the Senate Workforce Development Committee, I am Carmen Traeholt, Early Childhood Services Licensing Administrator with the Department of Health and Human Services (Department). I appear before you to offer information regarding Engrossed House Bill No. 1119, which was introduced at the request of the Department and amended in the House.

The Department introduced House Bill No. 1119 to eliminate redundancy within existing child care license types and to reduce a number of administrative challenges that affect child care providers.

The House amended the Bill by turning it into a study that would examine “the laws, administrative rules, and policies relating to early childhood services and child care”. Should Engrossed House Bill No. 1119 be approved by the Senate and should Legislative Management choose to proceed with the study as described in the Bill, the Department can provide information gathered during several recent studies completed in conjunction with the early childhood infrastructure investments made via the North Dakota Preschool Development grant award (PDG). This information would include a crosswalk and comparison study of the laws, rules, and policies relevant to the six license types and two non-license types that make up North Dakota’s child care infrastructure, as completed by Dr. Kelli Odden, Professor, Dean and Division Chair of Mayville State University Education Department in June 2024.

In keeping with the Department's commitment to reducing administrative burden and streamlining processes, we intend to initiate a comprehensive revision of the Administrative Rules that affect the delivery of Early Childhood services. The Administrative Rules process will build on any law changes approved during this Legislative Session. Later this spring we will start working with child care providers to review the proposed revisions to the seven chapters of North Dakota Administrative Code that are relevant to child care licensing. To ensure this is an inclusive process, we have a series of regional meetings and topical focus groups planned over the next six months. Our intent is to complete the Administrative Rules process on or before January 1, 2027.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.



**FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

March 6, 2025

Re: HB 1119 – In Support

Chairman Wobbema and Members of the Senate Workforce Development Committee,

Thank you for the opportunity to support HB 1119 on behalf of the North Dakota Alliance of YMCAs. This study aligns with the YMCA's commitment to high-quality child care, workforce stability, and community well-being. A strong partnership between providers and the state is critical to supporting workforce and youth development.

As North Dakota's largest child care provider, YMCAs serve over 3,200 children in licensed facilities across Bismarck, Grand Forks, and Fargo. Child care is essential to family economic stability and North Dakota's workforce, with 78% of families having both parents working outside the home.

Last biennium, the state made historic investments in child care, including support for working families struggling with costs to infrastructure and quality-related grants through the Department of Health and Human Services. Unique programs like the child care worker benefit program have helped YMCAs recruit and retain staff. However, providers still face financial strain, especially in infant and toddler classrooms (ages 0-3), where tuition alone does not cover costs.

This study will help lawmakers assess child care availability, affordability, and quality. It will support data-driven investments in child care infrastructure. It will engage providers and promote dialogue with the department on important licensing, funding, and policy enhancements.

The YMCAs look forward to participating in this conversation and continuing to work with the state to ensure a strong, sustainable child care system that supports families, providers, and North Dakota's workforce. Thank you for your consideration.

Alliance of North Dakota YMCAs

Bill Bauman
Missouri Valley Family YMCA
Bismarck

Bob McWilliams
Altru Family YMCA
Grand Forks

Nick Gray
Minot Family YMCA / Triangle Y Camp
Minot

Steve Smith
YMCA of the Northern Sky
Fargo

THE HIDDEN FOUNDATION OF OUR ECONOMY

CHILD CARE



Affordable and enriching child care is the hidden foundation of North Dakota's economy.

Without it, parents' ability to work outside of the home is dramatically limited. Preschoolers enter the classroom at an academic disadvantage, which widens the opportunity gap. And without it, elementary students spend out-of-school hours lacking structure, guidance and positive role models.

With your help, we can address these challenges and build future generations of North Dakotans from a solid foundation.

THE CHALLENGE IN NORTH DAKOTA

2nd Highest Labor Force

Participation Rate in the United States,** making it **a struggle to recruit and retain skilled workers**. Workers who are caring for our most precious possessions: our children.

\$354 Million Lost

Amount North Dakota's economy loses annually due to child care challenges.*

Two-Generation Workforce

Childcare is a two-generation workforce issue—crucial for our workforce of today and workforce of tomorrow. Only qualified, caring people help build this next workforce. Not machines, animals or Ai.

Childcare Barrier

New residents to the state can help North Dakota thrive. However, childcare is often the barrier that stands between success and stagnation. Additional funding can help bring workforce solutions.

THE Y FUELS NORTH DAKOTA'S ECONOMY

2,113 Employed

Individuals by North Dakota YMCAs. YMCAs are also often the **first employers of young people and build strong, positive work ethics**.

\$25,477,591 Paid

Wages and benefits paid to employees by North Dakota YMCAs.

THE Y'S IMPACT IN NORTH DAKOTA



3,230 Children

were enrolled in YMCA licensed childcare centers statewide including 124 infants, 198 toddlers, kindergarten readiness, and school age.



29,555 Youth

participated in out-of-school-time activities at the Y that focus on holistically fostering the physical, social and emotional development of kids.



\$1.7 Million Scholarship

helped support kids and families from economically disadvantaged backgrounds participate in North Dakota YMCA programs and activities.



20,000+ Meals

served in rural communities to children 18 and under during the summer. Plus 7,000 meals in Fargo to low income areas during the summer.



A SOUND INVESTMENT

There is no other non-profit like the YMCA. By investing in North Dakota's YMCAs and Child Care, you are helping to secure the future of our economy and workforce. Here's how:

- ▶ Enhanced curriculum in Y programs to meet future ND workforce demand
- ▶ Additional YMCA child care staff to increase capacity
- ▶ More efficient recruitment of employees such as faster and more accurate background checks
- ▶ Upgraded practices, equipment and facilities to ensure safety and health of children and staff

I am very thankful for everything that the YMCA has done for me and Kalani. Because of the Y, I didn't have to choose between rent and childcare. I have no doubt that Kalani will be ready for school thanks to all of the help from the Y.

- Nicole, Kalani's mother

We also provide: • Emergency Child Care for Essential Workers • Youth Sports & Enrichment • Meals & Food Distribution • Senior Wellness & Socializing • New American Support • Water Safety & Swimming Lessons • Adaptive Programming • Cancer Survivor Wellness • And So Much More!

ALLIANCE OF NORTH DAKOTA YMCAs

BISMARCK - Missouri Valley Family YMCA
1608 N Washington St | bismarckymca.org

FARGO - YMCA of the Northern Sky
400 1st Ave S & 4243 19th Ave S
ymcanorthernsky.org

GRAND FORKS - Grand Forks YMCA Family Center
215 N 7th St, Grand Forks | gfyymca.org

MINOT - YMCA of Minot North Dakota
3515 16th St SW | ymcaminot.org



HB 1119
Senate Workforce Development Committee Hearing
March 6, 2025 11:00 am

My name is Michelle Roeszler. I live in Fargo and operated a childcare program in various forms 2005 through 2020 and now bring Story + Play sessions into childcare programs throughout the Fargo/Moorhead/West Fargo community as well as coordinate an online support group for childcare providers from across the state of North Dakota.

I am submitting my written testimony on HB 1119 relating to the study proposal that was sent over from the House. I wish I was able to testify in person and be available for questions but I am unable to reschedule with the tiny humans I get the pleasure of playing with at the time of the hearing.

While I am glad to see that the previously proposed overhaul of the licensing structure has been amended to a study, I feel strongly that the proposed amendment including an advisory board was not included in the amendments adopted by the House Human Services Committee.

I feel very strongly that a study of the licensing structure and policies is necessary and just as necessary is having an advisory committee for that study made up of a cross section of current license-holders, at least 2 from each license/registration type) as well as legislators, licensing specialists, and other key stakeholders who are working daily within this system.

My biggest fear with a study without an advisory committee is that we get to the same place we were in the beginning of the session with DHHS requesting sweeping changes based on the input of a handful of people and research of what other states have for a licensing structure. Just because other states are doing something doesn't necessarily mean that North Dakota should follow suit.

Since I am unsure what verbal testimony will be offered on this bill, I would also like to address comments made in the House hearing about the potential of changing the child-to-adult ratios as well as the minimum square footage per child. I strongly disagree that these should be altered. While we could absolutely follow a handful of other states to increase ratios for the youngest children to increase spots, I personally do not believe that we should. Many programs in those states who have increased ratios have chosen not to do so in their programs because it is not in the best interest of the children to increase the ratios. The first 6-12 months in a child's life have the greatest impact on their long-term social emotional well-being with the bulk of that social-emotional development coming from caregiver interactions and response times to basic needs. And reducing the square footage requirement from the already paltry 35 square feet per child will impact a child's ability to freely move around their learning environment. Children already are working hard to develop their proprioceptive and vestibular systems and they need the space to learn about how their bodies move in space among furniture and other children.

To conclude, I am in favor of the proposed study but would like to see this amended to include an advisory board to ensure input is received and considered from those working hard day-to-day in North Dakota childcare programs. My hope would be that DHHS and the Legislature would include town hall style meetings, live and/or message board style to truly get input from every program in the state on how the current licensing structure is working, not working, or how proposed changes would impact their business and/or the likelihood of their continued operation.



Letter of Support HB 1119

Thursday, March 6, 2025

Chair Wobbema and members of the Senate Workforce Development Committee,

For the record, my name is Cale Dunwoody, and I have the distinct pleasure of serving as the Vice President of Public Policy for the Fargo Moorhead West Fargo Chamber of Commerce (FMWF Chamber). On behalf of our over 1,700 members, I respectfully offer testimony in support of House Bill 1119.

At the FMWF Chamber, our mission is to protect and promote business, inspire individuals, cultivate communities, and influence action. We commend the 68th Legislative Assembly for their critical investments to address the need for accessible, affordable, and quality childcare throughout our state. Childcare is central to the state's workforce challenges, and to adequately address workforce shortages, the state must also address childcare.

In this evolving economy, it is critical to continuously evaluate programs, policies, and data to better understand the childcare industry. This study will analyze state laws, administrative rules, licensure, and policies relating to early childhood services and childcare, providing vital information needed to address challenges and enhance opportunities across the state.

The passage of this bill demonstrates the state's commitment to childcare and offers additional information needed to create strategies and initiatives that will support providers and working families. We respectfully ask the 69th Legislative Assembly to support this study and urge this committee to give House Bill 1119 a DO PASS recommendation.

Thank you for your attention to this matter and your commitment to North Dakota.

Sincerely,

Cale Dunwoody
Vice President of Public Policy
Fargo Moorhead West Fargo Chamber of Commerce

Chair and members of the committee, my name is Tristan Kennedy. I am testifying here today because I am **in opposition of House Bill Number 1119**.

I am in opposition of this bill because there are revisions that need to be made before coming into law.

The first revision that I would like to point out is the sanitary conditions that care providers have to provide for the children in their care. According to Playto, "maintaining proper sanitization procedures is crucial to ensure a safe and hygienic environment for children." Children are very curious, so they are constantly touching different items to help understand and identify what they are. According to the CDC, "Keeping early care and education settings clean helps prevent harmful germs from spreading among children and staff." Keeping children healthy and safe needs to be a main priority for care providers.

The second revision that I would like to point out is how the care provider does not need to be certified in infant and pediatric CPR. Although infants usually have healthy hearts, there can still be crisis situations where their hearts do stop. This is why it can be vital for a care provider to know CPR. According to the American Heart Association, "by learning the skills of CPR and choking relief you can be better prepared to save a life." If care providers have to be certified in CPR, they will be better equipped to handle a crisis situation. There is a 90% mortality rate for infants and children that receive out of hospital CPR. Although child care providers are not trained in the medical field, it is better for them to be educated and know how to perform CPR, rather than just wait for help to arrive. According to ChildCareEd, "certification in CPR instills a sense of confidence and preparedness in childcare providers." When the childcare providers are confident in their abilities to handle difficult situations, they will be better able to remain calm and help the child in need.

This is why I believe that you should **be in opposition of House Bill Number 1119**.

I stand for questions.

I thank you for your time.



**GREATER NORTH DAKOTA CHAMBER
HB 1119**

**Senate Workforce Development Committee
Chair Mike Wobbema
March 5, 2025**

Mr. Chairman and members of the Committee, my name is Andrea Pfennig, and I am the Vice President of Government Affairs for the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **support** of House Bill 1119.

Labor availability has been identified as the top business concern facing companies in North Dakota. In our 2024 ND Economics and Employer Survey of our membership:

- 70% of respondents indicated they were having trouble hiring employees.
- 69% of respondents indicated that childcare was an issue for their organization.

In the 2023 legislative session, a historic \$65.6 million funding package was passed to help address childcare shortages within the state. GNDC would like to express its appreciation to the legislative body for recognizing the impacts lack of childcare can have on the workforce.

However, we also feel it would be beneficial to ensure efficient utilization of resources by measuring the impact. We feel this study would be a positive step in addressing the childcare shortage in the state by establishing metrics to measure success, fully understand barriers, and develop solutions that will keep North Dakota moving forward.

Childcare remains an issue for our members, and we would like to express our support for effective and rapidly deployed solutions. We feel this study will help identify which strategies will provide the highest results.



Prepared Testimony by Adrian Miller
Senate Workforce Development Committee Senator
Mike Wobbema, Chairman
March 6, 2025

My name is Adrian Miller, and I am the Director of Charge on Together Childcare, a group childcare facility. I oppose House Bill No. 1119 proposed by the Human Services Committee, which aims to change the North Dakota Century Code for childcare providers. I believe these changes will not benefit many providers in North Dakota. The existing laws and regulations should remain in place until the study on childcare rules and regulations is completed.

Eliminating multiple types of licenses, particularly group licenses, will hinder the growth and improvement of our childcare industry. These changes will force providers to either downsize, leading to fewer children and employees, or expand into centers, which come with additional rules and regulations. While I support reducing the number of licensing types for providers to simplify the process, I believe we should retain center, group, and family childcare licenses. I do not agree with including in-home provider and self-declaration licenses, as they do not receive state funding or payment for their services. In-home providers essentially offer a separate service that only caters to one child needing care in their home.

With 15 years of experience in the childcare industry, working hands-on in center, family, and group childcare facilities, I have witnessed the struggles providers face, regardless of their size. Removing group facilities will negatively impact both providers and the families they serve. Providers who choose to become home facilities will reduce the number of children they can care for, putting their staff out of work and creating more families in need of childcare. Expanding into centers will require more staff with higher credentials and qualifications. Additionally, many providers will lose food reimbursement from the Heartland and Nutrition Food Program and will have to rely on parents signing up for free and reduced lunches, or bear the cost of food out of pocket.

I also oppose the fiscal note for the budget for providers and many other changes proposed in this bill. Providers struggle to meet financial needs and offer benefits to themselves and their staff. While it may appear that we make substantial money on paper, much of it is reinvested into our businesses and the families we serve. Childcare providers must adhere to numerous rules and regulations to meet state codes, requiring significant financial investment

back into our facilities. Unlike other businesses that can make larger profits, childcare providers have a set amount they can charge families and a limited number of children they can accommodate. This makes it challenging to offer benefits or higher wages to staff without raising rates excessively. In my experience, even when we increased childcare rates, some parents chose to leave for smaller facilities with cheaper rates. With a set limitation on the funds a provider can receive each month, if all payments are received on time, including state childcare assistance, they can make ends meet. However, this is often not the case.

I ask the Senate committee to support providers by attracting new providers, retaining staff, improving facilities, and promoting childcare providers as essential workers in North Dakota. We are the backbone of our state's economic growth and hope to continue to grow with our state. If the committee has any questions, I am here to answer them. Thank you.

Testimony by

Nicole Stevahn

House Bill No. 1119

Senate Workforce Development Committee Senator

Mike Wobbema, Chairman March 6, 2025

Hello, my name is Nicole Stevahn. I am the owner of Charge on Together Childcare, a residential group childcare facility. While I am in favor of conducting a study on the ND century code for childcare, I oppose House Bill 1119 that was recently introduced to the House committee. The drastic changes proposed to the laws, policies, and administrative rules for early childhood services will significantly impact many providers and families in North Dakota, along with our state's economy.

The proposed changes have not been supported by sufficient validated assessments and in-depth research, nor has there been adequate time to fully evaluate and support these changes. The data collection period was only a few months, with minimal feedback from other providers and associations involved in childcare. Implementing major changes when most providers are already struggling will hinder our childcare industry and affect our state's economy.

I have owned and operated my childcare facility for 10 years, starting as a small in-home provider with a few children, and growing into a group facility with 28 children and 5 staff members. By the end of this year, I will also become the owner of a childcare center. The journey to bring my childcare business to where it is today has been challenging, particularly in securing the necessary funding to create another center for our community. As an early childhood educator, I foresee a negative impact on many providers if Bill No. 1119 is rushed through. I believe the Senate committee should amend Bill No. 1119, as the House committee did, and continue with the existing laws, administrative rules, and policies until the study has been fully evaluated for the framework of early childhood educators in North Dakota.

The Early Childhood Services and the Department of Health and Human Services intend to reduce administrative challenges for providers with these changes to the ND century code. However, further studies and changes to the code after the Bill's passage will create more confusion and challenges. This could result in providers either downgrading to smaller in-home facilities with fewer children or upgrading to centers with more stringent rules, regulations,

training requirements, and costs. Changing the child-to-provider ratios will also hinder providers and families by reducing the number of available childcare spots and decreasing providers' income.

The proposed revisions have not been adequately discussed with group providers, who will be most affected. In North Dakota, three-quarters of licensed providers are group facilities. Additionally, changes in license type will depend on community board members' approval of residential facilities being licensed as commercial businesses in their areas. In my experience, obtaining approval to become a group facility in a residential area took six months with my committee board members in Jamestown, ND.

With the Senate committee's support in helping childcare providers grow, along with owning and operating small businesses in North Dakota, we can collectively strengthen our childcare industry—the backbone of our state's economic growth. This concludes my testimony, and I am available to answer any questions the committee may have. Thank you



PO Box 1091 • Bismarck, ND 58502
701-355-4458 • www.ednd.org

Testimony of Laura Lacher
Economic Development Association of North Dakota
In Support of HB 1119
March 6, 2025

Chair Wobbema and members of the Senate Workforce Development Committee:

My name is Laura Lacher, executive director of the Economic Development Association of North Dakota (EDND). EDND represents over 80 economic development professionals and organizations across the state, dedicated to fostering economic growth, workforce development, and business expansion. On behalf of our members, we strongly support HB 1119, which calls for a legislative management study on early childhood services and child care during the 2025-26 interim.

Child care is vital to North Dakota's workforce and economy. Lack of access hinders business growth, workforce participation, and economic development. Employers struggle to retain workers, and families face limited options, often forcing parents—out of the workforce. This study provides an opportunity to assess current policies, streamline regulations, and explore solutions that expand access while supporting providers.

A strong child care system is critical to attracting and retaining a skilled workforce, ensuring businesses can operate effectively, and fostering economic growth in communities statewide. By evaluating licensing requirements, assistance programs, provider capacity, and administrative efficiencies, this study will help identify ways to improve child care accessibility and affordability.

Investing in child care strengthens our workforce and communities. We urge your support for this study and a "Do Pass" recommendation on HB 1119. EDND stands ready to assist. Thank you for your time.

Sixty-ninth
Legislative Assembly

~~4. Unless otherwise provided by rule, the department shall allow an applicant, provider, staff member, and emergency designee twelve months to comply with the annual training and certification requirements.~~

~~SECTION 12. AMENDMENT.~~ Section 50-33-08 of the North Dakota Century Code is amended and reenacted as follows:

~~50-33-08. Limitations on in-home child care benefits.~~

~~No benefits~~~~A benefit~~ under this chapter may not be provided to an in-home provider or for a child receiving in-home child care unless:

- ~~1. A a health professional provides written documentation demonstrating to the department's satisfaction that the child's health condition or disability would be at risk if taken to anmake it not feasible for the child to receive services outside provider; or~~
- ~~2. A developmental disabilities case manager or a special education case manager provides written documentation demonstrating to the department's satisfaction that the child's disability is such that taking the child to an outside provider creates an undue hardshipthe child's home due to the unique medical or behavioral health needs of the child.~~

~~SECTION 13. REPEAL.~~ Sections 50-11.1-02.3 and 50-11.1-02.4 of the North Dakota Century Code are repealed.

~~SECTION 14. EFFECTIVE DATE.~~ This Act becomes effective on April 1, 2026.

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD SERVICES
ADVISORY COMMITTEE**

1. During the 2025-26 interim, the legislative management shall establish and provide staffing and administrative services to an early childhood services advisory committee to study the laws, administrative rules, and policies relating to early childhood services and child care.
2. The study must:
 - a. Evaluate the current early childhood services framework, identifying strengths, challenges, and opportunities, including opportunities to streamline the administrative process, to enhance clarity for providers, and to provide services for more children.

- 1 b. Consider licensing requirements, the federal and state assistance programs
- 2 available, education requirements for program operators, training and certification
- 3 requirements for staff members, the number of children in an early childhood
- 4 program, child to provider ratios, and square footage requirements.
- 5 c. Include input from an advisory committee.
- 6 3. The advisory committee shall consist of:
- 7 a. Three representatives of the department of health and human services;
- 8 b. Two child care center representatives appointed by the legislative management;
- 9 c. Two group child care representatives appointed by the legislative management;
- 10 d. Two preschool program representatives appointed by the legislative
- 11 management;
- 12 e. A member of the house of representatives selected by the majority leader of the
- 13 house of representatives; and
- 14 f. A member of the senate selected by the majority leader of the senate.
- 15 4. The legislative management shall report its findings and recommendations, together
- 16 with any legislation necessary to implement the recommendations, to the seventieth
- 17 legislative assembly.

Testimony
Senate Workforce Development Committee
HB 1119
Senator Kathy Hogan
March 6, 2025

Chairman Wobbema and members of the Workforce Development Committee, for the record my name is Kathy Hogan. I represent District 21, which is central Fargo and a portion of West Fargo.

As you are aware, your Committee revised SB 2389 into a study bill which respectfully died on the Senate floor, because HB 1119 was also a childcare shall consider study. Over the last week, several legislators became concerned that the legislative interim process has reviewed childcare issues for many sessions. Last session when we passed a comprehensive child care package in HB 1540, we thought we had major strides in expanding accessibility and affordability to help families and employers. However, we continue to hear concerns about childcare from providers, families, employers and business.

This proposed amendment would modify this bill from a traditional legislative shall consider study into the Program Evaluation initiative through the Legislative Council. As most of you are aware, most state legislators have some type of program evaluation functions. North Dakota, however, has not had the resources to do this model of evaluation. During the last interim, the Legislative Management Committee and Legislative Arrangements and Procedures, agreed that this type of in-depth external evaluation is needed to assure that the policy and fund bills we adopt are implemented as passed. Three new FTE's have been funded to begin this process.

After considering the various studies we have done, several of us felt that childcare is an area that is very important and despite the legislative efforts, issues continue to arise. In collaboration with legislative leadership, we recommend this idea to evaluate childcare structures/services and make this one of our focus areas for the next interim.

You are seeing the first version on this concept. I am requesting that your Committee take this assignment very seriously and consider possible additional amendments such as Senator Beard's. We may want to add a small legislative advisory committee to work with the Legislative Council Program Evaluator.

Thank you for your consideration. I am more than willing to answer any questions.

25.8078.02001
Title.

Prepared by the Legislative Council
staff for Senator Hogan
March 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1119

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

- 1 A BILL for an Act to provide for a legislative management ~~study~~ program evaluation regarding
2 early childhood services and child care.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. LEGISLATIVE MANAGEMENT ~~STUDY~~ PROGRAM EVALUATION - 5 DEPARTMENT OF HEALTH AND HUMAN SERVICES EARLY CHILDHOOD SERVICES 6 SECTION.

- 7 1. During the 2025-26 interim, the legislative management shall consider studying the
8 laws, administrative rules, and policies relating to early childhood services and child
9 care. legislative council shall consider conducting a program evaluation of the
10 department of health and human services early childhood services section to
11 determine whether the program is accomplishing its purpose with efficiency and
12 economy.
- 13 2. The ~~study~~ program evaluation must include:
- 14 a. Evaluate Review and analysis of state and federal laws, administrative rules, and
15 policies relating to early childhood services and child care.
- 16 b. Evaluation of the current early childhood services framework, identifying
17 strengths, challenges, and opportunities, including opportunities to streamline the
18 administrative process, to enhance clarity for providers, and to provide services
19 for more children.
- 20 ~~b. Consider~~

- 1 c. Consideration of licensing requirements, the federal and state assistance
2 programs available, education requirements for program operators, training and
3 certification requirements for staff members, the number of children in an early
4 childhood program, child to provider ratios, and square footage requirements.
- 5 d. Review and analysis of child care funding sources, expenditures, and the
6 distribution of resources to determine whether the program efficiently and
7 effectively uses and distributes resources to support access to affordable and
8 safe child care.
- 9 e. Review of recently enacted legislation regarding early childhood services to
10 determine if the policies have been timely implemented and properly
11 administered, including an analysis of measurable goals and performance data.
- 12 3. ~~The legislative management~~ By August 1, 2026, the legislative council shall report its
13 findings and recommendations, together with any legislation necessary to implement
14 the recommendations, to the seventieth legislative assembly legislative management.
- 15 4. By September 1, 2026, the department of health and human services shall provide a
16 written response to the recommendations to the legislative management and the
17 legislative council, which may include a proposed corrective action plan.
- 18 5. The legislative management shall report its findings and recommendations, together
19 with any legislation necessary to implement the recommendations, to the seventieth
20 legislative assembly.

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1119
4/3/2025

A BILL for an Act to provide for a legislative management study regarding early childhood services and child care.

2:51 p.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

Discussion Topics:

- Establishment of Committee
- Program Evaluation
- Early Childcare Intervention
- Bill Drafting Assistance

2:51 p.m. Senator Hogan updated the committee on background information of the bill, answered committee questions and submitted testimony in favor #44635.

3:28 p.m. Chairman Wobbema closed the meeting.

Andrew Ficek, Committee Clerk

HB 1119 Testimony
Senate Workforce Development Committee
Senator Kathy Hogan
April 3, 2025

Chairman Wobbema and members of the Workforce Development Committee, for the record my name is Kathy Hogan. I represent District 21, which is central Fargo and a portion of West Fargo. This is the last childcare study that is being considered. As I presented in a previous hearing, this concept will take the information that you heard on March 6th and integrate it into three steps.

My comments are working off LC draft 25.8078.02004. There was a request to change the language in Section 1 relating to how Legislative Council would use the Program Evaluation, but Council felt it was critical to keep the Legislative Management study in this section. Section 2 refines the details of the Childcare Program Evaluation and includes the process that the ND Department of Human Services outlined in their March 6th testimony regarding moving forward on childcare licensing changes (section 2.c) that they will be developing over the next 18 months.

Section 3 establishes a Childcare Advisory Committee to collaborate with the ND Department of Human Services on the proposed revisions in Childcare Licensing, defines membership and requires a report.

Thank you for your consideration. I am more than willing to answer any questions.

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1119

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

- 1 A BILL for an Act to provide for a legislative management study regarding child care provider
2 licensing; to provide for a program evaluation regarding ~~early childhood services and child care~~
3 services; and to create a child care services licensing advisory committee.

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

5 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CHILD CARE PROVIDER**
6 **LICENSING.**

- 7 1. During the 2025-26 interim, the legislative management shall study the laws,
8 administrative rules, and policies relating to child care provider licensing.
9 2. If the legislative council conducts a program evaluation of the department of health
10 and human services child care services, the study must be informed by the program
11 evaluation.
12 3. The study must include input from:
13 a. The department of health and human services;
14 b. The child care services advisory committee; and
15 c. Child care providers.
16 4. The legislative management shall report its findings and recommendations, together
17 with any legislation necessary to implement the recommendations, to the seventieth
18 legislative assembly.

1 **SECTION 2. LEGISLATIVE MANAGEMENT ~~STUDY~~PROGRAM EVALUATION - EARLY**
2 **~~CHILDHOOD~~DEPARTMENT OF HEALTH AND HUMAN SERVICES - CHILD CARE**
3 **~~SERVICES.~~**

4 1. ~~During the 2025-26 interim, the legislative management shall consider studying the~~
5 ~~laws, administrative rules, and policies relating to early childhood services and child~~
6 ~~care~~legislative council shall consider conducting a program evaluation of the
7 department of health and human services child care services.

8 2. The ~~study~~program evaluation must include:

9 a. ~~Evaluate~~Review and analysis of state and federal laws, administrative rules, and
10 policies relating to child care.

11 b. ~~Consider~~Evaluation of the current early childhoodchild care services framework,
12 identifying strengths, challenges, and opportunities, including opportunities to
13 streamline the administrative process, to enhance clarity for providers, and to
14 provide services for more children.

15 c. Consideration of licensing requirements, the federal and state assistance
16 programs available, education requirements for program operators, training and
17 certification requirements for staff members, the number of children in an early
18 childhood program, child to provider ratios, and square footage requirements.

19 d. Review and analysis of child care funding sources, expenditures, assistance
20 penetration rates, and the distribution of resources to determine whether the
21 program efficiently and effectively uses and distributes resources to support
22 access to affordable and safe child care.

23 e. Review of recently enacted legislation regarding child care services to determine
24 if the policies have been timely implemented and properly administered, including
25 an analysis of measurable goals, performance data, and options to improve
26 enrollment.

27 3. ~~The legislative management~~By August 1, 2026, the legislative council shall report its
28 findings and recommendations, ~~together with any legislation necessary to implement~~
29 ~~the recommendations, to the seventieth legislative assembly~~legislative management.

1 4. By September 1, 2026, the department of health and human services shall provide a
2 written response to the recommendations to the legislative management and the
3 legislative council, which may include a proposed action plan.

4 5. The legislative management shall report its findings and recommendations, together
5 with any legislation necessary to implement the recommendations, to the seventieth
6 legislative assembly.

7 **SECTION 3. CHILD CARE SERVICES ADVISORY COMMITTEE - DEPARTMENT OF**
8 **HEALTH AND HUMAN SERVICES.**

- 9 1. During the 2025-26 interim, the department of health and human services shall
10 establish a child care services advisory committee to review and provide input on the
11 laws, administrative rules, and the department of health and human services policies
12 relating to child care licensing.
- 13 2. The department of health and human services shall provide staffing and administrative
14 services for the child care services advisory committee.
- 15 3. The child care services advisory committee shall collaborate with the department of
16 health and human services to conduct a comprehensive revision of administrative
17 rules relating to child care licensing. In coordination with the committee, the
18 department shall facilitate a series of regional meetings and topical focus groups with
19 child care providers from around the state to discuss child care licensing challenges
20 and review proposed revisions to the administrative rules. The committee must have
21 the opportunity to review and provide input on all of the department's proposed
22 administrative rule changes and policy changes relating to child care.
- 23 4. The advisory committee shall consist of:
- 24 a. Two child care center representatives appointed by the legislative management;
- 25 b. Two group child care representatives appointed by the legislative management;
- 26 c. Two preschool program representatives appointed by the legislative
27 management;
- 28 d. Two members of the house of representatives selected by the majority leader of
29 the house of representatives;
- 30 e. Two members of the senate selected by the majority leader of the senate; and
- 31 f. A child care expert appointed by the legislative management.

- 1 5. The child care services advisory committee shall provide periodic status updates in
- 2 collaboration with the department of human services on proposed licensing rules and
- 3 a final report to the legislative management by June 30, 2026.

2025 SENATE STANDING COMMITTEE MINUTES

Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1119
4/10/2025

AN ACT to provide for a legislative management study regarding child care provider licensing; to provide for a program evaluation regarding child care services; and to create a child care services licensing advisory committee.

10:00 a.m. Chairman Wobbema called the meeting to order.

Members Present: Chairman Wobbema, Senator Boschee, Senator Larson, Senator Powers. Members Absent: Vice-Chairman Axtman.

Discussion Topics:

- Administrative Burden Concerns
- Committee Dissolution

10:01 a.m. Senator Hogan answered committee questions and submitted testimony

#44893. 10:04 a.m. Senator Powers moved to adopt amendment LC#25.8078.02005.

10:04 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1

10:07 a.m. Senator Boschee moved a Do Pass as Amended.

10:07 a.m. Senator Powers seconded the motion.

Senators	Vote
Senator Mike Wobbema	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Diane Larson	Y
Senator Michelle Powers	Y

Motion passed 4-0-1.

Senator Powers will carry the bill.

Senate Workforce Development Committee

HB 1119

04/10/2025

Page 2

10:07 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

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31 a final report to the legislative management by June 30, 2026.

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- 2 report to the legislative management.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1119**

Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS** ([25.8078.02005](#)) and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1119 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.8078.02005
Title.

Prepared by the Legislative Council
staff for Senator Hogan
April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

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