

2025 HOUSE EDUCATION

HB 1497

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1497
1/29/2025

Relating to age requirements for an approved four-year old program.

3:16 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- August 1st Cut off date
- Age limits
- Elementary start dates

3:16 p.m. Representative Maki introduced the bill.

3:18 p.m. Amiee Copas, Executive Director, NDCEL, testified in favor and submitted a testimony. #32444

3:21 p.m. Erin Quinn, ND Resident, testified in favor and submitted testimony. #32294

3:26 p.m. Dr. Sherlock Hirning, testified in favor and submitted testimony. #32676

Additional written testimony:

Tania Zerr, Executive Director, YMCA Learning Center, submitted testimony in favor. #32174

Cynthia Schreiber- Beck, ND Representative, submitted testimony in favor. #33759 #33766

3:35 p.m. Chairman Heinert ends meeting

Leah Kuball, Committee Clerk



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YMCA of The Northern Sky
ymcanorthernsky.org

Written Testimony for North Dakota HB 1497

Submitted by: YMCA of the Northern Sky

Good morning, members of the Committee,
My name is Tania Zerr, and I am the Executive Director of Child Care Programs for the YMCA of the Northern Sky. I want to thank you for the opportunity to share how the Best in Class (BIC) program has positively impacted our organization, the children and families we serve, and our community as a whole. I strongly urge your continued support of this vital initiative and we fully support this bill.

Overview of Our Child Care Programs

The YMCA of the Northern Sky provides care for approximately 2,500 children daily across the community. With four Early Childhood Learning Centers and 21 school-age programs, we are deeply committed to providing high-quality care and education for children of all backgrounds.

The Best-in-Class program has been transformative for our organization, especially as we face a national child care staffing crisis and increasing demands for quality in early childhood education.

Benefits of the Best-in-Class Program

1. Enhanced Child Care Ratios and Group Sizes

Best in Class emphasizes smaller group sizes for optimal learning

2. Support for Families

The sliding fee scale plays a vital role in ensuring families of all income levels can access high-quality early childhood education. For many families in our community, this has been transformative, providing affordable care they might not otherwise be able to afford. As an organization, we aspire to align the sliding fee scale more closely with the child care assistance scale to further enhance accessibility and support for families in need.

3. Teacher Coaching and Professional Development

Best in Class provides coaches who work directly with our teachers to:

- Ensure the curriculum supports all areas of development and aligns with the North Dakota Early Learning Standards.
- Foster inclusive environments.
- Administer Ages and Stages screenings for developmental progress.
- Deliver specialized training for BIC teachers, which enhances their ability to support children and families.

Through this support, we've seen measurable improvements in teacher effectiveness and classroom quality.

4. Screenings and Early Interventions

Health screenings (vision, dental, hearing) and developmental assessments have led to early identification of needs and referrals for children. This early intervention ensures that children are set up for success before entering kindergarten, addressing potential challenges proactively.

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Fercho YMCA
400 1st Ave S, Fargo, ND 58103
701.293.9622

Schlossman YMCA
4243 19th Ave S, Fargo ND 58103
701.281.0126

Fergus Falls YMCA
1164 Friberg Ave Fergus Falls, MN 56537
218.739.4489



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5. Classroom Enhancements

In 2023 and 2024, BIC grant dollars allowed us to invest in classroom furniture, materials, and equipment, updating and improving our learning environments.

- Teachers collaborate with coaches to create prioritized purchasing lists based on need and budget.
- Coaches guide teachers in implementing new materials effectively.

This structured process ensures that resources are used efficiently and have the greatest impact on children's learning.

6. Health and Safety Focus

A dedicated Health and Safety Specialist supports our programs by:

- Conducting self-assessments and setting goals for improvement.
- Sharing best practices for maintaining health and safety in our classrooms.

This emphasis has reinforced the well-being of children and staff alike.

7. Increased Teacher Wages

Thanks to Best-in-Class funding, we have been able to increase wages for our early childhood teachers significantly: Licensing requires minimum qualifications, at the YMCA we have three levels of teacher based upon their credentials with wages ranging from \$17.74 to \$22.05.

This has allowed us to better recruit and retain qualified staff in a highly competitive job market. However, we know that we will never be able to return to pre-BIC pay rates. Sustaining these wage increases is critical to maintaining a stable workforce and ensuring consistent, high-quality care.

Why Continued Support is Critical

Child care is in a national staffing crisis, and without programs like Best in Class, the challenges facing providers will only grow. This program has empowered us to improve teacher pay, enhance classroom quality, and support the health and development of children in ways that would not have been possible otherwise.

The benefits of the Best-in-Class program extend beyond individual child care centers—they strengthen families, prepare children for school, and build a foundation for future community success.

Recommendations for BIC

1. Adjust Eligibility Date for Four-Year-Old Access

We recommend extending the eligibility cutoff date for four-year-old access to **December 1st**. Currently, the cutoff date of August 1st prevents many children who turn four in late summer or early fall from participating in the program. By extending the eligibility window, children who turn four after August 1st could benefit from two years of program participation instead of only one.

We further propose striking the current clause stating:

"August first in the year of enrollment, unless the child will be four years old before December first and the child:" (1) By means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the four-year-old program operator, demonstrates superior academic talents or abilities and social and emotional readiness;"

Instead, we suggest the program include children within the extended cutoff. By allowing children who may not meet these higher thresholds to participate for two years, the program would provide valuable

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400 1st Ave S, Fargo, ND 58103
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4243 19th Ave S, Fargo ND 58103
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218.739.4489



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opportunities for growth and development, better preparing them for a successful kindergarten experience.

2. Ability to meet child care classroom capacity

We recommend allowing programs to enroll children who turn four throughout the year to meet classroom capacity needs. These additional children would benefit from participating in the program but would not count toward the final benchmarks for the BIC program. This adjustment is critical to addressing the challenges of under-enrollment and ensuring classrooms are utilized effectively.

Currently, limiting classrooms to only BIC-eligible four-year-old children results in unused slots, despite having teachers and resources in place to support full enrollment. This underutilization directly impacts the workforce in our community. Families rely on child care to remain in or re-enter the workforce, and when programs cannot enroll to capacity, it creates a ripple effect—reducing the availability of quality child care options and hindering economic growth.

By allowing programs to enroll additional children to fill empty slots, we can better support families, fully utilize teaching staff, and strengthen the community workforce.

3. Align Sliding Fee Scale with Child Care Assistance Scale

We recommend aligning the **BIC sliding fee scale** with the existing **Child Care Assistance sliding fee scale** to create consistency and reduce confusion for families. Currently, the BIC copayments are lower than those required under the child care assistance program, which leads to misunderstandings and discrepancies for families regarding their payment obligations.

This inconsistency causes frustration and confusion as families transition between programs or compare their financial responsibilities. Aligning the two scales would provide clarity, streamline processes for families and providers, and ensure equity in how payments are determined. Consistent fee structures across programs would also reduce administrative burdens and foster trust among participating families.

4. Enhanced Accessibility for Families

Adjusting the eligibility date and sliding fee scale together would ensure that more families, particularly those with limited income or children with unique developmental timelines, can fully participate in the program. These changes would make the program more inclusive and adaptable to the needs of diverse communities, ensuring a greater positive impact for all participants.

Closing

On behalf of the YMCA of the Northern Sky, I strongly encourage you to continue funding the Best-in-Class program. It is an investment in our children, families, and workforce—one that pays dividends for the entire state of North Dakota. Thank you for your time and consideration. I am happy to answer any questions.

Sincerely,

Tania Zerr
YMCA Learning Center
Executive Director
zerr@ymcanorthernsky.org / 218-359-2331

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400 1st Ave S, Fargo, ND 58103
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218.739.4489

Chairman Heinert and Members of the House Education Committee,

Hello, my name is Erin Quinn, and I am here representing myself and my two daughters, Ida and Nora. I am testifying to urge you to reconsider the current law that sets preschool age limits solely based on the date of birth. While these regulations may have been well-intentioned, they are not always in the best interest of our children, especially when individual development and school-specific circumstances are taken into account.

As a parent of two daughters who missed the preschool program's age cutoff by just two days, I have experienced firsthand how restrictive and unfair these rules can be. My daughters, both of whom were eager and ready to begin their educational journey, were initially allowed to start the program due to an exception granted by our local school. The school, having not met its grant requirements for the year, showed understanding and accepted my girls into the program. They had no reservations about their participation, given their developmental progress, strong language skills, and eagerness to learn. Both girls had settled in well, formed friendships, and were thriving in the learning environment.

Unfortunately, after just 2.5 weeks, we were informed that my daughters would not be allowed to continue due to the state's age eligibility rule. This abrupt decision left us heartbroken, but what truly devastated my daughters was the emotional toll it took on them. After just beginning to feel the joy of attending school, engaging with classmates, and exploring new learning experiences, they were told they could no longer participate. The sudden disruption in their lives not only caused sadness and confusion but also led to them missing their school environment and the friends they had made. The emotional strain on them was overwhelming, and I know I am not alone in feeling that such a system is failing to prioritize the needs and well-being of children like mine.

The current rule does not account for the natural variation in children's development or the unique circumstances of each school. A child who is ready to engage and learn should not be excluded based solely on an arbitrary cutoff date. By giving local schools the autonomy to assess each child's readiness—taking into consideration individual development, language skills, and available classroom space—local communities would be better positioned to serve the needs of their students. If a school determines that a child is ready for preschool, there should be no reason to deny that child the opportunity to participate based solely on the month or day of their birth.

This flexibility would allow children who are developmentally ready for the program to start learning and growing, without the constraints of an age limit that often does not reflect the true needs of the child. Furthermore, it would allow schools to make decisions that are in the best interest of their students, while also ensuring that they can manage vacancies and enroll children who will benefit most from the program.

I respectfully ask that you reconsider the current age limit rule and give local schools the flexibility to make decisions based on each child's developmental readiness. By doing so, we can ensure that every child has the opportunity to experience the educational foundation they

deserve—one that helps them grow emotionally, socially, and academically, without being held back by a rigid rule that does not reflect their individual needs.

Thank you for your time and for considering this important change that would benefit countless children and families across our state.

Sincerely,
Erin Quinn
(701) 373-5959



Testimony in support of HB 1497 – 4-year-old program

Chairman Heinert and members of the committee. Earlier this year it was brought to my attention about a perceived gap in how we were approaching admittance into our 4 year old programs. In North Dakota Century Code, the current guidance is that the age of the child at attend pre-school under the 4-year-old program, the child must be 4 years old by August 1st. Occasionally, there may be a child who is born after August first may be ready to be in the program, and the parent may wish for them to attend, and the district may have space in their program and are willing to admit. However, currently we have no mechanism to allow for this to happen.

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

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

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

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

Here is the amendment asked for: (after line 21) include this:

(3) Final decision on enrollment subject to the discretion and approval of the operating school district.



- 1 This addition to the language and minor amendment requested will provide flexibility and an
2 environment where a district can respond to the needs of a community and yet maintain some local
3 decision making.
- 4 Our school districts believe that this is a good move for our students. The local decision making
5 on space and readiness is important. We ask that you please consider adopting this amendment
6 and providing a do pass recommendation for this bill.

ELGIN/NEW LEIPZIG PUBLIC SCHOOL

DISTRICT #49

110 West St. N
PO Box 70
Elgin, ND 58533-0070
701-584-2374 - telephone
701-584-3018 - fax
www.gcs.k12.nd.us



Home of the Coyotes

Dr. Sherlock Hirning, Superintendent
Mr. Terry Bentz, High School Principal
Mr. Jared Bollom, Elementary Principal

January 29, 2025

Mr. Chairman and Members of the House Education Committee,

Thank you for the opportunity to provide testimony on HB 1497, relating to age requirements for an approved four-year old program.

My testimony stems from a recent experience with two 4-year old children (twins) whose birthdays are August 3. The current statute requires children "to reach the age of 4 years old before August first in the year of enrollment." Unfortunately, these two children were denied the developmental services of a pre-school program for four-year old children because of a hard and fast birthday deadline in current statute. They missed the deadline by three days and no flexibility for considering academic talent or ability and social/emotional readiness is available under current statute like it is under current statute regulating entrance into a kindergarten program for 5-year old children. After discussing this matter with our pre-school teacher and realizing the ability and talent of these two children, it was very unfortunate that there was no flexibility and discretion available to allow these two children to have the opportunity to develop their readiness skills to enter kindergarten next year.

The current statute regulating kindergarten entrance also has an August first deadline for enrollment as a 5-year old, but allows for developmental and readiness screening if the child's birthdate is after August first, but will be five years old before December first of the year of enrollment. Passage of HB 1497 would allow the same flexibility and individual consideration of a child's development stage for 4-year old programs as is allowed for entrance into kindergarten programs. All children do not mature and develop at the same pace and through the same means, so a "one-size fits all" regulation does not seem reasonable for 4-year old program entrance stipulations. This seems more than justifiable in today's education world where increasing attention and emphasis is placed on preparing children to be "ready" for kindergarten at age 5.

With due consideration, I urge this committee's favorable action to support passage of this bill and forward it to the full House of Representatives for consideration. Thank you for your time and consideration today.

Sincerely,

Dr. Sherlock Hirning,
Superintendent
Elgin-New Leipzig School District

*The mission of the Elgin/New Leipzig Public School District is to provide positive and safe environment that promotes lifelong learning to all individuals.
This institution is an equal opportunity provider.*

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1497

Introduced by Representatives Maki, Marschall, Monson, Jonas
Senator Schaible

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

1. ~~Any~~ A person or school district operating or seeking to operate a four-year old program may request approval for a two-year period of the four-year old program from the department. The department shall approve a four-year old program if the program:

a. Is taught by individuals licensed or approved to teach in early childhood education by the education standards and practices board ~~or approved to teach in early childhood education by the education standards and practices board~~;

b. Follows four-year old program requirements approved by the department;

c. Is in compliance with all municipal and state health, fire, and safety requirements;

d. Limits enrollment to children who have reached the age of four years old before August first in the year of enrollment, unless the child will be four years old before December first and the child:

(1) By means of developmental and readiness screening instruments approved by the ~~superintendent of public instruction~~ department of health and human services and administered by the four - year old program operator, demonstrates superior academic talents or abilities and social and emotional readiness; or

(2) Has been enrolled in another approved four - year old program;

e. Submits a nonrefundable fee of fifty dollars ~~at the time when~~ the application is filed. All fees collected under this section must be paid to the department and must be used to defray the cost of investigating, inspecting, and evaluating applications for approval; and

f. Is in compliance with this chapter.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1497

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

1. ~~Any~~A person or school district operating or seeking to operate a four-year old program may request approval for a two-year period of the four-year old program from the department. The department shall approve a four-year old program if the program:
 - a. Is taught by individuals licensed or approved to teach in early childhood education by the education standards and practices board ~~or approved to teach in early childhood education by the education standards and practices board~~;
 - b. Follows four-year old program requirements approved by the department;
 - c. Is in compliance with all municipal and state health, fire, and safety requirements;
 - d. Limits enrollment to children who have reached the age of four years old before August first in the year of enrollment, unless the child will be four years old before December first and ~~the child:~~
 - ~~(1) By means of developmental and readiness screening instruments approved by the superintendent of public instruction and administered by the four-year old program operator, demonstrates superior academic talents or abilities and social and emotional readiness; or~~
 - ~~(2) Has been enrolled in another approved four-year old program~~the school district determines, based on child development factors, to allow a child to enroll based on a request. The development factors may include developmental milestones, readiness for school, and other individual considerations;
 - e. Submits a nonrefundable fee of fifty dollars ~~at the time~~when the application is filed. All fees collected under this section must be

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

- f. Is in compliance with this chapter.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1497
2/3/2025

A bill relating to age requirements for an approved four-year old program.
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10:08 a.m. Chairman Heinert opened the hearing.

Members present: Chairman Heinert, Vice Chairwoman Schreiber-Beck, Representatives Hager, Hatlestad, Hauck, Jonas, Longmuir, Maki, Marschall, Morton, Novak, Osowski
Members absent: Representatives Conmy and Heilman

Discussion Topics:

- Superintendent of Public Instruction removal
- Department of Health and Human Services addition

10:10 a.m. Vice Chairwoman Schreiber-Beck distributed proposed amendments to remove the Superintendent of Public Instruction from readiness screenings and add in the Department of Health and Human Services, #33759.

10:19 a.m. Vice Chairwoman Schreiber-Beck moved to adopt amendment.

10:20 a.m. Representative Hatlestad seconded the motion.

10:25 a.m. Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	AB
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried 12-0-2

10:26 a.m. Representative Marschall moved to add the emergency clause to the amendment.

10:27 a.m. Representative Novak seconded the motion.

10:27 a.m. Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	AB
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

10:27 a.m. Motion carried 12-0-2

10:27 a.m. Vice Chairwoman Schreiber-Beck moved a Do Pass as Amended.

10:28 a.m. Representative Hatlestad seconded the motion.

10:28 a.m. Roll call vote:

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	AB
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	N
Representative Matthew Heilman	AB
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	N
Representative Andrew Marschall	Y
Representative Desiree Morton	N
Representative Anna S. Novak	Y
Representative Doug Osowski	N

10:28 a.m. Motion carried 8-4-2

Vice Chairwoman Schreiber-Beck will carry the bill.

10:29 a.m. Chairman Heinert closed the hearing.

House Education Committee

HB 1497

February 3, 2025

Page 3

*Further discussion was needed between Legislative Council and Vice Chairwoman Schreiber-Beck before amendments were finalized. The committee will discuss further at a later date.

Mary Brucker, Committee Clerk (for Leah Kuball)

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1497

Introduced by

Representatives Maki, Marschall, Monson, Jonas

Senator Schaible

2-10-25

JB 1062

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

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

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

- 6 1. ~~Any~~A person or school district operating or seeking to operate a four-year old program
7 may request approval for a two-year period of the four-year old program from the
8 department. The department shall approve a four-year old program if the program:
9 a. Is taught by individuals licensed or approved to teach in early childhood
10 education by the education standards and practices board ~~or approved to teach~~
11 ~~in early childhood education by the education standards and practices board;~~
12 b. Follows four-year old program requirements approved by the department;
13 c. Is in compliance with all municipal and state health, fire, and safety requirements;
14 d. Limits enrollment to children who have reached the age of four years old before
15 August first in the year of enrollment, unless the child will be four years old before
16 December first and the child:
17 ~~(1) By means of developmental and readiness screening instruments approved~~
18 ~~by the superintendent of public instruction and administered by the four year~~
19 ~~old program operator, demonstrates superior academic talents or abilities~~
20 ~~and social and emotional readiness; or~~

July 2nd

- 1 ~~(2) Has been enrolled in another approved four year old program~~ school district
- 2 determines, based on child development factors including development
- 3 milestones, school readiness, and other individual considerations, to allow a
- 4 child to enroll based on a request;
- 5 e. Submits a nonrefundable fee of fifty dollars ~~at the time~~when the application is
- 6 filed. All fees collected under this section must be paid to the department and
- 7 must be used to defray the cost of investigating, inspecting, and evaluating
- 8 applications for approval; and
- 9 f. Is in compliance with this chapter.

**REPORT OF STANDING COMMITTEE
HB 1497**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.1192.01001](#)) and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1497 was placed on the Sixth order on the calendar.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1497
2/17/2025

Relating to age requirements for an approved four-year old program.

2:59 p.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Committee action

2:59 p.m. Vice Chairman Schreiber- Beck moved to reconsider committee's actions.

2:59 p.m. Representative Longmuir seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:02 p.m. Representative Schreiber- Beck moved to amend HB 1497 to the previous version (testimony #33766).

3:02 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

3:04 p.m. Vice Chairman Schreiber- Beck moved to add an Emergency Clause.

3:04 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-0-1

3:06 p.m. Vice Chair Schreiber- Beck moved a Do Pass as amended.

3:06 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	A
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	N
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 11-2-1

Bill carrier: Vice Chair Schreiber- Beck

3:07 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

February 17, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1497

Introduced by

Representatives Maki, Marschall, Monson, Jonas

Senator Schaible

2-17-25

fmj
10/2

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

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

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

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

July 2002

- 1 e. Submits a nonrefundable fee of fifty dollars ~~at the time~~when the application is
- 2 filed. All fees collected under this section must be paid to the department and
- 3 must be used to defray the cost of investigating, inspecting, and evaluating
- 4 applications for approval; and
- 5 f. Is in compliance with this chapter.

6 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1497**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** ([25.1192.03001](#)) and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1497 was placed on the Sixth order on the calendar.

2025 SENATE EDUCATION

HB 1497

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

HB 1497
3/11/2025

Relating to age requirements for an approved four-year old program; and to declare an emergency.
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11:05 a.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Discussion Topics:

- Preschool age requirement cutoff date
- Readiness test required
- Include Best in Class grant
- Allows flexibility and discretion

11:05 a.m. Representative Maki, District #26, introduced the bill and submitted testimony #40446.

11:09 a.m. Dr. Aimee Copas, ND Council of Educational Leaders, testified in favor and submitted testimony #40387.

11:20 a.m. Dr. Sherlock Hirning, Superintendent Elgin/New Leipzig Public School, testified in favor and submitted testimony #40539.

11:32 a.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk



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

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

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

16 What this bill does, is provides a provision for pre-school that is similar to the kindergarten
 17 model that K12 schools are familiar with a bit of flexibility with regard to the age of the
 18 student being admitted into school on the basis of room in the school, student readiness,
 19 and parent desire for them to attend. At the kindergarten level, although the date to be
 20 admitted at the age of 5 is August 1st, if readiness is shown through screening and those
 21 other parameters in place, a school may admit that student so long as their birthday was
 22 between August 1 and December 1.
 23

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

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

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



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

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

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

We've been thinking further about implementation of HB1497.

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

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

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

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

Jessica Thomasson
Executive Director
Human Services Division

NORTH
Dakota | Health & Human Services
Be Legendary.

jthomasson@nd.gov | 701-328-1225 | hhs.nd.gov

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoherz

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1497

Page 1, lines 1 through 3:

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

Page 2, after line 3 insert:

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

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

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

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

Page 2, line 4:

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

Chairman and members of the committee

For the record my name is Roger Maki

House bill 1497 is a bill to give school the ability to let students of four year old into preschool for four year olds that do not make the August 1st cutoff date.

They would need to be tested and meet the requirements To be able to enter school up till December 1st if they meet all the requirements this bill will need to be amended to clarify what the school does not have to take a student if they do not have room for them.

Thank you, Mr. chairman and members of the education committee.

ELGIN/NEW LEIPZIG PUBLIC SCHOOL

DISTRICT #49

110 West St. N
PO Box 70
Elgin, ND 58533-0070
701-584-2374 - telephone
701-584-3018 - fax
www.gcs.k12.nd.us



Home of the Coyotes

Dr. Sherlock Hirning, Superintendent
Mr. Terry Bentz, High School Principal
Mr. Jared Bollom, Elementary Principal

March 11, 2025

Mr. Chairman and Members of the Senate Education Committee:

Thank you for the opportunity to provide testimony on HB 1497, relating to age requirements for an approved four-year old program.

My testimony stems from a recent experience with two 4-year old children (twins) whose birthdays are August 3. The current statute requires children "to reach the age of 4 years old before August first in the year of enrollment." Unfortunately, these two children were denied the developmental services of a pre-school program for four-year old children because of a hard and fast birthday deadline in current statute. They missed the deadline by three days and no flexibility for considering academic talent or ability and social/emotional readiness is available under current statute like it is under current statute regulating entrance into a kindergarten program for 5-year old children. After discussing this matter with our pre-school teacher and realizing the ability and talent of these two children, it was very unfortunate that there was no flexibility and discretion available to allow these two children to have the opportunity to develop their readiness skills to enter kindergarten next year.

The current statute regulating kindergarten entrance also has an August first deadline for enrollment as a 5-year old. However, it allows for developmental and readiness screening if the child's birthdate is after August first, but will be five years old before December first of the year of enrollment. Passage of HB 1497 would allow the same flexibility and individual consideration of a child's developmental stage for 4-year old programs, as the current statute allows for entrance into kindergarten programs at age five (5). All children do not mature and develop at the same pace and through the same means, so a "one-size fits all" regulation does not seem reasonable for 4-year old program entrance. In today's education world where increasing attention and emphasis is placed on preparing children to be "ready" for kindergarten at age 5, it seems logical and justifiable to allow the same entrance flexibility for our 4-year old programs as is allowed for entrance to kindergarten programs in our State.

With due consideration, I urge this committee's favorable action to support passage of this bill and forward it to the full Senate for consideration. Thank you for your time and consideration today.

Sincerely,

Dr. Sherlock Hirning,
Superintendent
Elgin-New Leipzig School District

*The mission of the Elgin/New Leipzig Public School District is to provide positive and safe environment that promotes lifelong learning to all individuals.
This institution is an equal opportunity provider.*

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

HB 1497
3/11/2025

Relating to age requirements for an approved four-year old program; and to declare an emergency.

2:30 p.m. Chairman Beard called the hearing to order.

Members Present: Chairman Beard, Vice-Chairman Lemm; Senators: Boschee, Gerhardt, and Wobbema.

Members Absent: Senator Axtman

Discussion Topics:

- Provide an opportunity for students
- Potential cost involved

2:30 p.m. Chairman Beard opened up discussion on the bill and the proposed amendment provided in testimony #40387 by Dr. Aimee Copas (11:00 AM on 03/11/25).

2:41 p.m. Senator Boschee moved Amendment LC #25.1192.04001.

2:41 p.m. Senator Wobbema seconded the motion.

Senators	Vote
Senator Todd Beard	Y
Senator Randy D. Lemm	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Passed 5-0-1

2:43 p.m. Senator Boschee moved Do Pass as amended.

2:43 p.m. Senator Wobbema seconded the motion.

2:45 p.m. Senator Boschee withdrew his motion of Do Pass as amended.

2:45 p.m. Senator Gerhardt opened discussion regarding the registration end date.

2:50 p.m. Senator Boschee moved Do Pass as amended.

2:50 p.m. Senator Wobbema seconded the motion.

Senators	Vote
Senator Todd Beard	N
Senator Randy D. Lemm	Y
Senator Michelle Axtman	AB
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y
Senator Mike Wobbema	Y

Motion Passed 4-1-1

Senator Boschee will carry the bill.

2:52 p.m. Chairman Beard closed the hearing.

Susan Helbling, Committee Clerk

March 11, 2025

CO
3/11/25
1 of 3

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED HOUSE BILL NO. 1497

Introduced by

Representatives Maki, Marschall, Monson, Jonas

Senator Schaible

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

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

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

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

- e. Submits a nonrefundable fee of fifty dollars ~~at the time~~when the application is filed. All fees collected under this section must be paid to the department and must be used to defray the cost of investigating, inspecting, and evaluating applications for approval; and
- f. Is in compliance with this chapter.

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

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

1. An approved four-year old program, federally funded head start program, or early childhood program may submit, in the form and manner prescribed by the department, an application to the department under section 50-11.1-22, if the provider certifies to the department the provider:
 - a. Operates an approved four-year old program, federally funded head start program, or early childhood program in this state;
 - b. Operates a program for children who have reached four years of age before August first in the year of enrollment, unless otherwise provided in subdivision d of subsection 1 of section 50-11.1-21;
 - c. Operates a program that has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks;
 - d. Incorporates within the program at least ten hours of research-based family engagement;
 - e. Has been determined to meet the standards and expectations of no less than step three in the North Dakota early childhood quality improvement system; has met the standards and expectations of a nationally recognized early childhood accrediting entity; has met the federal performance standards for head start; or has obtained approval or certification from the department of public instruction;
 - f. Admits children of all learning abilities;
 - g. Admits children who receive assistance from the child care assistance program; and
 - h. Operates in compliance with the program requirements, including:

- 1 (1) Complying with requirements related to qualifications, training, and
- 2 professional development of staff delivering services in the best in class
- 3 program; and
- 4 (2) Adhering to expectations established by the department related to best in
- 5 class program monitoring, operation, and oversight.
- 6 2. The department may distribute funds under this section to approved applicants.
- 7 3. The department may recapture funds from an awarded program that is found by the
- 8 department to be out of compliance with requirements established for the best in class
- 9 program.
- 10 4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient,
- 11 award, or payments made under this section.

12 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE
REENGROSSED HB 1497**

Education Committee (Sen. Beard, Chairman) recommends **AMENDMENTS** ([25.1192.04001](#)) and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1497 was placed on the Sixth order on the calendar. This bill does not affect workforce development.