

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2304

Introduced by

Senators Dever, Brown, Cook, Tollefson

Representative L. Meier

1 A BILL for an Act to amend and reenact section 50-11.1-02 of the North Dakota Century Code,  
2 relating to services included within the definition of early childhood services; and to declare an  
3 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **50-11.1-02. Definitions.** As used in this chapter, unless the context or subject matter  
8 otherwise requires:

- 9 1. "Child care center" means an early childhood facility where early childhood  
10 services are provided to nineteen or more children.
- 11 2. "County agency" means the county social service board in each of the counties of  
12 the state.
- 13 3. "Department" means the department of human services.
- 14 4. "Drop-in care" means the care of children on a one-time, occasional, or  
15 unscheduled basis to meet the short-term needs of families.
- 16 5. "Early childhood facility" means any facility where early childhood services are  
17 provided, whether the facility is known as a child care center, day care home, day  
18 care center, day nursery, family child care home, group child care home, preschool  
19 educational facility nursery school, kindergarten, child play school, progressive  
20 school, child development center, preschool, or known by any other name.
- 21 ~~5.~~ 6. "Early childhood services" means the care, supervision, education, or guidance of  
22 a child or children, unaccompanied by the child's parent, guardian, or custodian,  
23 which is provided in exchange for money, goods, or other services and is, or is

- 1 anticipated to be, ongoing for periods of two or more hours per day for a part of  
2 three or more days per week. Early childhood services does not include:
- 3 a. Substitute parental child care provided pursuant to chapter 50-11.
  - 4 b. Child care provided in any educational facility, whether public or private, in  
5 grade one or above.
  - 6 c. Child care provided in a kindergarten which has been established pursuant to  
7 chapter 15.1-22 or a nonpublic elementary school program approved  
8 pursuant to subsection 1 of section 15.1-06-06.
  - 9 d. Child care provided to preschool age handicapped children in any educational  
10 facility through a program approved by the superintendent of public  
11 instruction.
  - 12 e. Child care provided in facilities operated in connection with a church,  
13 shopping center, business, or other establishment where children are cared  
14 for during periods of time not exceeding four continuous hours while the  
15 child's parent, guardian, or custodian is attending church services, shopping,  
16 or engaged in other activities, ~~other than employment~~, on or near the  
17 premises.
  - 18 f. Schools or classes for religious instruction conducted by religious orders  
19 during the summer months for not more than two weeks, Sunday schools,  
20 weekly catechism, or other classes for religious instruction.
  - 21 g. Summer resident or day camps for children which serve no preschool age  
22 children for more than two weeks.
  - 23 h. Sporting events, practices for sporting events, or sporting or physical activities  
24 conducted under the supervision of an adult.
  - 25 i. Headstart programs that are federally funded and meet federal headstart  
26 standards.
  - 27 j. Child care provided by a hospital by medical personnel within the physical  
28 structure of the hospital to children who are ill.
- 29 ~~6.~~ 7. "Family child care home" means an occupied private residence in which early  
30 childhood services are provided for no more than seven children at any one time,  
31 except that the term includes a residence providing early childhood services to two

1 additional school-age children during the two hours immediately before and after  
2 the schoolday and all day, except Saturday and Sunday, when school is not in  
3 session during the official school year.

4 ~~7.~~ 8. "Group child care home" or "group child care facility" means a child care facility  
5 where early childhood services are provided for eight through eighteen children or  
6 a facility, other than an occupied private residence, which serves fewer than eight  
7 children.

8 ~~8.~~ 9. "In-home provider" means any person who provides early childhood services to  
9 children in the children's home.

10 ~~9.~~ 10. "License" means the rights, authority, or permission granted by the department to  
11 operate a family child care home, group child care facility, child care center, or  
12 preschool educational facility.

13 ~~40.~~ 11. "Multiple licensed facility" means an early childhood facility that provides more than  
14 one type of early childhood services.

15 ~~44.~~ 12. "Preschool educational facility" means a facility that offers early childhood services  
16 and follows a preschool curriculum and course of study designed primarily to  
17 enhance the educational development of the children enrolled in the facility and  
18 that serves no child for more than three hours per day.

19 ~~42.~~ 13. "Registrant" means the holder of a registration document issued by the department  
20 in accordance with this chapter.

21 ~~43.~~ 14. "Registration" means the process whereby the department maintains a record of  
22 all in-home providers who have stated that they have complied or will comply with  
23 the prescribed standards and adopted rules.

24 ~~44.~~ 15. "Registration document" is a written instrument issued by the department to  
25 publicly document that the registrant has complied with this chapter and the  
26 applicable rules and standards as prescribed by the department.

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