

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1466
(Representatives Weisz, Rohr, Westlind)
(Senators Dever, Lee)

AN ACT to create and enact three new sections to chapter 50-11.1 of the North Dakota Century Code, relating to establishing four-year old program grants; to amend and reenact section 50-11.1-02 of the North Dakota Century Code, relating to the definition of four-year old program; to suspend sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 of the North Dakota Century Code, relating to early childhood education grants; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

50-11.1-02. Definitions.

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

1. "Authorized agent" means the human service zone, unless another entity is designated by the department.
2. "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children.
3. "Department" means the department of human services.
4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.
5. "Early childhood program" means any program licensed under this chapter where early childhood services are provided for at least two hours a day for three or more days a week.
6. "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. Early childhood services does not include:
 - a. Substitute parental child care provided pursuant to chapter 50-11.
 - b. Child care provided in any educational facility, whether public or private, in grade one or above.
 - c. Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to section 15.1-06-06.1.
 - d. Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the superintendent of public instruction.
 - e. Child care provided in facilities operated in connection with a church, business, or organization where children are cared for during periods of time not exceeding four continuous hours while the child's parent is attending church services or is engaged in other activities, on the premises.

- f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.
 - g. Summer resident or day camps for children which serve no children under six years of age for more than two weeks.
 - h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
 - i. Head start and early head start programs that are federally funded and meet federal head start performance standards.
 - j. Child care provided in a medical facility by medical personnel to children who are ill.
7. "Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.
8. "Four-year old program" means an approved child care program operated by a public or private educational entity or an early childhood program designed to serve four-year olds.
9. "Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.
- ~~9-10.~~ "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.
- ~~10-11.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.
- ~~11-12.~~ "In-home provider" means any person who provides early childhood services to children in the children's home.
- ~~12-13.~~ "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.
- ~~13-14.~~ "Multiple licensed program" means an early childhood program licensed to provide more than one type of early childhood services.
- ~~14-15.~~ "Owner" or "operator" means the person who has legal responsibility for the early childhood program and premises.
- ~~15-16.~~ "Parent" means an individual with the legal relationship of father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.
- ~~16-17.~~ "Premises" means the indoor and outdoor areas approved for providing early childhood services.
- ~~17-18.~~ "Preschool" means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.
- ~~18-19.~~ "Public approval" means a nonlicensed early childhood program operated by a government entity that has self-certified that the program complies with this chapter.

- ~~19-20.~~ "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter.
- ~~20-21.~~ "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.
- ~~21-22.~~ "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.
- ~~22-23.~~ "School-age child care" means a child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.
- ~~23-24.~~ "School-age children" means children served under this chapter who are at least five years but less than twelve years of age.
- ~~24-25.~~ "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.
- ~~25-26.~~ "Staff member" means an individual:
- a. Who is an employee of an early childhood program or of an early childhood services provider under a self-declaration;
 - b. Whose activities involve the care, supervision, or guidance of children of an early childhood program; or
 - c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood program or early childhood services provider under a self-declaration.

SECTION 2. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Early childhood grant for best in class four-year old experiences.

1. A four-year old program deemed eligible under section 3 of this Act may submit an application for the best in class four-year old experiences grant. An approved program is eligible for an annual award of one hundred twenty thousand dollars per approved group size. The grant award must be matched with no less than twenty thousand dollars in other funds. The department shall assign a program support coach to each approved program. An approved program:
 - a. Shall utilize the assigned support coach and utilize the sliding fee scale for parent fees, as established by the department.
 - b. May use grant funds to support the provision of quality early childhood experiences, including expenditures related to staffing, training, equipment, and supplies.
 - c. May not use grant funds for construction or rehabilitation. An approved program must enter a grant agreement with the department.
2. The department may not collect equipment or supplies purchased with grant funds from the approved program after successful completion of the term of the grant.

SECTION 3. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Eligibility for best in class four-year old experiences grant.

1. A four-year old program may submit, in the form and manner prescribed by the department, an application to the department for a grant under section 2 of this Act, if the provider certifies to the department the provider:
 - a. Operates a four-year old program in this state;
 - b. Operates a four-year old program for children who have reached four years of age before August first in the year of enrollment;
 - c. Operates a four-year old 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 four-year old 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;
 - f. Is willing to admit children of all learning abilities into the four-year old program;
 - g. Is willing to admit children who receive assistance from the child care assistance program into the four-year old program; and
 - h. Is willing to operate in compliance with the grant requirements, including:
 - (1) Maintaining the recommended group size for number of children served in the four-year old program;
 - (2) Complying with requirements related to qualifications, training, and professional development of staff delivering services in the four-year old program; and
 - (3) Adhering to expectations established by the department related to four-year old program monitoring and oversight.
2. The department may distribute grants under this section to approved four-year old programs, including four-year old programs operated as early childhood programs by educational facilities or federally funded head start programs or in connection with a church, business, or organization that operates a four-year old program.
3. The department may recapture grant funds distributed to an approved four-year old program found by the department to be out of compliance with requirements established for the best in class four-year old experiences grant program.

SECTION 4. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Grant program data collection - Requirements.

The state agency with approval authority over four-year old programs, with the advice and consent of the department, shall implement a uniform system for the accounting, budgeting, and reporting of data by any four-year old program provider to whom or to which grants are distributed under section 3 of this Act. Grants may be withheld or forfeited, in whole or in part, if information required in accordance with this section is not submitted at the time or in the manner requested by the state agency with approval authority over four-year old programs. A grant recipient shall consent to provide information

needed to comply with data collection requirements. The state agency with approval authority over four-year old programs shall disclose the requested information to the department.

SECTION 5. SUSPENSION. Sections 15.1-37-05, 15.1-37-06, and 15.1-37-08 of the North Dakota Century Code are suspended.

SECTION 6. EXPIRATION DATE. This Act is effective through June 30, 2025, and after that date is ineffective.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1466.

House Vote: Yeas 59 Nays 35 Absent 0

Senate Vote: Yeas 36 Nays 11 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State