Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2080
(Human Services Committee)
(At the request of the Department of Human Services)

AN ACT to amend and reenact subsection 24 of section 50-11.1-02, subsections 2 and 3 of section 50-11.1-03, subsection 1 of section 50-11.1-04, subsection 9 of section 50-11.1-06.2, sections 50-11.1-13.1 and 50-11.1-17, and subsections 1, 3, and 4 of section 50-11.1-18 of the North Dakota Century Code, relating to the definition of self-declaration, early childhood services license requirements, prerequisites for issuance of a license or self-declaration, background investigations, penalty for provision of services, and the early childhood services inclusion support services and grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 24 of section 50-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 2. AMENDMENT. Subsections 2 and 3 of section 50-11.1-03 of the North Dakota Century Code are amended and reenacted as follows:

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

SECTION 3. AMENDMENT. Subsection 1 of section 50-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

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 or the department's authorized agent 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 finding of services required for child abuse or neglect filed against them. 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 upon a showing that:

   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 must be maintained according to rules adopted by the department;

   b. Staff members are qualified to fulfill the duties required of them according to the provisions of this chapter and standards prescribed for their qualifications by the rules of the department;

c. The application does not include any fraudulent or untrue representations;

d. The owner or operator, or applicant has not had a previous license or self-declaration denied or revoked within the twelve months prior to the date of the current application;

e. The owner or operator, or applicant has not had three or more previous licenses or self-declarations denied or revoked. The most recent revocation or denial cannot have occurred within the five years immediately preceding the application date;

f. The program has paid its license fees and any penalties and sanctions assessed against the program as required by ~~section~~sections 50-11.1-03 and 50-11.1-07.4;

g. The family child care owner or operator has received training and is currently certified in cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs that are approved by the department, and is currently certified in first aid by a program approved by the department; and

h. The group child care, preschool, school-age child care, or child care center maintains, at all times during which early childhood services are provided, at least one person who has received training and is currently certified in cardiopulmonary resuscitation by the American heart association, American red cross, or other similar cardiopulmonary resuscitation training programs that are approved by the department, and at least one person who is currently certified in first aid by a program approved by the department.

SECTION 4. AMENDMENT. Subsection 9 of section 50-11.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

9. Any individual who is providing early childhood services solely for the provider's own children, grandchildren, nieces, nephews, and cousins as ~~a licensed provider, a nonlicensed holder of a self-declaration, or~~ an in-home provider may not be required to submit to a criminal history record check authorized under section 50-06-01.9.

SECTION 5. AMENDMENT. Section 50-11.1-13.1 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-13.1. Penalty for provision of services - When applicable.

1. An individual who provides early childhood services to any child, other than a child who is a member of that individual's household, is guilty of a class B misdemeanor if:

   ~~1.~~a. Those services are provided after that individual is required to register as a sexual offender;

   ~~2.~~b. The department has denied that individual's application for licensure, or self-declaration, or registration to provide early childhood services or has revoked that individual's license, self-declaration, or registration document to provide early childhood services following a finding that services are required under chapter 50-25.1 and that finding has become final or has not been contested by that individual; or

   ~~3.~~c. The individual allows another individual to be in the presence of the child receiving early childhood services if that other individual is required to register as a sexual offender or has had an application for licensure, self-declaration, or registration to provide early childhood services denied or revoked by the department following a finding that services are required under chapter 50-25.1 and that finding has become final or has not been contested by that other individual.

2. An individual is not guilty of a class B misdemeanor under paragraphs b and c of subsection 1 if the department has made a determination that the individual is able to provide care that is

free of abuse and neglect, in spite of a finding that services are required under chapter 50-25.1, which has become final or has not been contested.

SECTION 6. AMENDMENT. Section 50-11.1-17 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-17. Application for self-declaration - Prerequisites for approval - Approval - Term.

1. Applications for self-declarations must be made on forms provided and in the manner prescribed by the department. The department or the department's authorized agent shall investigate the applicant and every individual living in the private residence and shall conduct a background check. The department or the department's authorized agent shall conduct the investigation in accordance with the rules adopted by the department and shall determine whether any of them has a criminal record or has had a finding of services required for child abuse or neglect filed against them. Except as otherwise provided, the department shall approve a self-declaration upon the applicant's declaration that:

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

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

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

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

   e. The applicant has paid the required application fees;

   f. The applicant has paid any penalties and sanctions assessed against the program required by ~~section~~sections 50-11.1-03 and 50-11.1-07.4;

   g. The applicant is currently certified in cardiopulmonary resuscitation by the American heart association, the American red cross, or a similar cardiopulmonary resuscitation training program approved by the department;

   h. The applicant is currently certified in first aid through a training program approved by the department; and

   i. The application does 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.

SECTION 7. AMENDMENT. Subsections 1, 3, and 4 of section 50-11.1-18 of the North Dakota Century Code are amended and reenacted as follows:

1. The department may establish in collaboration with the department of commerce an early childhood services inclusion grant program for ~~licensed~~ early childhood services providers that provide, or applicants for licensure who indicate they will provide, care for children with disabilities or developmental delays. The grant program must be designed to:

a. ~~Increase the number of staff in the adult-to-child ratio to~~Support the staffing needs to expand ~~supervision and~~ the ability to care for children with disabilities or developmental delays; and

b. Assist in modifying or adapting the early childhood services setting as needed to address the health ~~and~~, safety, and developmental needs of children with disabilities or developmental delays.

3. The department may establish a grant review committee to assist in the development of grant guidelines, the review of applications, and the determination of awards or denials. The membership of the grant review committee must include representation from each of the following:

a. The department of human services;

b. The department of public instruction;

c. The North Dakota training and information center;

d. ~~North Dakota child care resource and referral~~Child care aware of North Dakota; ~~and~~

e. Parents of children with disabilities or at risk for developmental delays; and

f. Other appropriate partners.

4. To be eligible for the grant program, the early childhood services provider must:

a. Be state-licensed, self-declared, or in the process of applying for licensure;

b. ~~Submit a letter from the provider's county social services office confirming the provider's licensing status;~~

~~c.~~ ~~Submit a letter from a~~Collaborate with service ~~provider that provides~~providers that provide formal supports to the child ~~confirming an increased funding need to assist the provider in serving the child with disabilities~~or children with disabilities or developmental delays; and

~~d.~~c. Work with the child's family and an inclusion or health specialist to complete a care plan appropriate for the child care setting.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2080.

Senate Vote:	Yeas 45	Nays 0	Absent 2
House Vote:	Yeas 87	Nays 1	Absent 6

Secretary of the Senate

Received by the Governor at 8:22 A M. on March 18, 2015.

Approved at 2:50 P M. on March 18, 2015.

Governor

Filed in this office this 18th day of March, 2015,

at 4:21 o'clock P M.

Secretary of State