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

SENATE BILL NO. 2151
(Senators Flakoll, Heckaman, Poolman)
(Representatives Dosch, Nathe, Vigesaa)

AN ACT to create and enact four new sections to chapter 15.1-37 of the North Dakota Century Code, relating to early childhood education provider grants; to amend and reenact section 15.1-37-01 of the North Dakota Century Code, relating to early childhood education program approval; to provide for a superintendent of public instruction study and report to the legislative management; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-37-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-37-01. Early childhood education program - Approval.

1. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:

   a. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board <u>or approved to teach in early childhood education by the education standards and practices board</u>;

   b. Follows ~~a developmentally appropriate curriculum~~<u>educational standards approved by the superintendent of public instruction</u>;

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

   d. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.

2. In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count any student enrolled in a regular early childhood education program.

SECTION 2. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

<u>**Early childhood education providers - Coalition - Eligibility.**</u>

<u>1. The superintendent of a school district shall invite all public and private providers of early childhood education services within the district to meet, in order to:</u>

   <u>a. Initiate the identification of all available options for cost-effectively maximizing the provision of early childhood education services within the district;</u>

   <u>b. Address the coordinated utilization of facilities, personnel, and transportation, for the provision of early childhood education services within the district; and</u>

   <u>c. (1) Form a coalition of early childhood education service providers; and</u>

   <u>(2) Provide for the selection of a coalition governing board.</u>

2. The board of the school district in which the coalition of service providers is located shall provide advice and guidance to the coalition in all matters pertaining to this Act.

3. Any early childhood service provider who agrees to participate in the coalition or on its governing board may submit an application to the department of commerce for a grant under this section, provided the governing board certifies to the department that the provider:

   a. Is a participating member in the coalition or on the governing board.

   b. Operates an early childhood education program that:

      (1) Is approved in accordance with section 15.1-37-01; and

      (2) Incorporates within its curriculum at least ten hours of research-based parental involvement.

   c. Has documented the provider's willingness to admit children of all learning abilities into the early childhood education program.

SECTION 3. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Receipt and distribution of grants - Notification.

1. The department of commerce shall receive applications for and distribute grants under this section to eligible members, including governing board members, of a consortium formed in accordance with section 2 of this Act, in the amount of two thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for free lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.] and one thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.], provided:

   a. The child is a resident of this state; and

   b. The program has a duration of at least four hundred hours over a period of thirty-two consecutive weeks.

2. a. Once each calendar quarter, at the time and in the manner required by the department of commerce, any provider receiving a grant under this section shall forward to the parent of each child receiving services a notice indicating the total amount of the grant that was awarded to the provider for the quarter, the pro rata amount attributable to the parent's child, and the source of the grant. The department of commerce shall standardize the notification required by this subdivision.

   b. If a provider fails to meet the notification requirements of this subsection, the department of commerce shall reduce the amount of the provider's next grant payment by fifty percent. If a provider fails to meet the notification requirements of this section a second time, the department of commerce shall determine that the provider is ineligible to participate in the grant program for a period of one year.

SECTION 4. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Acceptance of children into program - Requirements - Limitations.

1. If a provider is unable to accommodate all children seeking placement in the provider's program, the provider shall accept children in accordance with a chronologically-based

application process or a lottery-based application process, under which children of all learning abilities are equally eligible.

2. The number of children accepted into a program may be limited by considerations regarding space, safety, and availability of personnel.

SECTION 5. A new section to chapter 15.1-37 of the North Dakota Century Code is created and enacted as follows:

Data collection - Requirements.

The superintendent of public instruction, with the advice and consent of the department of commerce, shall implement a uniform system for the accounting, budgeting, and reporting of data by any early childhood education provider to whom or to which grants are distributed in accordance with 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 superintendent.

SECTION 6. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - REPORT TO THE LEGISLATIVE MANAGEMENT. During the 2015-16 interim, the superintendent of public instruction shall study the implementation of a uniform system for the accounting, budgeting, and reporting of data by an early childhood education provider who has received a grant distributed in accordance with section 3 of this Act. The superintendent of public instruction shall report its findings to the legislative management by August 1, 2016.

SECTION 7. APPROPRIATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $3,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing early childhood education grants, for the biennium beginning July 1, 2015, and ending June 30, 2017.

2. If the amount appropriated in this section is insufficient to provide grants to all eligible providers, the department of commerce shall award the grants on a chronological basis in accordance with the date on which a completed application is received.

SECTION 8. EFFECTIVE DATE. Sections 3 through 5 of this Act become effective on July 1, 2016.

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. 2151.

Senate Vote:	Yeas 32	Nays 14	Absent 1
House Vote:	Yeas 50	Nays 41	Absent 3

Secretary of the Senate

Received by the Governor at 1:32 P.M. on April 16, 2015.

Approved at 10:16 A.M. on April 17, 2015.

Governor

Filed in this office this 17th day of April, 2015,

at 11:27 o'clock A.M.

Secretary of State