

# **Early Childhood Services**

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Policies and Procedures  
Service Chapter 620-01

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**(Revised 3/20/12 ML #3317)**

N.D.C.C. ch. 50-11.1 is the legal basis and provides the authority for the Early Childhood Services system.

**Minimum Standards for Operation of an Early Childhood Services Program 620-01-15-01**

**(Revised 11/24/23 ML #3775)**

N.D.C.C. 50-11.1-08(1)

In appropriate circumstances and upon good cause shown, specific minimum standards may be substituted by alternate, equivalent standards, approved by the Department.

Early Childhood Services Rules:

N.D.A.C. Chapter 75-03-07	In-home
N.D.A.C. Chapter 75-03-07.1	Self-declaration
N.D.A.C. Chapter 75-03-08	Family Child Care
N.D.A.C. Chapter 75-03-09	Group Child Care
N.D.A.C. Chapter 75-03-10	Child Care Center
N.D.A.C. Chapter 75-03-11	Preschool
N.D.A.C. Chapter 75-03-11.1	School-age Child Care Program

**Program Responsibilities 620-01-20**

**(Revised 11/24/23 ML #3775)**

Early childhood licensing regulation is structured in three levels: Early Childhood Licensing Specialists, Early Childhood Licensing Supervisors, and the Licensing Administrator.

**Licensing Specialist 620-01-20-01**

**(Revised 11/13/25 ML #3952)**

1. Have available, be knowledgeable and implement North Dakota Century Code Chapter 50-11.1, current early childhood services rules and policies and procedures.
2. Interpret and explain policies and rules to early childhood services providers and to the general public.
3. Assure prospective applicants successfully complete Orientation.
4. Receive and review applications, for all license and registration types, review all appropriate supporting documents, and fees for early childhood services within the Child Care Licensing System (CCL).
5. Conduct early childhood services visits and complete appropriate checklists and submit materials within CCL.
6. Conduct at least one unannounced visit per year on each program. Refer to Policy 620-01-116 for Unannounced Visit Policy details. Maintain and submit the checklist/provider review in CCL for the Early Childhood Supervisor's review.
7. New Licensing Specialists will attend orientation provided by the Early Childhood Licensing Supervisor.
8. Licensing Specialists will set up a Workforce Registry account and will complete Getting Started as needed.
9. Attend all required meetings and trainings relative to early childhood licensing and Early Childhood Section.
10. Use the Child Care Licensing System to review applications, all documents and processes, including concerns, corrective actions and inspections as they pertain to licensing and self-declaration and in-home providers.
11. Maintain licensing records of early childhood service providers within CCL and SharePoint.
12. Complete SFN1269 within CCL and staff all initial concerns with the Early Childhood Supervisor and investigate all concerns or complaints regarding any suspected rule violation.
13. Testify as necessary in appeals and other legal proceedings.

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14. Issue all correction order notices as appropriate.
15. Recommend to the Early Childhood Supervisor: approval, denial, revocation, or suspension of license, self-declaration, or in-home provider.
16. Send parent notification letters as needed.
17. Assist other appropriate local agencies and organizations in developing early childhood services and training activities.
18. Collaborate with Child Care Assistance Program, Child Care Aware, Growing Futures and QRIS program and other agencies as appropriate.
19. Work in cooperation with local law enforcement, state's attorney, health and fire departments when appropriate.
20. Work in cooperation with child protection unit within county, region, and state as it relates to assessments of early childhood services programs.
21. Successfully complete the National Association of Regulatory Administration Certification Course within 5 years of employment. The credential must be renewed every 5 years.
22. Lead Compliance Plans including submitting a final report.

**Licensing Supervisor 620-01-20-05**

**(Revised 11/13/25 ML #3952)**

1. Interpret, explain, and have knowledge of North Dakota Century Code Chapter 50-11.1, all current early childhood services rules and policies and procedures.
2. Review all recommendations on applications to provide early childhood services, issue appropriate licenses, self-declaration documents, in-home registrations, and maintain appropriate provider records within CCL and SharePoint.
3. Maintain provider information in the state licensing systems (CCL).
4. Provide guidance and recommendations to Licensing Specialists regarding child care concerns and corrective actions and when necessary, consult with the Licensing Administrator. Review the outcome of the child care concern or corrective action in CCL.
5. Based upon information provided by Licensing Specialist, prepare, and issue all corrective actions within 5 business days of decision to issue a corrective action. Corrective actions which may include a provisional license, restriction, prohibition, revocation, denial, and suspension notices to early childhood facilities in cooperation with Licensing Administrator and HHS legal advisory unit.
6. Provide on-going quality assurance audits by examining documentation within CCL and follow QA processes within CCL which include conducting on-site visits.
7. Attend scheduled meetings with Early Childhood Licensing State Team and Early Childhood Section.
8. Provide leadership to respective team, plan and facilitate regular meetings with Licensing Specialists.
9. Attend meetings and participate in conference calls with the Licensing Administrator and Early Childhood Section. All supervisors are members of the Correction Order Refutation Committee.

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10. Work in cooperation with county social service agencies, CCA, the Licensing Administrator, and other local and state agencies. Assist other appropriate agencies and organizations in developing early childhood services training activities.
11. Notify CACFP when corrective action other than correction order is in process.
12. Assist CCL Administrators resolve CCL tasks and issues as they pertain to licensing and self-declaration processes.
13. Work with Human Resources to post open Licensing Specialist positions, interview and hire Licensing Specialist positions, and provide orientation for new Licensing Specialists.
14. Work in cooperation with Attorney General's office to prepare for and participate in all appeal hearings.
15. Successfully complete the National Association of Regulatory Administration Certification Course within 5 years of employment. The credential must be renewed every 5 years.
16. Work collaboratively with the Licensing Specialist on all Compliance Plans.

**Early Childhood Licensing Administrator 620-01-20-10**

**(Revised 11/13/25 ML #3952)**

1. Establish policies and rules for the state regulatory system of the early childhood services program.
2. Lead and support the Early Childhood Licensing staff.
3. Prior to issuance by Licensing Supervisor, review revocations, denials, and notices within 5 days alongside HHS Legal Services.
4. Collaborate with other agencies to develop and implement training for early childhood service providers, Licensing Specialists, and Licensing Supervisors.
5. Collaborate with other Early Childhood units and agencies to develop and implement early childhood licensing standards.
6. Plan and facilitate meetings with the Licensing Supervisors.
7. Respond to requests for statewide information.
8. Prepare early childhood licensing goals and objectives.
9. Represent the department at early childhood services events- state, regional, or national meetings.
10. Plan and facilitate regular meetings with early childhood licensing state team.
11. Serve as a liaison to other agencies relating to early childhood licensing.
12. Coordinate Background Check Appeals Committee and Correction Order Refutation Committee meetings.
13. Hire, orientate, and train Licensing Supervisors.
14. Successfully complete the National Association of Regulatory Administration Certification Course within 5 years of employment. The credential must be

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renewed every 5 years.

## **Early Childhood Services Quality Assurance 620-01-20-20**

**(Revised 5/1/24 ML #3820)**

### Annual Reviews:

The Licensing Administrator shall select two provider records for each Licensing Supervisor and perform an annual review of the provider record. Once the review is complete the Licensing Administrator reviews the record with the Licensing Supervisor.

The Licensing Supervisor shall perform two annual reviews during provider visits. These reviews may take place during either announced or unannounced visits.

1. The Licensing Supervisor shall select two providers for each Licensing Specialist they manage:
  - One provider licensed to provide care in a home.
  - One provider licensed to provide care in a facility.
2. The Licensing Supervisor shall notify the Licensing Specialist of the selected providers.
3. The Licensing Specialist will schedule the visits.
4. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
5. The Licensing Supervisor shall complete the QA process in the Licensing System.
6. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA visit.

### New Employee QA Visit or Record Review

The Licensing Administrator shall select one provider record and perform a review of the provider record as part of the six-month probationary period. Once the review is complete the Licensing Administrator reviews the record with the Licensing Supervisor.

A Quality Assurance visit shall be conducted during a Licensing Specialist's six-month probationary period.

1. The Licensing Supervisor shall select a provider to review. The Licensing Supervisor shall notify the Licensing Specialist of the selected provider.

2. The Licensing Specialist will schedule the visit with the selected provider.
3. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
4. The Licensing Supervisor shall complete the QA process in the Licensing System.
5. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA.

A Quality Assurance Visit or Record Review shall be conducted due to Performance Concerns

The Licensing Administrator shall select provider records and perform a review of the provider record/s. Once the review is complete the Licensing Administrator reviews the record with the Licensing Supervisor.

1. The Licensing Supervisor shall select a provider to review. The Licensing Supervisor shall notify the Licensing Specialist of the selected provider.
2. The Licensing Specialist will schedule the visit with the selected provider.
3. The Licensing Supervisor shall review the provider record prior to the visit and join the Licensing Specialist on the visit to observe the Licensing Specialist.
4. The Licensing Supervisor shall complete the QA process in the Licensing System.
5. The Licensing Supervisor will schedule a meeting with the Licensing Specialist to review the QA.

**Early Childhood Services Registration 620-01-25**

**(Revised 3/20/12 ML #3317)**

1. The applicant completes registration form SFN 834 and returns the form to the authorized agent in the county the care will be provided in.
2. Authorized agent works with regional office and CBCU to complete background check.
3. Authorized agent submits the SFN 834 to the regional office.
4. Regional office approves or denies application for in-home provider.
5. The registered in-home provider is generally not eligible CCAP and CACFP.

## **Application for Self-declaration 620-01-30-01 (Revised 2/20/26 ML #3966)**

“Application” means all documents the department requires when applying or reapplying for a license.

All applications for a Self-Declaration Certificate must be submitted through the Child Care Licensing System (CCL).

Application Submission includes

- Application form (SFN 865).
- Background Checks as required in administrative code 75-03-07.1-02  
Pediatric First Aid and Pediatric CPR/AED SFN 433 required for all house members under 12 years of age.
- Pet Vaccinations.
- Applications must be signed by the owner.
- Licensing fees must be paid at time of application and are non-refundable.
- Any required annual inspections.
- Completion of Getting Started training required within 90 days of receiving initial certificate.
- Safe Sleep (if applicable) prior to caring for infants and annually thereafter.
- Mandated Reporter completed within 90 days of receiving certificate and annually thereafter.

### **Time Frames for Approval Process of a Self-Declaration Certificate**

Upon receipt of the application, the following time frames shall be followed:

1. A visit must be completed within 30 calendar days once the Licensing Specialist has received all required documents.
2. The Licensing Supervisor must respond to the study within 30 calendar days upon receipt of all the licensing studies documents.
3. The Licensing Specialist shall contact the Licensing Supervisor if it appears time frames are unable to be met.
4. The earliest effective date of a certificate will be the date the Licensing Supervisor reviews and issues the certificate.
5. Only one self-declaration certificate may be issued per residence.
6. A self-declaration certificate will be issued for the ages of xx-11 years. It is the provider’s discretion what ages they will care for within that range.

## **Early Childhood Licensing 620-01-35**

**(Revised 2/20/26 ML #3966)**

A license is required when early childhood services are provided for more than five children under the age of twelve, or more than three children under the age of twenty-four months.

To align license language with North Dakota Century Code, Early Childhood licenses will state: "Care may be provided for children ages [xx] through 11 years."

It is the provider's discretion what ages they will care for within that range, with the exception of preschool and school age licenses.

## **Application for Licensing 620-01-35-02**

**(Revised 1/1/26 ML #3963)**

**“Application” means all documents the department requires when applying or reapplying for a license.**

All applications for an Early Childhood Services license must be submitted through the Child Care Licensing Online (CCL) System.

Application Submission includes:

- Application form (SFN 843) for one year license.
- All required annual inspections, documents and policies refer to 620-01-35-15 for a complete list.
- Applications must be signed by the owner or an individual or board-designated representative with legal and administrative authority.
- Licensing fees must be paid at time of application and are non-refundable.

**Fees 620-01-35-05**

**(Revised 2/20/26 ML #3966)**

According to N.D.C.C. § 50-11.1-03, an applicant for a license shall submit the following non-refundable fees with the application:

<b>License Type</b>	<b>Annual Fee</b>
In-home registration	N/A
Self-declaration	\$15
Family	\$20
Group	\$25
Preschool	\$30
Center	\$40
School Age Child Care Center	\$40
Multiple	\$50*

Public approval facilities which are operated by governmental agencies such as college, universities, migrant schools, Head Start, or park districts will not be assessed a licensing fee.

According to N.D.C.C. § 50-11.1-03(10), all fees collected under subsections 7 and 8 must be paid to the department and must be used to defray the cost to that board investigating, inspecting, and evaluating the applications.

\*Fee was established by policy.

## **Time Frames for Licensing Process 620-01-35-10**

**(Revised 11/24/23 ML #3775)**

Upon receipt of the application of licensure, the following time frames shall be followed:

1. A licensing visit must be completed within 30 calendar days once the Licensing Specialist has received all required materials for licensing.
2. The Licensing Supervisor must respond to the licensing study within 30 calendar days upon receipt of all the licensing studies materials.
3. The Licensing Specialist shall contact the Licensing Supervisor if it appears time frames are unable to be met.
4. The earliest effective date of an early childhood license will be the date the Licensing Supervisor reviews and signs the completed application packet.

**Annual Inspections, Documents and Policies Required to Issue a License 620-01-35-15**  
**(Revised 1/1/26 ML #3963)**

The following requirements are uploaded into the licensing system by the provider, and all requirements are reviewed annually and initialed by both the Licensing Specialist and the Licensing Supervisor prior to a licensing visit and prior to an initial license or renewal license being issued.

1. Application to be Licensed, SFN 832
2. Annual fire inspection report
3. Annual food safety inspection report
4. Annual local water inspection report (if applicable)
5. Annual swimming pool inspection report (if applicable)
6. Annual Safe Sleep training (if applicable). Annual training date is determined by initial training completion date.
7. Annual Mandated Reporter training. Annual training date is determined by initial training completion date.
8. Documentation of pediatric CPR/AED Cards
9. Documentation of pediatric First Aid Cards
10. Current CBCU memorandums for all owners/operators, staff members, emergency designees, volunteers, and household members 18 years old and older that reside in the home where care is provided
11. An SFN 433 must be submitted annually for any individual residing in a home where care is provided who is age 12 through 17
12. Documentation to verify qualifications of staff members
13. Programming schedule upon initial licensure or change of hours
14. Floor Plan with square footage upon initial licensure of residence/facility, expansion of facility or other change in square footage
15. SFN 517, Child Care Evacuation Disaster Plan
16. Payment of the applicable fees
17. Completed Licensing Checklist (SFN 1422 Family, SFN 1423 Center, SFN 1424 Preschool, SFN 1425 Group, or SFN 1257 School Age)

18. Copy of required policies upon initial licensure or change in policies.
19. Provider Orientation is required to be completed with initial application.
20. Pet immunization documentation (if applicable)
21. Liability insurance (if applicable)

**Required policies for Family Programs**

- Hiring practices and personnel policies for staff members
- An explanation of how accidents and illnesses will be handled including plans for handling burns and if a child ingests poison
- The methods of developmentally appropriate discipline and guidance techniques that are to be used
- The process for a parent or staff member to report a complaint, and suspected licensing violation, or suspected child abuse or neglect
- Informing parents that they may request daily reports for their child, including details regarding eating, napping, and diapering
- Procedure for accountability when a child fails to arrive
- Transportation procedures, if the provider provides transportation
- Aquatic Policy

**Required policies for Group Programs**

- Hiring practices and personnel policies for staff members
- An explanation of how accidents and illnesses will be handled including plans for handling burns and if a child ingests poison
- The methods of developmentally appropriate discipline and guidance techniques that are to be used
- The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect
- Informing parents that they may request daily reports for their child, including details regarding eating, napping, and diapering
- Procedure for accountability when a child fails to arrive
- Transportation procedures, if the provider provides transportation
- Aquatic Policy

**Required policies for Center Programs**

- Hiring practices and personnel policies for staff members including methods of conducting references, work history and conducting performance evaluations
- An explanation of how accidents and illnesses will be handled including plans for handling burns and if a child ingests poison

- The methods of developmentally appropriate discipline and guidance techniques that are to be used
- The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect
- Procedure for accountability when a child fails to arrive
- Transportation procedures, if the provider provides transportation.
- Aquatic Policy
- Children's activities, care and enrollment
- The responsibilities and rights of parents and staff members
- The care and safeguarding of personal belongings brought to the child care center by a child or by another on the child's behalf

### **Required policies for Preschool Programs**

- Hiring practices and personnel policies for staff members including methods of conducting references, work history and conducting performance evaluations
- An explanation of how accidents and illnesses will be handled including plans for handling burns and if a child ingests poison
- The methods of developmentally appropriate discipline and guidance techniques that are to be used
- The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect
- Procedure for accountability when a child fails to arrive
- Transportation procedures, if the provider provides transportation.
- Aquatic Policy
- Children's activities, care and enrollment
- The responsibilities and rights of parents and staff members
- The care and safeguarding of personal belongings brought to the Preschool by a child or by another on the child's behalf

### **Required policies for School Age Programs**

- Hiring practices and personnel policies for staff members including methods of conducting references, work history and conducting performance evaluations
- An explanation of how accidents and illnesses will be handled including plans for handling burns and if a child ingests poison
- The methods of developmentally appropriate discipline and guidance techniques that are to be used
- The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect
- Procedure for accountability when a child fails to arrive
- Transportation procedures, if the provider provides transportation.
- Aquatic Policy
- Children's activities, care and enrollment

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- The responsibilities and rights of parents and staff members
- The care and safeguarding of personal belongings brought to the program by a child or by another on the child's behalf

## **Renewal of License Policy 620-01-35-25**

**(Revised 11/24/23 ML #3775)**

A renewal of a license is required prior to the current license expiration date to continue to operate a licensed child care program.

Review 620-01-35-15 for list of requirements needed as part of a renewal NOTE: Some documents may be in the Provider Record from initial licensing however they shall be reviewed annually.

120 days prior to the expiration of a license: The Licensing System will send the provider the Renewal Letter.

60 days prior to the expiration of a license: All required documentation must be received. If all required documentation has not been received, the Licensing System will send the provider the Past Due Renewal Notice.

30 days prior to the expiration of a license: If all required documentation has not been received, the Licensing System will send the provider the 30-Day Alert/Late Application Notice.

Upon the expiration date of a license: If all required documentation has not been received, the Licensing System will send the provider a Did Not Renew Letter.

A licensing visit will not be conducted and a license will not be issued until a provider submits all required licensing documentation.

## **Background Check Procedures 620-01-40**

**(Revised 12/4/24 ML #3883)**

The fingerprint-based background check shall be completed for all owners, operators, staff members, and emergency designees, upon hire and at least once every five years after.

Fingerprint-based background checks shall also be completed for any individual residing in a home where care is provided who is age 18 and older, upon application, renewal, annual review or upon moving into residence and at least once every five years thereafter. Background checks are also required for anyone under the age of 18 if they “help/work” with any of the children in care.

An SFN 433 must be submitted annually for any individual residing in a home where care is provided who is age 12 through 17 upon application, renewal, annual review and upon residence at the location of the child care.

If a volunteer or support staff including therapists and extracurricular programming is providing unsupervised child care, the individuals shall meet the qualifications of a staff member responsible for caring for or teaching children, including a fingerprint-based background check.

The owner/operator of a licensed child care program must complete and submit a fingerprint-print background check results memo with any application for licensure, renewal, or annual review. Any child care with a governing board, will need to choose a Board Designee to sign applications and be fingerprinted for background check.

If an individual has completed a fingerprint-based background check for one early childhood services program moves to another early childhood services program, the original fingerprint results may be used if the individual has not been separated from child care employment for more than 180 days. The individual must complete an Authorization to Transfer Background Check Results form (SFN 375) allowing CBCU to share the results of the fingerprint memo with the new program. The authorization shall be submitted within 10 days from an offer of employment and results must be received prior to the individual beginning employment. The SFN 375 must accompany the fingerprint memo when it is uploaded into the Licensing System.

The operator shall establish written policies and engage in practices that conform to those policies to effectively implement North Dakota Administrative Code before hiring any staff member.

CBCU will provide the results memo to the operator and current or prospective staff member of the child care program who requested the background check. The results

memo will have a statement that indicates whether the staff member is eligible or ineligible, without revealing specific disqualifying information.

Potential providers, staff, volunteers, therapy providers, including extra-curricular programming, who HAVE NOT lived outside of North Dakota during the past five years may work unsupervised upon qualifying results of the following:

1. A Federal Bureau of Investigation fingerprint-based criminal history record using Next Generation Identification;
2. A search of the National Crime Information Center's National Sex Offender Registry;
3. ND State criminal history record;
4. An in-state search of the following registries, repositories, or databases:
  - a. ND Offenders Against Children Registry;
  - b. ND State sex offender registry; and
  - c. ND Child Abuse and Neglect Index; and
5. A search of ND Public Access and MN Court Records websites.

Potential staff, volunteers, therapy providers, including extra-curricular programming, who HAVE lived outside of North Dakota during the past five years may work:

1. SUPERVISED upon qualifying results of the following:
  - a. A Federal Bureau of Investigation fingerprint-based criminal history record using Next Generation Identification; or
  - b. ND State criminal history record; and
  - c. ND Child Abuse and Neglect Index.
2. UNSUPERVISED upon qualifying results of the above in addition to:
  - a. A search of the National Crime Information Center's National Sex Offender Registry;
  - b. An in-state search of the following registries, repositories, or databases:
    - i. ND State sex offender registry;
    - ii. ND Offenders Against Children Registry; and
    - iii. ND Child Abuse and Neglect Index.
  - c. A search of ND Public Access and MN Court Records websites.
  - d. An inter-state search of the following registries, repositories, or database for each state where such staff member resided during the preceding five years:
    - i. State criminal registry or repository;
    - ii. State sex offender registry; and
    - iii. State-based child abuse and neglect registry and/or database.

**Portable Live Scan Fingerprinting Machines 620-01-40-01**  
**(New 12/4/24 ML #3883)**

Livescan fingerprinting machines are to be used solely for background checks for employment in licensed and self-declaration child care programs.

Personal information collected during the fingerprinting process must be handled in accordance with applicable privacy laws and regulations. (Review Standard Operating Procedure for more information)

Livescan machines must be maintained regularly to ensure proper functioning. Any malfunctions should be reported immediately.

## **Orientation 620-01-45**

**(Revised 5/22/25 ML #3719)**

Child Care Provider Orientation consists of three modules Child Care Orientation, Introduction to ND Rules and The Role of Licensing Staff and Addressing Compliance.

All 3 modules must be completed as part of Child Care Provider Orientation.

Individuals will register and complete Child Care Provider Orientation in the Learning Management System in the Registry and upload their training transcript into the licensing system. Licensing Specialists will verify completion of training within the licensing system.

The following individuals must complete Child Care Provider Orientation

- Individuals applying to become an owner of a child care program.
- NEW Operators, Directors and Supervisors must complete within 30 days of employment.

### Staff Orientation

All staff members must receive orientation during the first week of employment. For more information on staff orientation please review minimum qualifications for child care program staff members responsible for caring for or teaching children in ND Administrative Code.

**Assigning Provider Numbers 620-01-50**

**(Revised 11/24/23 ML #3775)**

Providers licensed/self-certified prior to the Child Care Licensing system will retain their previously assigned number.

- Converted providers will keep their original/converted license number indefinitely, unless they change license type (ie: family to group) at which time they will be issued a new license number with the new x-xx-xxxxx-x sequence.
- If converted providers renew before their current license expires the system will not issue them a new number (it will re-issue their original/converted license number).
- If converted providers close and then reopen, the system will issue the provider a new license number (with the new x-xx-xxxxx-x sequence)
- A provider whose license is not renewed prior to the license expiration date will have 90 days to renew and retain their current number, after 90 days the license would be considered new and a new number (x-xx-xxxxx-x) would be issued.

New provider numbers will be generated by the Child Care Licensing system. The numbering system is as follows:

<b>X-XX-XXXXX-X</b>			
<b>1 Digit Zone Number*</b>	<b>2 Digit County Number</b>	<b>5 Digit Sequence</b>	<b>Provider Type</b>

**Zone Numbers\***

1	Bottineau, Burke, Divide, Dunn, McHenry, McKenzie, Mountrail, Pierce, Renville, Rolette, Ward, and Williams
2	Barnes, Benson, Cavalier, Eddy, Foster, Grand Forks, Griggs, Nelson, Pembina, Ramsey, Steele, Stutsman, Traill, Towner, Walsh, and Wells
3	Cass, Ransom, Richland, and Sargent
4	Adams, Billings, Bowman, Burleigh, Dickey, Golden Valley, Grant, Emmons, Hettinger, Kidder, LaMoure, Logan, MacIntosh, McLean, Mercer, Morton, Oliver, Sheridan, Sioux, Slope, and Stark

\*Zone numbers will be manually entered by the Licensing Specialist in CCL when reviewing an application

**County Numbers**

01	Adams	28	McLean
02	Barnes	29	Mercer
03	Benson	30	Morton
04	Billings	31	Mountrail
05	Bottineau	32	Nelson

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06	Bowman	33	Oliver
07	Burke	34	Pembina
08	Burleigh	35	Pierce
09	Cass	36	Ramsey
10	Cavalier	37	Ransom
11	Dickey	38	Renville
12	Divide	39	Richland
13	Dunn	40	Rolette
14	Eddy	41	Sargent
15	Emmons	42	Sheridan
16	Foster	43	Sioux
17	Golden Valley	44	Slope
18	Grand Forks	45	Stark
19	Grant	46	Steele
20	Griggs	47	Stutsman
21	Hettinger	48	Towner
22	Kidder	49	Trail
23	LaMoure	50	Walsh
24	Logan	51	Ward
25	McHenry	52	Wells
26	McIntosh	53	Williams
27	McKenzie		

### Provider Types

F	Family Child Care
G	Group Child Care Home
H	Group Child Care Facility
C	Child Care Center
E	Preschool Education Facility
M	Multiple Licensed Facility
K	School Age Child Care
P	Public Approval
S	Self-declaration
R	Tribal Registration
Q	Approved Relative
I	In-Home Provider

**Authorized Agent/Regional Office Maintenance and Retention of  
Records Policy 620-01-55**

**(Revised 3/20/12 ML #3317)**

**Maintenance of In-home Provider Records 620-01-55-01**

**(Revised 3/20/12 ML #3317)**

Authorized agent and regional office must maintain following records for each in-home provider:

- Registration document, SFN 834
- Documentation of complaints or concerns
- Copies of denial or revocation notices

**Maintenance of Self-declared Provider Records 620-01-55-05**  
**(Revised 10/1/16 ML #3480)**

Authorized agent and regional office must maintain the following records for each self-declared provider:

- Self-declaration document, SFN 865
- Copies of CPR/First Aid card
- Documentation of SFN 1595 for pre-approval visit and unannounced visits
- Documentation of concerns and correction, if applicable
- SFN 508 emergency designee and members
- Child Care Evacuation Disaster Plan, SFN 517
- Copy of required training certificate
- Copy of pet vaccinations

**Maintenance of Licensing Records Policy 620-01-55-10**  
**(Revised 10/1/16 ML #3480)**

Authorized agent and regional office must maintain the following records for each licensed program:

- Application to be Licensed (SFN 832)
- Compliance Checklist
- License Copy
- Documentation of approved CPR and First Aid Cards
- Background Check Form, SFN 508
- Documentation of certified attendance of department approved training hours to meet training requirements
- Review Form, SFN 1276
- Child Care Evacuation Disaster Plan, SFN 517
- Floor plan with square footage upon initial licensure of residence/facility or expansion of facility
- Map of outdoor play area with square footage
- Copies of policies/procedures upon initial licensure or change in policies/procedures
- Documentation to verify qualifications of staff members
- Programming schedule upon initial licensure or change of hours
- On-going correspondence, i.e. provider, regional office, and any other pertinent information.

When applicable, the authorized agent and regional office must maintain the following records for each licensed program:

- Criminal history record check memorandum when available
- Fire Inspections
- Health Inspection
- Pet Immunizations
- Water Test
- Child Care Concern, SFN 1269
- Copies of Correction Orders
- Copies of Revocations, Denials, Suspensions, and Injunctions
- Certified Mail receipts

## **Retention of Records Policy 620-01-55-15**

**(Revised 2/4/15 ML #3431)**

### Retention for closed files

Authorized agent must retain all licensed, self-declared, or registered provider records upon closure for the following duration:

- 3 years if no concerns
- 6 years if there are concerns or correction orders
- 10 years if there was corrective action such as a denial or revocation

Regional office must maintain all licensed, self-declared, or registered provider records upon closure for the following duration:

- Minimum of 3 years
- 10 years if there is corrective action such as denials or revocations

### Retention for open files

The following records shall be purged from both the authorized agent and regional office files three years after the licensing year in which the document was collected:

- training records
- verification of CPR/First Aid certification
- fire inspection reports
- health and sanitation reports
- background checks without hits
- pet immunization records
- child enrollment information
- outdated program schedules or policies
- outdated floor plans and maps of outdoor space
- verification of staff qualifications for staff no longer employed
- outdated insurance certificates

All other documents must be retained in an open file.

## **When a Program Closes 620-01-70**

**(Revised 8/17/25 ML #3936)**

The Licensing Specialist will:

1. Follow the Standard Operating Procedure for Temporary Closures.
2. Assure written documentation of the closure is received from the provider when a program closes prior to the license expiration date.
3. Upload the documentation in CCL.
4. Notify the Licensing Supervisor to review the closure documentation in the licensing system.

The Licensing Supervisor will:

1. Close the license in CCL within 48 hours of receiving the closure information.

## **Change Requests for License or Self-Declaration Programs 620-01-75**

**(Revised 8/17/25 ML #3936)**

When a provider needs to make changes to their current license or self-declaration, the provider must notify the Licensing Specialist of their intent and submit an application, required fees, and all applicable documentation for approval prior to implementation of any changes.

### **Name/Address Change of Provider**

1. The current owner who is requesting a name change must complete a new application and submit documentation verifying the name change.
2. A current provider who is relocating to a new address must complete a new application, all required documentation, and required fees. A new inspection will be completed. A new license number will be issued upon license approval.

### **Change of License Type**

1. The current provider who is requesting a change of license type must complete a new application, submit all required documentation, the required licensing fee, and a new inspection will be completed by a Licensing Specialist.
2. The Licensing Supervisor will review all documentation and determine if a new license type can be issued to the license.

### **Change of Owner**

1. The current applicant who is requesting the new license must complete a new application, submit all required documentation, and the required licensing fee. The Licensing Specialist will review all documentation and complete an inspection.
2. The Licensing Supervisor will review the application and required documentation. If it is determined a license will be issued, a new license number will be issued to the owner.

### **Change of Operator/Director/Supervisor**

1. The owner or operator who is requesting a change of operator, director, or supervisor must complete a new application and submit the new director,

supervisor, or operator's credentials. A licensing fee is not required for a change or operator, director, or supervisor.

2. The Licensing Specialist will review the application and required operator, director, or supervisor records. If credentials do not meet the criteria, the Licensing Specialist will contact the provider to provide further guidance.
3. If credentials meet the criteria, the Licensing Supervisor will then review the application and the required operator, director, or supervisor records.
4. The provider will be notified of the determination.

### **Change of Capacity**

1. Licensing Specialist informs the provider that it is the provider's responsibility to make sure all applicable city ordinances are met.
2. If new space is being added, the provider will need a new fire inspection and comply with all city and county ordinances as they apply.
3. The current provider who is requesting a change of capacity must complete a new application and submit a new floor plan, if applicable.
4. Licensing Specialist completes inspection, checking to make sure that staffing and equipment are adequate to support the increase in capacity.
  - a. Licensing Specialist re-measures indoor and outdoor space to determine capacity, ensuring that only usable space is counted in measurement, and that space is arranged in a way that ensures proper supervision.
  - b. Licensing Specialist verifies that there is at least 1 toilet per fifteen children, excluding those not toilet trained.
5. Licensing Supervisor reviews request and approves license increase if complete and in compliance.

**Provisional License and Self-Declaration Document 620-01-80-01**  
**(Revised 4/20/23 ML #3722)**

A Provisional License or Self-Declaration Document shall be issued for the operation of an initial child care for a 6-month period, if the program is unable to, show evidence of compliance to applicable standards and rules of the department at the time of licensure. This includes but is not limited to evidence of staff requirements being met.

An unannounced visit is required 3 months after issuance of a Provisional License for an initial license or initial Self-Declaration Document.

A child care who can show evidence of compliance at 6 months shall be issued an initial License or initial Self-Declaration Document without a Provisional.

The Licensing Specialist, Supervisor, and Administrator will determine if a second 6-month Provisional License will be issued for an initial child care who is out of compliance at the end of the Provisional License or Self-Declaration document.

A Provisional License or Self-Declaration document may be issued during a licensing period if the applicant or operator fails to, or is unable to, comply with all applicable standards and rules of the department.

Refer to Administrative Rules for more details about when the department may issue a Provisional License or Self-Declaration document.

Steps for Issuing a Provisional License/Self-Declaration Document:

1. The Licensing Specialist shall request that a Provisional License or Self-Declaration Document be issued by the Licensing Supervisor.
2. The Licensing Supervisor shall prepare the Provisional Agreement and consult with the Licensing Administrator and Legal Advisory Unit before a Provisional license or Self-Declaration document is issued.
3. When the decision is made to issue a Provisional License or Self-Declaration Document:
  - a. The approved Provisional Agreement is provided to the Licensing Specialist by the Licensing Supervisor.

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- b. The Licensing Specialist shall go over the Provisional Agreement with the owner and/or operator and send the approved Provisional Agreement to the owner and operator.
- c. The Provisional Agreement must be signed by the owner and returned to the Licensing Specialist.
- d. The Licensing Specialist signs the Provisional Agreement and forwards the document to the Licensing Supervisor.
- e. The Licensing Supervisor signs the Provisional Agreement and issues the Provisional License/Self-declaration Document.
- f. The word "Provisional" must be on the face of the License/Self-Declaration Document.
- g. The Licensing Specialist reviews the document with the provider and forwards the documents to the provider. The owner must sign the agreement and return a signed copy of the agreement to the Licensing Specialist.
- h. The provider must post the signed Provisional Agreement with the Provisional License/Self-Declaration Document.
- i. Extensions to the Provisional License/Self-Declaration Document are not permitted, however, the owner may request a new Provisional License/Self-Declaration Document.

**Restricted License or Self-Declaration Document 620-01-80-05**  
**(Revised 10/23/24 ML #3874)**

The department may issue a restricted license or self-declaration document:

- To restrict an individual's presence from the premises during child care program hours. A Memorandum of Understanding (MOU) must accompany a restricted license when restricting an individual from a child care program (see 620-01-80-10 for further instruction on MOU process)
  - "Premises" means the indoor and outdoor areas approved for providing early childhood services.
- To restrict a pet or animal from areas accessible to children
- To restrict operating child care in certain rooms or floors or to restrict from using specific outdoor space

Restricted Licenses will be generated by the Licensing System and will say RESTRICTED on the face of the license. The Restricted License or Self Declaration and MOU (when applicable) shall be posted in a conspicuous space in the program.

**Memorandum of Understanding (MOU) 620-01-80-10**  
**(Revised 10/23/24 ML #3874)**

A memorandum of understanding (MOU) shall be approved by Legal Advisory and the Licensing Administrator prior to issuance.

The department shall issue an MOU for:

- Restricted individuals
1. When a MOU is issued the provider shall receive an additional unannounced visit to ensure the provider is following the restriction. The additional unannounced visit shall be scheduled 3 months after the restricted license is issued to ensure the MOU is being followed.
  2. A provider is under a MOU until the restriction has been removed by the Licensing Supervisor.

## **Multiple Licensed Facility 620-01-80-15**

**(Revised 3/20/12 ML #3317)**

The department may issue a multiple license to an operator who offers more than one type of early childhood services. The department may require additional information regarding the operation of the program, including the daily schedule. The department may enter into agreements with the operator regarding the operation of the program prior to issuing the multiple license.

### **Example:**

If a center also provides a preschool program, the operator must comply with both center rules and preschool rules in order to receive a multiple facility license. Licensing studies for both programs must be completed.

**Public Approvals 620-01-80-25**

**(Revised 3/20/12 ML #3317)**

Public approvals shall be issued by the Department of Human Services for those programs operated by a governmental organization, certifying that those programs have complied with the type of child care provided. (See N.D.C.C. § 50-11.1-03.)

A governmental entity would be city government, county government (i.e. county social service agencies), state government (i.e. state college or university), or federal government (i.e. parks and recreation).

Application is made on the same form as any other type of license application (SFN 832, Application to be Licensed/Early Childhood Services) and the operator completes an appropriate compliance checklist to certify that the same minimum state standards are met.

A licensing visit is not required for public approvals.

## **Tribal and Military Approvals 620-01-80-30**

**(Revised 3/20/12 ML #3317)**

Early childhood services that are provided on federal lands such as an Indian Reservation or military base may be approved, if requests for such approvals are made by the appropriate authority (i.e. military commander or tribal council) to the North Dakota Department of Human Services.

Representatives of the central office do not have the authority to conduct investigations on tribal lands or a military base to determine compliance with state early childhood services rules. There must be an approval in order to make payments for CCAP.

If an operator on tribal lands requests to be licensed by the state, the state must first enter into an agreement with the tribe. The tribe must request the agreement. If the tribe requests the agreement, contact the central office for assistance.

## **Staffing Requirements 620-01-85**

**(Revised 4/20/23 ML #3722)**

The operator must maintain proper ratio at all times. In a center setting, when children are napping, it is allowable for staff to be engaged in other activities on the premises, such as cleaning or planning, or taking a break as long as one staff person is directly supervising the napping children, and other staff counted in the ratio are readily accessible. When children are awake, staff ratio must be met with staff who are directly supervising the children.

On a weekly basis, the provider (family license) or director/supervisor (center/group/preschool/school age license) must be present at the program no less than 60% of the programs' hours of operation. If the owner has legal responsibility and the administrative authority over two or more school-age child care programs, a director shared between two or more school-age child care programs shall be present, on a weekly basis, a combined total of sixty percent of the school-age programs' hours of operation.

**Number of Children in Program - How Determined 620-01-85-01**  
**(Revised 3/20/12 ML #3317)**

N.D.C.C. § 50-11.1-02.1

For the purpose of determining the number of children receiving early childhood services, all children on the premises and under the age of twelve years must be counted.

Visiting children under the supervision of their own parent or another adult are not counted for the purpose of determining the number of children in the program.

## **Maximum Group Size for a Center 620-01-85-10**

**(Revised 11/24/23 ML #3775)**

A group is the number of children assigned to a staff member or team of staff members occupying an individual classroom. The number of children assigned is based upon rules for child/staff ratio and indoor space requirement of minimum of 35 square feet per child as well as all other rules that apply.

Areas occupied by groups must be defined by permanent walls, movable walls, or other partitions approved by the Licensing Specialist or Licensing Supervisor.

Examples of what meets the requirements of a partition or moveable wall:

1. Shelving units can be used as long as they are heavy enough not to tip over and injure a child, they can also be reinforced using two shelves back-to-back.
2. Accordion Walls are a good option this type of wall would meet all regulations and is not a tipping hazard.
3. Privacy Panels and Room Dividers these need to be heavy enough not to pose a tipping hazard.

While there may be times when it is appropriate to bring groups together or to rotate groups throughout the facility during the day, it is important that children have a consistent home classroom where they spend the majority of their day in a familiar group with familiar staff members.

**Consideration of a Child's Developmental Age in Determining  
Appropriate Staff-to-Child Ratios for Licensed Child Care Facilities  
620-01-85-15**

**(Revised 3/20/12 ML #3317)**

When a child has a disability where the developmental age is used in determining the child/staff ratio, the authorized agent shall:

1. Request written documentation supplied by an official health care provider or school IEP stating the current developmental age and needs of the child.
2. When a child's physical and developmental age differ, the developmental age is an appropriate consideration in determining the staffing requirements which are necessary.

## **Ratio Waiver 620-01-85-16**

**(Revised 11/24/23 ML# 3775)**

1. Group and Center owners or operators who have been licensed for at least two consecutive years (24 months) and have not had any health and/or Correction Orders issued within the last licensing year may apply for a waiver of ratio. The start date of the ratio waiver shall be no more than three months out from the date the ratio waiver is requested. The approval of the ratio waiver is not to exceed one (calendar) year.
2. The Owner or Operator shall apply for a ratio waiver through the Licensing System, indicating the current enrollment and the ages and numbers of children the operator wishes to enroll under this waiver. The application must include documentation of the demonstration of need for the waiver, including letters from the parent(s) of the child(ren) to be included in the waiver. A ratio waiver cannot be issued for a child currently enrolled in the program.
3. Efforts including checking with Child Care Aware, will be made by the Licensing Specialist to verify the need as explained by the operator and parent(s).
4. Licensing Specialist and Licensing Supervisor work together to review and complete the ratio waiver process in the Licensing System.
5. If it is determined that the application warrants further consideration, the Licensing Specialist will complete an unannounced visit.
  - If a visit was completed at the program in the previous 3 months, it may be possible for the Licensing Specialist to verify current enrollment, square footage, and existence of health and safety hazards without another visit.
6. If the verification of current enrollment, square footage, and existence of health and safety hazards is found to be compliant the Licensing Supervisor will review the ratio waiver application and the supporting documentation, and a decision to approve or deny the waiver will be made.

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## Training Hours Monitoring 620-01-90

(Revised 1/1/26 ML #3963)

The following basic child care course is **mandatory** and must be completed and monitored accordance with North Dakota Administrative Code (N.D.A.C). The Licensing Specialist will monitor dates to ensure the course has been completed.

- Getting Started Training

The following health and safety certifications are mandatory and must be completed and monitored in accordance with North Dakota Administrative Code (N.D.A.C) and the Licensing Specialist will monitor dates to ensure the certifications are completed and current.

- CPR/AED Training
- Pediatric First Aid Training

The following health and safety courses are mandatory and must be completed and monitored in accordance with North Dakota Administrative Code (N.D.A.C) and annually thereafter. The Licensing Specialist will monitor dates to ensure the courses have been completed annually and are current.

- Safe Sleep Training
- Mandated Reporter Training

Annual training hours are **mandatory** and must be completed every calendar year after the first year of employment. Licensing Specialists will monitor annual training based on the **previous calendar year** of training activity and in accordance with North Dakota Administrative Code (N.D.A.C).

### Training Transcript Reviews

1. A review of no fewer than 30 training transcripts must be conducted using the workforce registry report. Transcript reviews will occur prior to completing the licensing visit.
2. If the initial review reveals staff with missing training hours, the licensing specialist will review an additional 30 training transcripts.
3. This process will continue, in increments of 30 transcripts, until either:
  - No incomplete transcripts are found, or
  - All training transcripts have been reviewed.
4. For facilities with fewer than 30 employees enrolled, all transcripts must be reviewed.

### Missing Training Hours

- All missing training hours will be required to be completed by the following year.
  - Example: A staff person is required to complete 13 hours of training for calendar year 2026 and the training record being reviewed shows 10 hours completed. The staff person will be required to complete 16 hours of training for calendar year 2027.
- All programs with three or more staff missing training hours will receive a corrective action.
- Family or Group child care providers missing 3 or more training hours will receive a corrective action.

Repetitive noncompliance and missing training hours may result in additional corrective actions. The Licensing Specialist will work with the Licensing Supervisor and Licensing Administrator in these cases.

**Getting Started 620-01-90-01**

**(Revised 11/24/23 ML #3775)**

All licensed and self-declaration operators and staff members whose activities involve care, supervision, or guidance to children, are required to complete a department-approved basic child care course within the 90 of employment or licensing.

## **Growing Futures 620-01-90-05**

**(Revised 11/24/23 ML #3775)**

All training for licensing requirements must be approved by the department's Workforce Registry system.

Completion of the same training courses may be counted toward licensing requirements if at least three years has passed since the last completion date. It is highly recommended that the training hours be diverse and encompass a variety of the ND Core Competencies:

1. Child Growth and Development
2. Learning Environment and Curriculum
3. Assessment and Planning for Individual Needs
4. Interactions with Children
5. Families and Communities
6. Health, Safety and Nutrition
7. Program Planning and Evaluation
8. Professional Development and Leadership

The Workforce Registry will accept early childhood/school-age related training from:

1. Accredited colleges and universities
2. Federal and North Dakota state agencies when specific to early childhood care and education
3. IACET accredited organizations
4. Nationally recognized organizations listed in the Workforce Registry's Accepted Training guidelines
5. National Workforce Registry Alliance (NWRA) Training Organization Recognition list

**Pediatric First Aid and CPR/AED Certification/training for Self-declared and Licensed Providers 620-01-90-10**  
**(Revised 11/24/23 ML #3775)**

Licensed and self-declared providers shall maintain certification in pediatric CPR/AED and pediatric First Aid from a department approved source.

If the pediatric CPR/AED/First Aid card only lists the expiration date as month and year, the certification is valid through the end of the month listed.

**Pediatric First Aid 620-01-90-10-01**

**(Revised 12/4/24 ML #3883)**

Pediatric First aid training may be received by the:

- American Heart Association
- American Red Cross
- American Safety & Health Institute
- ND Safety Council
- National Safety Council
- EMS Safety Services
- International CPR Institute

In order to meet the rule requirement for Pediatric First Aid the following is necessary:

- Successful completion of a written examination on Pediatric First Aid resulting in certification.
- Documentation of successful completion of Pediatric First Aid which shall include a card or letter from an instructor with instructor number on official letterhead.

Local/community-based Pediatric First Aid trainings may be submitted to the Licensing Supervisor for review and potential approval.

A CNA or medical degree cannot be substituted for Pediatric First Aid certification. A current EMS or First Responder certification may be substituted for First Aid certification.

**Pediatric CPR/AED Certification 620-01-90-10-05**  
**(Revised 12/4/24 ML #3883)**

Pediatric CPR/AED training may be received by:

- American Heart Association
- American Red Cross
- American Safety & Health Institute
- ND Safety Council
- National Safety Council
- EMS Safety Services

In order to meet the rule requirement for Pediatric CPR/AED the following is necessary:

- Successful completion of a written examination and hands on component of Pediatric CPR/AED resulting in certification.
- Documentation of successful completion of Pediatric CPR/AED which shall include a card or letter from an instructor with instructor number on official letterhead.
- BLS (Basic Life Support) CPR and AED includes adult and pediatric. BLS certification received through the training entities listed above meets the rule requirement for Pediatric CPR/AED.

Local/community-based Pediatric CPR/AED trainings may be submitted to the Licensing Supervisor for review and potential approval.

A CNA, medical degree, EMS or First Responder certification cannot be substituted for Pediatric CPR/AED certification.

**Health and Safety 620-01-95**

**(Revised 4/3/23 ML #3717)**

The health and safety of children is of primary concern to the department. Not every health and safety hazard will be specifically addressed in statute, rule, and policy. Therefore, the Licensing Specialist shall look for the existence of health and safety hazards that the provider may not be aware of and provide education where necessary.

## **Supervision 620-01-95-01**

**(Revised 4/3/23 ML #3717)**

1. "Supervision" means a staff member responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler, according to staff child ratios so that the staff member is capable of intervening to protect the health and safety of the child. For the school age child, it means a staff member responsible for caring for or teaching children being available for assistance and care so that the child's health and safety is protected.
  
2. To determine if supervision is adequate, consideration must be given to:
  - a. Child's age: Refer to staff child ratio based on specific age of child school age children may need less hands on care than children aged 0-5.
  
  - b. Individual needs of child 0-5 aged children may need more direct care and supervision than school aged children. Children with special needs may need more direct care.
  
  - c. Potential safety issues; Direct supervision would be needed in outdoor or while on field trips, aquatic activities and walks.
  
  - d. Proximity of child to staff member.
  
3. Staff Breaks which leave staff out of ratio this includes bathroom breaks. These type of breaks will be monitored on an individual basis. Example: If a Licensing Specialist enters a room and is told a staff person is in the bathroom the Licensing Specialist will need to time the person's absence, if the room is left out of ratio for more than 10 minutes a correction order may be issued.

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**Safety of Equipment, Materials, and Furnishings 620-01-95-02****(New 4/3/23 ML #3717)**

Child Care and Development Fund Health and Safety Requirements specify equipment, materials, furnishings, and play areas should be sturdy, safe, in good repair, and meet the recommendations of the Consumer Product Safety Commission. Programs should attend to, including, but not limited to, the following safety hazards:

- Openings that could entrap a child's head or limbs;
- Elevated surfaces that are inadequately guarded;
- Lack of specified surfacing and fall zones under and around climbable equipment;
- Mismatched size and design of equipment for the intended users;
- Insufficient spacing between equipment;
- Tripping hazards;
- Components that can pinch, shear, or crush body tissues;
- Equipment that is known to be of a hazardous type;
- Sharp points or corners;
- Splinters;
- Protruding nails, bolts, or other parts that could entangle clothing or snag skin;
- Loose, rusty parts;
- Hazardous small parts that may become detached during normal use or reasonably foreseeable abuse of the equipment and that present a choking, aspiration, or ingestion hazard to a child;
- Strangulation hazards (e.g., straps, strings, etc.);
- Flaking paint;
- Paint that contains lead or other hazardous materials; and
- Tip-over hazards, such as chests, bookshelves, and televisions.
- Plastic bags that are large enough to pose a suffocation risk as well as matches, candles, and lighters should not be accessible to children.

## **Infant Sleep/Infant Equipment 620-01-95-05**

**(Revised 9/9/25 ML #3941)**

### **BACK SLEEPING**

- Providers and staff members shall always initially place infants completely flat on their backs for sleep. Once an infant can roll from back to front and front to back, the infant can be allowed to remain in the sleep position the infant chooses. The infant does not have to be returned to a back sleeping position.
- An infant may not sleep in any equipment or place other than an approved crib or portable crib, or in any other position other than completely flat on his/her back, unless the parent has supplied the provider with a written order from a medical provider instructing otherwise stating the medical reason and the time frame to follow the order. Written parental permission to follow the order is recommended to be obtained.
- Children may not be confined to car seats, swings, bouncy chairs, inclined sleepers (ex. Rock 'n Play), or other equipment for extended periods of time. It is recommended that infants spend no more than 15 minutes at a time, twice a day, confined to infant equipment. Research indicates that when an infant is not allowed adequate time to crawl, stretch, roll, or move freely, the infant's brain development and motor skills may be delayed.
  - Safety straps provided by the manufacturer must always be used and adjusted properly to fit the infant when the infant is placed in equipment.
  - Children are recommended to be within sight at all times when using restrictive equipment.
  - If an infant falls asleep in a piece of restrictive equipment, the infant must be moved immediately to a crib or portable crib for sleep.
- Positioning devices (ex. wedges) are not allowed unless a written order from a health care provider is provided with a medical reason and a time frame to follow the order. It is recommended to obtain written parental permission to follow the order.

### **CRIBS/PORTABLE CRIBS**

- All cribs must be approved by the Consumer Product Safety Commission (CPSC).
  - All cribs are required to have a date of manufacture on the crib, usually under the mattress.
  - If the crib was manufactured before June 28, 2011 the crib may not be in compliance and the provider must show proof of compliance with 16 CFR 1219 or 1220. Proof of compliance must come from the manufacturer of the crib.
  - Cribs manufactured after June 28, 2011 meet compliance standards.
  - Programs should check all cribs/portable cribs used in the program to see if the crib/portable crib has been recalled on the CPSC website ([www.cpsc.gov](http://www.cpsc.gov)).
  - Recalled cribs/portable cribs cannot be used.
- Portable cribs are defined as a playpen, play yard or pack and play type of equipment approved by the manufacturer for infant sleep, following the manufacturer's guidelines.
- Cribs/portable cribs must be used according to the manufacturer's guidelines and should not be used if the child is able to climb out.
- Bassinets are not allowable, except for child care facilities that have been utilizing bassinets in infant rooms for non-mobile (not yet rolling) infants prior to December 1, 2014; those designated programs may continue to utilize them in accordance with the manufacturer's guidelines. Bassinet inserts for portable cribs are not allowed.
- For information regarding mattresses/pads and sheets visit Child Care Aware of North Dakota.

### **ALTERNATE SLEEP SURFACES**

- For more information on alternate sleep surfaces visit Child Care Aware of North Dakota.

## **VISUAL CHECKS**

- Infants that are sleeping are required to be visually checked regularly (every 10-15 minutes) even if a staff member is in the same room.
- It is required to have a monitor in the room with sleeping infant(s) unless a staff member is in the room with the infant(s) at all times while the infant(s) are sleeping. The monitor can be a video or sound monitor. Video monitors cannot replace regular visual checks.
- Visual checks require the staff person to physically walk over to the crib/portable crib to closely view the infant.
- Visual checks consist of the following: re-adjust clothing/blanket if needed; make sure infant's head and face are uncovered; make sure infant is breathing; check color of infant's skin to make sure it is normal for the infant.
- The lighting in the room must be bright enough to assess the infant's color of skin and breathing.
- Music/sound machines must be placed at a low volume to ensure infant's noises can be heard.
- Vital sign monitors are not allowed unless a written order from a health care provider is provided with a medical reason and a time frame to follow the order. It is recommended to obtain written parental permission to follow the order.
- All monitors and music/sound machines, along with their cords, must be kept out of the reach of children.

## **SPACING**

- The provider shall ensure that there is a minimum of two feet of space between cribs or portable cribs to minimize the transmission of illness, prevent children from touching each other and ensure staff have easy access to each infant in an emergency.

- In infant rooms with infants who are not able to pull themselves up to standing, the cribs or portable cribs may be lined up end-to-end with a solid barrier between the ends, and a 2 feet space between aisles.
- In infant rooms where the infants are able to pull themselves up to standing, there must be a two feet aisle all around the crib or portable crib, with the exception of those against walls.
- Cribs/portable cribs can be against walls, as long as there is 2 feet between cribs/portable cribs and between aisles.
- Crib/portable crib must be placed in a safe location. It must be away from heaters, monitor cords, blind cords, bi-fold doors, top of stairs, etc. Picture frames/wall hangings or shelves should not be hung above a crib/portable crib.

The Early Childhood Licensing Staff will follow Child Care Aware safe sleep recommendations and CCA's Infant Sleep Permission form. More information on safe sleep can be found by visiting Child Care Aware of North Dakota.

## **Verification of Immunization Documentation During Inspections 620-01-95-10**

**(Revised 5/22/25 ML #3917)**

### **Purpose:**

To ensure compliance with state immunization NDAC 33-06-05 and 33-06-05.1 and NDCC 23-07-17.123.07-17.1 all children in early childhood care settings through the consistent review of official documentation during both announced and unannounced inspections.

### **Policy Statement:**

Early Childhood Licensing staff are required to verify that each provider maintains up-to-date immunization documentation for all enrolled children. This review must occur during announced and unannounced inspections.

Each child's record must include one of the following:

1. A Certificate of Immunization (SFN 16038) to verify exemption status, or
2. A current Certificate of Immunization or an official print out of the child's vaccinations from the child's medical record indicating the child's vaccination status.

Early Childhood staff, to help providers educate families on immunization requirements, will provide information on the ND Vaccines for Children (VFC) program.

Website: <https://www.hhs.nd.gov/health/diseases-conditions-and-immunization/immunizations/immunization-resources-public>

**Water Temperature 620-01-95-15**

**(Revised 4/20/23 ML #3722)**

Hot water heaters must be turned down or there must be a tempering valve or an anti-scalding device on the faucets used by children so that the temperature of hot water supplied to sinks does not exceed 120 degrees Fahrenheit (94.2 degrees Celsius).

Licensing Specialists shall take into consideration that slight variations in water temperature will be expected, as water heaters fluctuate throughout the day and thermometers used to measure water temperature may also result in slightly different readings.

Verbal warnings should be issued rather than written correction orders when temperatures are between 120 and 125 degrees Fahrenheit.

Length of Exposure Required to Receive a Third-Degree Burn:

68° C	155° F	1 second
64° C	148° F	2 seconds
60° C	140° F	5 seconds
56° C	133° F	15 seconds
52° C	127° F	60 seconds

## **Playground Safety 620-01-95-20**

**(Revised 4/3/23 ML #3717)**

Providers are responsible for ensuring outdoor play areas are safe. The following checklist is provided as a guide to increase playground safety:

1. Surfaces under and around playground equipment should be safe. It is recommended that areas under and around playground equipment be of loose-fill material such as wood chips, mulch, sand, pea gravel, etc.
  - It is recommended to have an initial fill of 12 inches of loose-fill material, and be maintained at no less than 9 inches deep. High use areas should be filled in as needed.
  - Mats manufactured as protective surfacing may be used in place of loose-fill material.
    - Mats are recommended to meet ASTM F1292 standards as playground surfacing.
    - It is recommended that the mats provide impact protection equal to or greater than the height of the playground equipment.
2. Protective surfacing should extend at least six feet in all directions around play equipment. For swings, the surfacing should extend in the back and front, twice the height of the suspending bar.
3. It is recommended that playground equipment be anchored into the ground to prevent the equipment tipping or moving.
4. Play structures more than 30 inches high should be spaced at least nine feet apart.
5. Dangerous hardware, like open 'S' hooks or protruding bolt ends, must be removed or fixed. All hardware should be in place and secure.
6. Spaces that could trap children, such as openings in guardrails or between ladder rungs, should measure less than 3.5 inches or more than 9 inches to prevent head entrapment/strangulation.

7. Equipment must not have any sharp points or edges.
8. Unattached ropes are potential strangulation hazards; it is recommended for ropes to be secured at both ends.
9. Tripping hazards, such as exposed concrete footings, tree stumps, and rocks shall be removed from the playground.
10. Elevated surfaces, like platforms and ramps must have guardrails to prevent falls. It is recommended that guardrails be provided for heights of 30 inches or more on playground equipment.
11. Providers shall inspect playground equipment and surfacing on a monthly basis to ensure they are in good condition.

For more information regarding playground safety visit [Child Care Aware of North Dakota](#).

## **Swimming Pools 620-01-95-25**

**(Revised 4/3/23 ML #3717)**

The American Academy of Pediatrics and the Consumer Product Safety Commission warn that portable backyard pools pose a significant safety risk to children. For all pools on the child care premises, the following swimming pool guidelines must be adhered to:

1. Pools that do not receive an annual health inspection by the health department may not be used by child care children during childcare hours.
2. An adult shall directly supervise the children while the pool is in use. Children may not be left alone in the pool or surrounding area without adult supervision.
3. Additional adult supervision during the time the pool is in use may be of benefit to the provider and the children.
4. The provider shall have policies which ensure the health and safety of children in care while participating in aquatic activities, including types of aquatic activities the program may participate in, staff to child ratios appropriate to the ages and swimming ability of the children participating in aquatic activities, and additional safety precautions to be taken.
5. The provider may not permit any child to participate in an aquatic activity without written parental permission, which includes parent disclosure of the child's swimming ability.
6. The provider shall ensure their liability insurance covers use of the on-premises swimming pool for child care purposes.
7. The pool must be inaccessible to children when not in use (fenced area, secure cover, or constant direct supervision to ensure children will not enter the pool). All ladders/step stools should be removed from above the ground pools when not in use to prevent unsupervised access. Fences should be a minimum of 4 feet high, although fences 5 feet or higher are preferred.
8. The pool needs to be cleaned as recommended by the manufacturer. The provider may check with the local or state health department for information.
9. Provider and staff members shall know where the switch for the drain is located.

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10. The provider shall follow all applicable local and state ordinances regarding swimming pools.
11. Wading pools must be emptied and disinfected daily after use and left empty until used again.

For more information regarding safety around water visit [Child Care Aware of North Dakota](#).

**Hot Tubs 620-01-95-30**

**(Revised 4/3/23 ML #3717)**

Hot tubs are considered to be a health and safety risk for young children and are not to be used during child care hours. Hot tubs must be inaccessible to child care children. If a hot tub is located in an area used for childcare, the hot tub must have a locked and secure cover. Keys for locks must be stored out of the reach of children.

Remove all ladders/step stools from hot tubs to prevent unsupervised access.

## **Trampolines 620-01-95-35**

**(Revised 4/3/23 ML #3717)**

The state health department and Consumer Product Safety Commission warn against the risk for potential serious injury to children using trampolines. Both the American Academy of Pediatrics and the American Academy of Orthopedic Surgeons oppose the use of trampolines for children under the age of 6 years old. The AAP recommends that mini and full-sized trampolines never be used at home, in routine classes, or on playgrounds. They should only be used in supervised training programs for gymnastics, diving, or other competitive sports.

The following guidelines must be adhered to:

1. Only one child is allowed on the trampoline at a time.
2. A safety net must be properly installed and maintained around the trampoline.
3. The trampoline must not be used without shock-absorbing pads that completely cover the springs, hooks, and frame. Pads must be replaced or repaired if missing or damaged.
4. Trampoline use must be directly supervised by a staff member when being used by a child.
5. No Somersaults or flips should be allowed.
6. When not in use, ladders/step stools should be removed from trampoline to prevent unsupervised access.
7. The provider shall get permission in writing from the parent of the children to use the trampoline.
8. The provider shall ensure that their liability insurance covers the use of the trampoline for child care purposes.
9. The provider shall follow trampoline manufacturer recommendations.

## **Hand Hygiene 620-01-95-40**

**(Revised 4/3/23 ML #3717)**

Staff members and children shall wash their hands, according to recommendations by the federal centers for disease control and prevention:

- before preparing or serving meals
- after diapering
- after using toilet facilities
- after any other procedure that may involve contact with bodily fluids.

Hand soap and sanitary hand-drying equipment, individually designated cloth towels, or paper towels must be available at each sink. Individually designated cloth towels must be laundered daily.

Staff and children are recommended to wash their hands:

- upon arrival
- when re-entering the classroom
- before/after eating
- before making/serving a bottle or food
- before/after using playdough
- before/after water play
- after sand play
- after outdoor play
- after playing in the gym
- after playing with animals
- whenever visibly dirty
- after using a tissue or coughing/sneezing in hand(s)
- after handling garbage or chemicals

For children older than 24 months and adults, alcohol-based hand sanitizers are an acceptable alternative to hand washing with soap and water if there is no visible soil and soap-and-water washing is not practical. Close supervision is required if hand sanitizer is used with children to ensure it is used properly and to ensure children do not rub the hand sanitizer into their eyes or put in their mouth. Hand sanitizer should be kept out of the reach of children.

Diaper wipes or wet paper towels should be used on children under 2 years of age to clean their hands when handwashing at a sink is not possible.

It is recommended for providers to post the handwashing procedure, review the recommended handwashing procedure with children often and supervise children when they are handwashing whenever possible to ensure the correct procedure is followed.

## **Animals and Pets 620-01-95-45**

**(New 9/1/25 ML #3938)**

Early Childhood programs that include animals on the premises must ensure that only domesticated, non-aggressive, and healthy animals are present.

Written parent/guardian permission is on file for animal interactions involving chickens or outdoor animals.

All animals must be housed away from food preparation and eating areas.

Reptiles and amphibians are permitted **only if** the Early Childhood program has a documented health and safety procedure in place to address salmonella risk.

Chickens or other outdoor animals must be kept in a clean, designated area that is inaccessible to children without supervision.

Staff and providers must supervise all child-animal interactions and ensure children will wash their hands immediately afterward.

Pet enclosures must be cleaned regularly and maintained free from pests.

The Early Childhood Licensing Unit requires dogs, cats, and ferrets over 3 months of age to have an up-to-date rabies vaccine.

- Documentation of current rabies vaccination must be uploaded into the provider's record in the licensing system.
- If the animal is too young to be vaccinated for rabies it may be allowed on the premises but must not be accessible to children.

**Program Requirements 620-01-100****(Revised 8/17/25 ML #3936)**

Early Childhood programs must provide daily opportunities for children to explore their environment through developmentally appropriate activities, materials and toys. The materials, toys and activities should address several domains, including literacy, language, gross and fine motor, and cognition.

1. Literacy: a wide variety of books, reflecting children's ages, cultural backgrounds, languages and developmental stages is recommended.
  - Early Childhood programs in a home must ensure books remain accessible even in share-use space during care hours.
  - At a minimum the program must have 1 book per child enrolled.
  - Books are accessible for independent exploration throughout the day.
  - Books are clean, in good condition, and safe for children to handle.
  
2. Fine Motor: support skills needed for self-care, writing, art and problem solving. Options for fine motor toys and activities include puzzles, beads, blocks and art supplies and sensory activities.
  - Materials are clean, in good repair and safe for children to use.
  - Materials are accessible, developmentally appropriate and culturally inclusive.
  - A provider offering fine motor activities should have a variety of developmentally appropriate materials available for all enrolled children to interact positively in a group activity.
  - Art supplies are safe, non-toxic, clean and in good repair and may include paint brushes, paper, scissors, crayons, playdough, clay, finger paint.
  - Block play should include a minimum of 10 blocks or enough blocks so children can play individually or in a group.
  
3. Gross Motor: active play supports muscle development, balance, coordination, self-regulation and social skills.
  - Daily opportunities are provided for gross motor activities that support physical development and health.
  - A mixture of adult-facilitated and child-facilitated activities
  - Various, developmentally appropriate materials and equipment are available.

- Spaces are free from hazards, fall zones under equipment have appropriate surfacing
  - Ensure fencing, or barriers prevent access to unsafe areas.
  - Gross Motor play is actively supervised. See Supervision Policy 620-01-95-01 for more information
4. Cognitive Activities: include all of the above domains and also include math, science and small group activities.
- All activities should be developmentally appropriate and include both adult led, and child led activities.
  - Materials are accessible to children throughout the day.
  - Cognitive materials may include counting bears, measuring cups, sensory tables, puzzles, blocks, games, natural materials, magnifying glasses, simple tools, science kits.
  - Materials are kept clean, safe, well-organized and in good repair.
  - Group activities should include stories, music and movement, games and learning conversations.
  - A provider should have a variety of developmentally appropriate materials available for all enrolled children to interact positively in a group activity.
5. Technology or Screen Time: Early Childhood programs must ensure that any use of technology and screen time is developmentally appropriate, intentional, limited in duration, and designed to support children's learning, engagement, and well-being. Staff and providers must prioritize hands-on, interactive, and relationship-based experiences while avoiding passive, non-interactive screen time. Technology use must be planned thoughtfully and inclusive of all children's developmental needs.
- Technology and screen time must serve a clear educational or developmental purpose.
  - Early Childhood programs must avoid using screens as entertainment or babysitting tools.
  - Screen time is limited in duration and tailored to children's developmental stages. *Suggested use: TV/Video passive use limited to 10 minutes, other electronic media (tablets, computers, interactive games) is limited to 15 minutes and the combined total should not exceed 25 minutes.*
  - Infants and toddlers have minimal or no screen exposure except live, interactive communication.
  - Preschool-age screen use is limited, planned, interactive and adult-supported.

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- Equipment is safe, clean, and in good repair with appropriate viewing conditions.

## Indoor/Outdoor Space Requirements 620-01-105

(Revised 9/1/25 ML #3938)

1. Floor plans submitted for indoor and outdoor space list useable square footage. Refer to rule in N.D.A.C. for more information on space requirements and usable space.
2. Floor plans will be reviewed annually and do not need to be resubmitted unless there is a change in the space the facility is using.
3. Utilize a tape measure when determining usable space.
4. Convert inches to decimals when listing dimensions and square footage on floor plans. Inches divided by 12 equals decimal.
  - 1 inch = .08
  - 2 inches = .17
  - 3 inches = .25
  - 4 inches = .33
  - 5 inches = .42
  - 6 inches = .50
  - 7 inches = .58
  - 8 inches = .67
  - 9 inches = .75
  - 10 inches = .83
  - 11 inches = .92

### Examples

If the space measures 5 feet 3 inches that equals 5.25

If the space measures 5 feet 6 inches that equals 5.5

If the space measures 5 feet 9 inches that equals 5.75

## **Outdoor Space Requirements 620-01-105-01**

**(Revised 9/1/25 ML #3938)**

The Licensing Specialist shall:

1. Utilize a tape measure when determining a minimum of at least 75 square feet of outdoor space per child in child care.
2. If available play space does not accommodate the licensed capacity of the child care at one time, the total appropriate outdoor play space available must be no less than what would be required for the largest number of children in the class or group.
3. It is expected that outdoor space will be located on the child care site. If outdoor space is not located on the child care site and a program wishes to use outdoor play space located off site, such as a near-by park as the program's outdoor space, that space must be viewed and approved by the Licensing Specialist and adhere to the same safety standards as on-site outdoor play space.
4. All outdoor play areas, whether on-site or off-site, which are in close proximity to busy streets and other unsafe areas must be contained, fenced, or have natural barriers to restrict children from those unsafe areas.
  - a. Barriers should not be easy for children to climb and must be tall enough to contain children (suggested minimum height of four feet depending on the age range of children).
  - b. There should be no gap 5 by 5 inches or greater in or under the fence or barrier.
  - c. Examples of barriers:
    - i. Fencing
    - ii. Hedge rows
    - iii. Retaining walls

## **Indoor Space Requirements 620-01-105-05**

**(New 9/1/25 ML #3938)**

The Licensing Specialist shall:

1. Utilize a tape measure when determining a minimum of 35 square feet per child for indoor activity.
2. Count usable space only. Usable space must not include:
  - bathrooms
  - pantries
  - passageways leading to outdoor exits
  - areas occupied by furniture or appliances that children should not play on or under
  - space that children are not permitted to occupy
3. Crib space may not be counted in the usable space unless they are portable cribs or pack-and-plays that are folded away when not used for sleeping.

**Serious Accident/Illness/Death of a Child/Sentinel Event 620-01-110**  
**(Revised 11/24/23 ML #3775)**

Providers must report to the Licensing Specialist within 24 hours, a death, serious accident, illness or injury requiring medical care to a child while in child care or attributable to child care.

Upon receipt of the report, the Licensing Specialist shall:

1. Immediately send a copy of the SFN 383 to the Licensing Supervisor.
  - a. This report must be typed, not handwritten, and sent electronically to the Licensing Supervisor. If the Licensing Supervisor is not available, and there is a potential for the report to be a sentinel event, then the Licensing Specialist shall also send the report to the Licensing Administrator.
2. Complete an SFN 960, Report of Suspected Child Abuse and Neglect if the Licensing Specialist suspects that the incident is a result of child abuse or neglect.
3. Complete an SFN 1269 Child Care Concern Form if the Licensing Specialist suspects that the incident is a result of a licensing violation.
4. Work collaboratively with CPS and law enforcement, if those agencies are involved in the investigation. CPS or law enforcement will take the lead on joint investigations.
5. Staff with Licensing Supervisor to determine when an unannounced review is appropriate.

The Licensing Supervisor shall:

1. Determine if further investigation is needed. If further investigation is not needed, the information is maintained in the provider's file. If further investigation is needed, the Licensing Supervisor forwards a copy of the SFN 383 to the Licensing Administrator. The Licensing Administrator will consult with the Licensing Supervisor to provide guidance to the Licensing Specialist.
2. Determine whether incident is a sentinel event:

“Sentinel event” has been defined as “Any unexpected occurrence involving death or serious physical or psychological injury or risk thereof that is not related to the natural course of the individual’s illness or underlying condition. Serious injury specifically includes inappropriate sexual contact.” The phrase “or risk thereof” includes any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. They signal the need for immediate investigation and response. Sentinel events in child care will include, but may not be limited to:

- a. Incidents that involve law enforcement
- b. Deaths
- c. Injuries that require medical attention and are suspected to be the result of a licensing violation

If the Licensing Supervisor is unsure of whether or not an incident is a sentinel event, the Licensing Administrator should be consulted.

If the incident is determined to be a sentinel event, the Licensing Supervisor shall:

- a. Immediately send email with “sentinel event” in the subject line to HHS Public Relations, Early Childhood Director, EC Licensing Administrator, Director of Legal Advisory Unit, HHS Risk Manager. The email should contain as much information as you have at the time about the incident.
- b. Submit a Risk Management Medical Case Incident Report online at <https://ndomb-risk-prod.powerappsportals.us/>
  - Risk Management Incident Report Procedures can be found online at: <https://ndgov.sharepoint.com/:b:/r/sites/DHS-RiskManagement/DHS%20Risk%20Management%20Policies/Risk%20Management%20Incident%20Report%20Procedures%2022-2021.pdf?csf=1&web=1&e=tVDgHe>

The Licensing Administrator shall:

1. Provide guidance to Licensing Supervisor and Licensing Specialist in addressing serious incidents.
2. Conduct quarterly reviews with the HHS Risk Manager.

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## Child Care Concern/Investigating Concerns 620-01-115

(Revised 2/20/26 ML #3966)

All concerns involving licensed child care programs must be addressed promptly and in accordance with state regulations. When a Licensing Specialist becomes aware of a concern, it must be thoroughly investigated, documented, and, if applicable, reported to appropriate external agencies such as Child Protective Services (CPS) or law enforcement.

### Definitions

- **SFN 1269:** Concern form used in the licensing system to document concerns and investigations.
- **Sentinel Event:** A serious and/or potentially life-threatening incident requiring immediate administrative review. Review Child Care Concern/Sentinel Event 620-01-115-01 policy for more information.
- **Concern:** An allegation or indication that a rule may have been violated in a child care setting.

### Procedure

#### Licensing Specialist Responsibilities

1. Initial Response and Notification
  - a. Complete SFN 1269 in the licensing system within **24 hours** of learning of the concern.
  - b. Complete a concern visit within 24 hours of receiving the concern.
  - c. Notify the Licensing Supervisor of the concern.
    - i. If the Supervisor is unavailable **and** the concern may be a sentinel event, the Licensing Specialist must consult with the **Licensing Administrator**.
2. Reporting to CPS
  - a. Contact **CPS** immediately if there is any suspicion that the incident involves **child abuse or neglect**.
  - b. Consultation with the Licensing Supervisor is encouraged if clarification is needed.
3. Investigation
  - a. Identify and document:
    - i. Name of the facility/provider
    - ii. Nature of the concern
    - iii. Reporter information, if known
  - b. Conduct an **unannounced visit** to the facility to assess the concern.
  - c. Interview provider/staff with attention to detail (include specific dates/times).

- d. Interview witnesses (e.g., staff, parents, children, neighbors, law enforcement) as appropriate.
  - e. Attempt to speak with children during visits; if not possible, contact parents for permission.
4. Evidence & Documentation
- a. Document interviews and observations clearly.
  - b. Include notes on credibility (e.g., changes in story, body language).
  - c. Avoid making conclusions during interviews—only state that the concern is under investigation.
5. Decision & Action
- a. If evidence or admission of violation is present:
    - i. Issue a **Correction Order** or
    - ii. Consult with Licensing Supervisor for further action.
  - b. If no admission or observed violation:
    - i. Consult with Licensing Supervisor to determine next steps.
6. Joint Assessments
- a. Work **collaboratively** with CPS and/or law enforcement when involved.
    - i. CPS and law enforcement lead joint investigations.
    - ii. Licensing actions are **independent** of CPS findings.
7. Ongoing Updates
- a. Keep Licensing Supervisor informed throughout the investigation.
  - b. Document all investigative findings, interviews, and conclusions in the licensing system.
8. Closure
- a. Upload CPS closing letter to the licensing system.
  - b. Enter decision and close the concern.
  - c. Inform Licensing Supervisor of the final decision.

### Licensing Supervisor Responsibilities

- 1. Initial Oversight
  - a. Review and acknowledge SFN 1269.
  - b. Notify the Licensing Administrator if the concern may be a **sentinel event** or results in a **CPS assessment**.
- 2. Investigation Support
  - a. Provide guidance to Licensing Specialist throughout the investigation.
  - b. Consult with Licensing Administrator as necessary.
- 3. Licensing Actions
  - a. Determine whether licensing action is needed **before CPS completes** its assessment.

- b. Ensure all documentation and decisions are entered and completed.

**Licensing Administrator Responsibilities**

1. Provide consultation for potential **sentinel events**.
2. Be informed of:
  - a. Any concern resulting in a **CPS assessment**.
  - b. Situations requiring administrative or legal action.

## **Sentinel Event Determination and Reporting Policy 620-01-115-01** **(Revised 9/9/25 ML #3941)**

This policy establishes procedures to identify, report, and respond to sentinel events within child care licensing unit. Sentinel events require immediate attention due to their serious nature and potential impact on child safety and organizational risk.

### **Definition of a Sentinel Event:**

A sentinel event is any unexpected occurrence involving death, serious physical or psychological injury, or the risk thereof, not related to the natural course of the individual's illness or underlying condition. Serious injury includes, but is not limited to, inappropriate sexual contact.

The term "or risk thereof" includes any process variation for which recurrence would carry a significant chance of a serious adverse outcome. Such events indicate the need for immediate investigation and response.

### **Examples of Sentinel Events in Child Care Settings:**

Sentinel events may include, but are not limited to:

- Incidents involving law enforcement
- Deaths
- Injuries requiring medical attention suspected to be the result of a licensing violation

### **Responsibility for Determination:**

- The Licensing Supervisor is responsible for determining whether an incident qualifies as a sentinel event.
- If uncertain, the Licensing Administrator must be consulted for a final determination.

### **Sentinel Event Response Protocol (if incident is determined to be a Sentinel Event):**

Step 1: Complete SFN 50508

- The Licensing Supervisor or Administrator shall complete Form SFN 50508: <https://incidentreporting.omb.nd.gov/>
- Submit the completed form to Risk Management.

### Step 2: Receive Contact Information

- Risk Management will provide the appropriate contact information for Executive and Senior HHS Leadership.

### Step 3: Prepare the Email

- The Licensing Supervisor or Administrator will draft an email following Risk Management's specific content and formatting guidelines.

### Step 4: Send the Email

- The email must be sent to the designated Executive or Senior HHS Leadership contact as directed by Risk Management.

### Step 5: Confirm and Document

- Confirm successful email transmission.
- Document the communication according to the agency's record-keeping policies and procedures

## **Notification of Parents 620-01-115-10-01**

**(Revised 12/4/24 ML #3883)**

When a provider or staff member of a licensed, self-declared, or registered program is the subject of a Correction Order, Corrective Action, or Child Protection Services (CPS) assessment, the Licensing Specialist shall ensure all parents of children receiving care in the child care are notified of the Correction Order, Corrective Action, or CPS assessment.

All Parent Notification Letters and documentation shall be uploaded into the provider's record within the Licensing System.

### **Parent Notification of Correction Orders**

- Within 3 business days the program is required to notify the parent of each child that a Correction Order has been issued.
- The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider record prior to the Correction Order being completed/closed.

### **Parent Notification of Corrective Actions**

- Provisional Licenses
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider record prior to the Provisional License being closed.
- Restrictions and MOUs
  - Programs shall notify parents if a specific person or pet is restricted from the program within 3 days of the Restriction/MOU being issued.
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system into the provider record.
- Denial
  - During an appeal due to a revocation a program with an active license shall notify parents of the Department's decision to deny a license renewal.
  - The Licensing Specialist shall receive a copy of the parent notification, and the copy shall be uploaded to the licensing system into the provider's record.

- Prohibitions
  - The Provider shall post the Prohibition Notice and notify parents of the action.
  - The Licensing Specialist shall receive a copy of the parent notification and the copy shall be uploaded to the licensing system and into the provider record.
  
- Suspensions refer to Policy 620-01-120-30
  - Once the Suspension Notification is issued the Licensing Specialist shall notify parents of the Suspension by either:
    - handing a letter to parents as they pick up their children; OR
    - the letter may be mailed to the parents.
  - The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.
  - The letter given to parents shall include contact information for Child Care Resource and Referral.
  
- Revocations
  - The Licensing Specialist shall send a parent notification letter to the parents enrolled in the program once it is confirmed the program received the Revocation Notice. The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.
  
  - The Licensing Specialist shall send a second parent notification letter to parents once the Revocation is final. The Licensing Specialist shall upload the letter to the licensing system and into the provider's record.

### **Child Protection Services (CPS) Joint Assessments**

Within one business days of a joint assessment onset the Licensing Specialist shall:

- update the Parent Notification Letter with specific program information and send via email to the CPS staff assigned to the assessment
- work with the program to collect current addresses of all children enrolled in the program
  - If program is unwilling to send the addresses, the Licensing Specialist is to contact their supervisor or the Licensing Administrator for assistance with contacting the program or decide if Law Enforcement will be notified.

Once CPS returns the signed Parent Notification letter and the program has provided all current addresses the Licensing Specialist shall complete the following in one business day:

- sign the Parent Notification letter

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- upload the addresses in the preferred format assigned by the Early Childhood Section Administrative Assistant
- send the letter and the parent addresses to the Early Childhood Section Administrative Assistant
- upload a copy of the Parent Notification Letter into the provider record

The Early Childhood Administrative Assistant shall mail the parent notification letters within 2 business days of receiving the letter and parent addresses.

## **Unannounced Reviews 620-01-116**

**(Revised 4/28/23 ML #3734)**

The Licensing Specialist is required to perform, at a minimum, one successful unannounced review annually for each licensed or self-declared child care provider.

1. A successful unannounced review must be conducted at least 3-6 months prior to the annual review or relicensing visit.
2. A successful unannounced review must be conducted at 3 months for all initial licenses under a Provisional License. Refer to Early Childhood Services Policy number 620-01-80-01.

Documentation of an unannounced visit must be submitted in the Child Care Licensing System for a Licensing Supervisor to approve a license.

1. The SFN 1276 shall be used to document unannounced reviews for licensed providers.
2. The SFN 1595 shall be used to document unannounced reviews for self-declared providers.
3. Child file reviews
  - a. A review of no less than 30 random files must be conducted on site.
  - b. For facilities with less than 30 children enrolled, all files will be reviewed.
4. Files of all staff present during the visit shall be reviewed.
5. Any significant violations observed during an unannounced review shall be documented on SFN 379, Correction Order.

## **Compliance Plans 620-01-117**

**(New 9/9/25 ML #3941)**

North Dakota child care rules and regulations authorize Licensing Specialists to require non-compliant licensed and child care programs to correct identified issues. The goal of this process is to help programs access consultation and support services to make improvements.

Compliance plans are based on program corrective actions issued by child care licensing. The services required fall on a continuum of strategies—some necessitating collaboration between Child Care Aware® of ND and licensing staff—others demanding a more coordinated approach to rectifying the situation.

The goal of a Compliance Plan is to help programs access consultation and support services to make improvements.

- Once a need for a Child Care Compliance Plan is established by the Licensing Specialist, the Licensing Specialist will complete the Consultation Services Referral.
- The Licensing Team will follow the Compliance Plan Standard Operating Procedures

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## Early Childhood Services Use of Teachable Moments in Child Care Licensing 620-01-120

(Revised 11/13/25 ML #3952)

To support a collaborative and educational approach in child care regulation by allowing licensing specialists to use professional judgment to address certain minor violations through guidance and education—termed "teachable moments"—in lieu of issuing formal correction orders.

- **Teachable Moment:** A regulatory encounter in which a minor and correctable violation is addressed through conversation, clarification of rules, and education rather than enforcement action.

Licensing specialists may forego the issuance of a correction order when a violation is determined to be non-repetitive, not posing an immediate risk to children, and immediately correctable. In such cases, the specialist may instead use the opportunity as a "teachable moment" to educate the provider on the relevant rule or law and best practices to ensure future compliance.

A situation may qualify as a teachable moment **only when all** the following conditions are met:

1. **Non-Imminent Risk:** The violation does not present an immediate threat to the safety, health, or welfare of any child in care.
2. **First-Time or Infrequent:** A teachable moment has not been documented, or a correction order has been issued for the same or similar violation.
3. **Immediately Correctable:** The issue can be corrected through simple clarification of rules, during the visit or within 24 hours after the teachable moment is documented.
4. **Provider Receptivity:** The provider is cooperative, receptive to feedback, and demonstrates a willingness to comply.
5. **Not Prohibited by Law:** The law or rule does not mandate a formal correction order (e.g., for certain substantiated reports of abuse, ratios, background checks, etc.).

Licensing Specialists will review the Teachable Moments Standard Operating Procedure to learn more about determination, communication and documentation.

**Correction Orders 620-01-120-01**  
**(Revised 12/4/24 ML #3883)**

Correction Orders shall be issued for Immediate (24 hour), 20 day or 60-day time periods.

Correction orders whether they are an immediate Correction Order, 20 day or 60 day Correction Order shall be issued through the licensing system to licensed or self-declared providers for violations of law or rules. All time periods commence with the date the correction order is issued by the Licensing Specialist.

Correction Orders with a 24-hour time frame shall be issued at the time of the visit.

Correction Orders may occur during a licensing visit, or they may occur due to a concern that was received.

The Provider shall upload a copy of the Parent Notification regarding the Correction Order as a supporting document into the Licensing System verifying the Parents have been notified.

The Licensing Specialist shall talk with the provider and let the provider know that a correction order will be issued prior to leaving the program and if a face-to-face conversation is not possible then a phone call to discuss the correction order being issued shall occur prior to issuing the correction order.

Licensing Specialists shall not accept Correction Orders from Providers if:

- the Correction Order is not filled out completely or signatures are missing.
- the method of correction is unclear.
- the correction does not show rule violation and clear evidence of compliance.

A violation that pertains to missing paperwork for an enrolled child or children and/or staff shall be documented in the deficiency to be corrected section / plan of correction section of the licensing checklist. The Licensing Specialist shall give the provider a required date of submission for the missing paperwork. If the paperwork is not submitted by the agreed upon date a correction order shall be issued.

Correction Orders may be sent to Providers through the Licensing System if the Provider has indicated in the Licensing System that their preference is email. If the

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provider did not indicate email as their method of delivery the Correction Order shall be sent in the mail.

**Reinspections After Correction Order is Issued 620-01-120-01-10**  
**(Revised 10/1/16 ML #3480)**

N.D.C.C. § 50-11.1-07.3

The authorized agent shall reinspect the licensed or self-declared program at the end of the period allowed for correction.

The authorized agent shall document all attempts to complete the reinspection. If several attempts have been made to reinspect the program without success, the authorized agent shall contact the regional office.

There may be rare occasions when a reinspection is not necessary. For example, an authorized agent may verify that a lapsed CPR/First Aid certification is corrected by having the provider send in copies of current certification cards.

1. If violation is corrected:
  - a. documenting correction completed, including date of reinspection.
  - b. The provider must submit written documentation of the correction to be placed in the provider's file.
  - c. The authorized agent shall send a copy of the signed SFN 312 and verification of corrections made to the regional office, and shall send an email to CCA notifying them of the correction.
  
2. If violation is not corrected:
  - a. The authorized agent shall staff the case with the regional office to decide whether to start revocation proceedings or send a notice of non-compliance.
  - b. If a revocation is warranted, the regional office will begin the process. No other contact shall be made to the provider by the authorized agent, unless directed by the regional office.
  - c. If revocation is not warranted, the authorized agent shall work with the regional office to prepare a notice of non-compliance and begin assessing fiscal sanctions.

**Non-Compliance Notifications, Fiscal Sanctions and Verifying  
Compliance 620-01-120-05**

**(Revised 5/1/24 ML #3820)**

When a provider does not complete a Correction Order within the time frame allowed the Licensing Specialist and Licensing Supervisor shall use the following actions to assure compliance.

**Notice of Non-compliance 620-01-120-05-01**

**(Revised 5/1/24 ML #3820)**

The Notice of Non-Compliance Letter shall be sent out once a provider has not completed a correction order within the required time frame. Refer to Policy 620-01-120-01 for more information on correction order time frames. The Notice of Non-Compliance is a letter that is created and sent outside of the licensing system. The notice includes the following:

- Explanation of the violations that were not corrected.
- The fiscal sanction amount that will be assessed each calendar day of non-compliance after the timeline for correction.
- A statement that the provider shall notify the Licensing Specialist that the violations have been corrected the provider has completed all attestations in the Licensing System.

Fiscal sanctions will continue to accumulate until the Licensing Specialist is notified and verifies the appropriate corrections have been made.

**Fiscal Sanctions for Licensed or Self-declared Programs 620-01-120-05-02**

**(New 5/1/24 ML #3820)**

1. Fiscal sanctions are assessed each day of non-compliance starting after the time period for correction, refer to Policy 620-01-120-01 for more information on correction order time frames.
2. Fiscal sanction invoices are issued and fiscal penalty fees are paid within the Licensing System.
3. Fiscal sanctions begin once the Notice of Non-Compliance is received by the provider. Fiscal Sanctions are due 15 days after the date charged and at 15-day intervals thereafter.
4. When corrections have been verified by the Licensing Specialist and the Licensing Supervisor, the fiscal sanctions must cease.

**Reinspection to Verify Compliance 620-01-120-05-05**

**(Revised 5/1/24 ML #3820)**

1. A reinspection shall be completed within three working days after the Licensing Specialist is notified by the provider that corrections were made.
2. If violations are corrected, fiscal sanctions cease from the date the Licensing Specialist was notified. The Licensing Specialist will add dates to the Licensing System to calculate fiscal sanctions.
3. If the violations still exist, fiscal sanctions will accrue from the original date and continue without a break. The Licensing Specialist shall send a Notice of Non-Compliance Letter.
4. A separate invoice must be added every 15 days the provider remains non-compliant. This will continue until the provider is verified as compliant.

## **Recovery of Fiscal Sanctions 620-01-120-05-15**

**(Revised 5/1/24 ML #3820)**

### Fiscal Sanction Appeal Process:

- a. A provider may submit a written request for a hearing to the Appeals Supervisor within ten days after receiving the Notice of Non-compliance. Refer to Policy 620-01-120-05-01 for more information on appeals.
- b. The hearing will be held under N.D.C.C. chapter 28-32.
- c. If an appeal is requested, fiscal sanctions cannot be collected until after the decision is issued.
- d. The hearing will review whether the rules were violated as set out in the correction order or whether the provider corrected the deficiency prior to the reinspection.
- e. If, after the hearing, the department determines the fiscal sanctions were appropriate, the provider shall pay, within the Licensing System and within 15 days, fiscal sanctions accrued through the time the provider notified the Licensing Specialist of the correction or their license expired.

If the provider refuses to pay accumulated fiscal sanctions, the department may consider further action on the license and shall go through the regular collection procedures, including utilizing collection office services.

**Denial of a License, Self-declaration or Registration Application 620-01-120-15**

**(Revised 12/4/24 ML #3883)**

- If a new applicant fails to meet necessary standards and it is not appropriate to issue a provisional license or restricted license, a denial notice should be issued. Refer to Policy 620-01-120-40 and 620-01-155 for more information.
- If a license is in appeal due to a revocation and expires during the appeal process the license shall be denied.

**Procedure for Denial of a License Application 620-01-120-15-01**  
**(Revised 3/20/12 ML #3317)**

1. Authorized agent provides factual basis for denial to regional office along with all documentation.
2. Regional office reviews information and determines:
  - a. Whether documentation supports the factual basis for denial, and
  - b. The legal authority that supports the denial using the statute and rules.
3. Regional office prepares the denial notice and emails denial notice to authorized agent, regional office and DHS legal advisory unit for review prior to issuance.
4. When the denial notice is approved by the central office and the DHS legal advisory unit, the regional office sends denial notice, with a copy of the appeal form, by certified mail with return receipt requested.
5. Central office will provide technical assistance to the regional office.

**Official Date of Denial 620-01-120-15-05**

**(Revised 12/4/24 ML #3883)**

1. Applicant has ten calendar days from receipt of the denial notice to appeal.
2. If no appeal is filed, the denial is final ten calendar days at the end of the business day, from the date the applicant received the notice.
3. If the applicant does appeal, the official date of denial is the date the final order is signed by the HHS executive office.

**Applicant's Ability to Provide Care During Denial Appeal Process**

**620-01-120-15-10**

**(Revised 12/4/24 ML #3883)**

Unlicensed applicant may only provide care for five children or no more than three children under the age of 24 months during the appeal process.

**Revocation Notice 620-01-120-25**

**(Revised 4/28/23 ML #3724)**

A revocation notice is issued when:

1. A provider's noncompliance puts the health and safety of the children at risk.
2. Corrective action including technical assistance have not resulted in the provider maintaining compliance.
3. An immediate revocation may occur.
4. All Corrective Actions, including correction order, reinspection visits, need to be completed while revocation is pending.

## **Procedure for Issuing a Revocation Notice 620-01-120-25-01**

**(Revised 4/28/23 ML #3724)**

1. The Licensing Specialist and Licensing Supervisor work together to gather all documentation and provide factual basis for revocation.
2. Licensing Supervisor reviews the factual basis and documentation information with Licensing Administrator to determine the following:
  - a. Whether documentation supports the factual basis for revocation.
  - b. The legal authority that supports the revocation using the statute and rules.
3. Licensing Supervisor prepares Revocation Notice within 5 business days of the decision to issue a Revocation. The Revocation Notice is prepared outside of CCL. Once the Revocation Notice is approved by the Licensing Administrator and the Legal Advisory Unit the Revocation Process can be completed within CCL.
4. Licensing Supervisor sends Revocation Notice to Licensing Administrator. The Licensing Administrator reviews the draft notice and may return the draft notice to the supervisor for edits. Once the edits are complete the Licensing Administrator sends the notice to the Legal Advisory Unit for further review. Once the Legal Advisory Unit completes their review the revocation is approved and can be sent to the child care owner.
5. Prior to the notice being sent to the owner and operator the Licensing Supervisor must:
  - a. Assure that all licensing checklists, correction orders that pertain to the provider are posted on the consumer ed website.
  - b. Prepare and send the completed Talking Points document pertaining to the Revocation Notice to the Licensing Administrator.
  - c. Alert CCA and CACFP that the Revocation Notice will be sent.
6. When the notice is approved by the Licensing Administrator and the HHS legal advisory unit, the Licensing Supervisor assures the Revocation Notice is on HHS letterhead and is dated correctly. The Licensing Supervisor will email a copy of the approved Revocation Notice to the Licensing Administrator and Licensing Specialist. The Licensing Specialist and Licensing Supervisor will complete the revocation process in CCL.

7. The Licensing Specialist sends letters to parents once it is confirmed the provider has received the Revocation Notice notifying them that a revocation notice has been issued and that the provider may appeal the revocation after the notice has been sent to the provider.
8. The Licensing Specialist sends letters to parents when the Revocation is final.
9. The Licensing Supervisor alerts CCA and CACFP once the Revocation is final.

**Official Date of Revocation 620-01-120-25-10**

**(Revised 9/9/25 ML #3941)**

1. If the provider does not appeal, the official date of revocation is at the end of business on the tenth business day after receipt of the notice.
2. If the provider appeals the revocation, the official date of the revocation is the date that the final order is signed by the executive office.

**Revocation Amendment 620-01-120-25-15**

**(Revised 4/28/23 ML #3724)**

An amendment is prepared when additional rule violations occur after the revocation notice has been issued. Guidance on amended notices will be given by the Licensing Administrator, or if an appeal has been filed, by the Attorney General's office.

## **Suspension 620-01-120-30**

**(Revised 5/1/24 ML #3820)**

The Licensing Specialist and Supervisor shall request a suspension when the following are present:

1. A report of suspected child abuse or neglect at a licensed, self-declared or registered child care is reported.
2. Children are found to be at imminent danger or at risk of harm.
3. Law enforcement has been involved.
4. A Prohibition has been ruled out.

The suspension request must be made within 72 hours of the onset of an assessment.

The Licensing Specialist shall:

1. Notify the Licensing Supervisor when a report of suspected child abuse and neglect has been filed in a licensed, self-declared or in-home registered program.
2. Meet with Law Enforcement and CPS to discuss the Suspension and if the situation meets the criteria of a Suspension. The Licensing Supervisor shall be present at this meeting.
3. Present in person, along with CPS worker, the suspension notice to the provider. Request law enforcement to be present if necessary. The Licensing Specialist is required to stay on site until all children are picked up by parents.
4. Prepare Suspension Parent Notification Letter and assure parents receive the letter either by hand delivering to parents while on site or mailing to parents. Refer to policy 620-01-115-10-01 for more information on Parent Notifications. Licensing Specialist will need to receive parent addresses from the provider if the letter is to be mailed.

The letter shall include:

- a. Contact Information for Licensing Specialist
- b. Contact information for Child Care Resource and Referral
- c. Details from Suspension Notification

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5. Communicate with Licensing Supervisor, Licensing Administrator, CPS and Law Enforcement throughout the Suspension. Assure Child Care Food Program (CACFP) is aware of the Suspension and when the Suspension is lifted.
6. Upload all documentation pertaining to the Suspension into the provider's record in the Licensing System.
7. Provide a written statement to Provider once the Suspension is lifted, this statement may be emailed to the provider.

### The Licensing Supervisor shall:

1. Attend meeting with Licensing Specialist, CPS and Law Enforcement.
2. Discuss the need for a Suspension with the Licensing Administrator.
3. If the decision is made to suspend, prepare the suspension notice within the licensing system.
4. Send the Suspension Notice to the Licensing Administrator for review.
5. Work with the Licensing Specialist throughout the suspension process to assure all steps are completed and open communication is present.
6. Complete suspension process in the licensing system once the Suspension Notification is approved by the Licensing Administrator and HHS Legal Advisor.
7. Work with the Licensing Specialist to determine if further corrective action is needed. Refer to Corrective Action Policies for more information.
8. Assure all documentation pertaining to the suspension is uploaded into the provider record in the licensing system.

### The Licensing Administrator shall:

1. Approve the Issuance of a Suspension
2. Send the Suspension Notification to the HHS Legal Advisor for approval
3. Help the Licensing Supervisor throughout the Suspension process
4. Provide the Early Child Director information on the Suspension

**Injunction 620-01-120-35**  
**(Revised 3/20/12 ML #3317)**

N.D.C.C. § 50-11.1-12

If a provider is in violation of the law or rules or if a provider does not pay a properly assessed fiscal sanction in accordance with N.D.C.C. § 50-11.1-07.6, the department may seek injunctive action against such a provider.

**Request for Injunction 620-01-120-35-01**

**(Revised 3/20/12 ML #3317)**

1. Authorized agent or the regional office may initiate the request.
2. The request for an injunction must be decided on by the regional office and central office.
3. Attorney General's office will institute the proceedings of an injunction on behalf of the department.

**Injunction Notification Notice Procedure 620-01-120-35-05**

**(Revised 10/1/16 ML #3480)**

1. Regional office shall immediately notify authorized agent when an injunction occurs.
2. Authorized agent shall immediately notify CCA, CCAP, and CACFP.
3. The provider will be legally served the injunction by law enforcement and an authorized agent.

**Applicant Information That May Be Used in Determining Denial of Initial License 620-01-120-40**

(Revised 12/4/24 ML #3883)

<b>MAY BE USED</b>	<b>MAY NOT BE USED</b>
May use facts from a confirmed finding decision ten years from the date of decision if the facts indicate the potential inability to provide safe care.	May not use a confirmed finding after a ten-year period following the date of decision. (Even if worker remembers its existence.)
May use facts from a confirmed finding (with or without recommendations) decisions three years from the date of decision if the facts indicate the potential inability to provide safe care.	May not use facts from a confirmed finding (with or without recommendations) decisions after a three-year period following the date of decisions or if the facts do not indicate the potential inability to provide safe care.
May use current sexual offender list.	
May use counseling records if they indicate an inability to provide safe care. A release of information must be obtained; otherwise, counseling records are confidential.	May not use knowledge that an applicant once obtained or is obtaining counseling services.
May use prior conviction of non-direct bearing offenses within five years from the date of final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction.	<p>May not use prior conviction of non-direct bearing offenses more than five years after the date of conviction or final release of probation.</p> <p>May not use prior conviction of an offense that occurred less five years ago if determined applicant is sufficiently rehabilitated, or if offense does not impact the person's ability to practice trade.</p>
May use an applicant's prior early childhood services history.	

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<b>MAY BE USED</b>	<b>MAY NOT BE USED</b>

**Penalty Law 620-01-125**  
**(Revised 3/20/12 ML #3317)**

N.D.C.C. § 50-11.1-13.1

If the authorized agent or regional office is aware that the penalty law is invoked regarding a provider, the authorized agent or regional office shall notify the central office.

## **The Appeal Process 620-01-130**

**(Revised 3/20/12 ML #3317)**

1. When an applicant/provider appeals a decision to have a license revoked or denied, the appeal is received by DHS legal advisory unit. The appeals supervisor from legal advisory unit will request a written report from the regional office giving a summary of the case along with a copy of the notice and a copy of the certified mail receipt which was issued to the applicant or provider. A hearing will result with the revocation or denial either being affirmed or reversed.
2. The applicant or provider has the right to appeal the case to the district court and eventually to the North Dakota Supreme Court.
3. The administrative law judge from the Office of Administrative Hearings will hear the appeal and announce the purpose of the hearing.
4. The hearing date will be set by the Office of Administrative Hearings. An administrative law judge assigned the case will establish the time and place of the hearing.
5. If a rule or violation is not stated in the factual basis of the notice, it cannot be brought up at an administrative hearing.
6. Guidance will be provided to the authorized agent and the regional office by the Attorney General's office.

**Public Nature of Licensing Records and Confidentiality 620-01-135**  
**(Revised 3/20/12 ML #3317)**

The provider's licensing record is generally an open record under North Dakota law. However, there is likely information in the records that is considered confidential and must be redacted if an open records request is made.

**Information That May Not Be Disclosed to the Public 620-01-135-01**  
**(Revised 1/1/14 ML #3393)**

1. Child abuse and neglect information including assessment report and supporting documentation, unless the information is provided to the parent of a child in the child care program in accordance with N.D.C.C. § 50-25.1-11(2).
2. Information identifying children receiving care in an early childhood services setting, pursuant to N.D.C.C. § 50-11.1-07(4).
3. Personal information described in N.D.C.C. § 44-04-18.1 (2), including photographs, medical information, motor vehicle operator's identification number, payroll deduction information, name, address, telephone number and date of birth of any dependent or emergency contact, and financial information. The name, address, telephone number, and email address of the provider are not considered confidential personal information, pursuant to N.D.C.C. § 50-11.1-07(6).
4. The identity of a reporter of a concern, and any collateral reporters, unless the information is needed for use in an administrative or legal proceeding arising out of the report.
  - a. Descriptive information about the reporter as well as any other information obtained, without identifying the reporter's name, may be supplied in correction orders and notices of denial, revocation or suspension if necessary for the administration of the program, in accordance with N.D.C.C. §50-06-15.
5. Criminal history record information, contained in an individual's FBI criminal history report.

## **Sharing of Records 620-01-135-05**

**(Revised 10/1/16 ML #3480)**

1. Licensing records may be shared between the county and regional office and the central office for the purpose of program administration.
2. The authorized agent may access CCAP records if information is necessary to determine compliance with licensing rules.
3. The authorized agent may contact CCA and CACFP for information which would verify compliance with licensing rules.

The department may share information found in licensing investigations that would be program violations for the CCAP and CACFP with those programs. However, if the information is in respect to a child receiving services, that information may only be shared with the state administrator of those programs.

## **Unlicensed Providers 620-01-140**

**(Revised 10/23/24 ML #3874)**

When the Licensing Specialist becomes aware of a person who is providing care for more than 5 children or more than 3 children under the age of 24 months without a license, the Licensing Specialist shall:

- Create the concern in the Licensing System and generate the Unlicensed Provider letter and affidavit.
- Send the letter and affidavit by certified mail.

## **False Advertising 620-01-145**

**(Revised 3/20/12 ML #3317)**

According to North Dakota Century Code § 51-12-08. False Advertising -- Generally, it is unlawful for any person within intent, directly or indirectly, to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause be made or disseminated before the public in this State, in any newspaper or publication or any other advertising device, or by public outcry or proclamation, or any other manner or means whatever, any statement, concerning such real or personal property or services, professional or otherwise or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading and which is known or which by the exercise of reasonable care should be known, to be untrue or misleading. North Dakota Century Code § 51-12-13 addresses the penalty that is a Class B misdemeanor.

Child care providers who advertise as licensed providers, when they are not, may be found guilty of a Class B misdemeanor.

When the authorized agent becomes aware of false advertising or a false statement to potential customers from a person providing child care who is not licensed, the authorized agent shall:

1. Gather appropriate documentation, for example a newspaper clipping. Hearsay is not appropriate documentation.
2. Telephone the person to explain the need for license before advertising as a licensed provider.
3. Follow-up with a letter, see sample, False Advertising Letter.
4. If actions of a non-licensed provider continue, the authorized agent shall consult with the regional office.

The regional office shall consult with the central office for a referral to the local State's Attorney's office for legal action.

## **Mental Health and Substance Screening 620-01-155**

**(New 12/4/24 ML #3883)**

The use of formal screenings to ensure minimum health requirements are met is a structured process aimed at verifying an individual's ability to meet specific required standards as stated in NDAC. Screenings may be required in situations where concerns arise about the individual's readiness and ability to care for children, ensuring safety and well-being. Below is a list of a few evaluations that may be required.

### **1. Child Abuse Potential Inventory (CAPI) Test**

- **Purpose:** Identifies individuals who may have a higher risk of engaging in abusive parenting behaviors.
- **Focus Areas:**
  - Responses indicating potential for stress, hostility, or rigidity in parenting.
  - Risk factors that could lead to child abuse or neglect.

### **2. Adult Adolescent Parenting Inventory (AAPI)**

- **Purpose:** Assesses parenting attitudes and behaviors that could impact the welfare and development of a child.
- **Focus Areas:**
  - Empathy towards children's needs.
  - Expectations of children based on age and development.
  - Belief systems about corporal punishment and family roles.

### **3. Drug/Alcohol Testing or Evaluation**

- **Purpose:** Determines whether substance use may impair the individual's ability to provide safe and appropriate care.
- **Focus Areas:**
  - Screening for current substance use.
  - Evaluating the impact of substance use on decision-making, emotional stability, and caregiving capacity.

Licensing Specialists and Licensing Supervisors will determine if an evaluation is needed based on their direct observations of an individual and shall be required as part of a Correction Order or when determining a denial of an initial license.