

Child Care Licensing Crosswalk, Comparisons, and Suggestions 2024

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North Dakota Department
of
Health and Human Services
Early Childhood Section

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The following report describes the current child care and early childhood services licenses available in North Dakota. Seven types of child care and early childhood services licenses allow individuals to open an early childhood business and support a variety of reasons for opening a childcare business, from in-home care to child care center programming. This report will show the findings of the in-depth study of each license. The study focused on the types of licenses, definitions used across licensing, qualifications, training, age required to work, ratios, and language used throughout licensing and compared the focus of each type of license. While studying each of the licenses, the statement from the Department of Health and Human Services Child Care licensing webpage was consistently reflected, "The purpose of child care licensing is to assure that children receiving early childhood services be provided food, shelter, safety, comfort, supervision, and learning experiences commensurate to their age and capabilities so as to safeguard the health, safety, and development of those children". This statement guided this work. The report's layout follows the [Standards Crosswalk Excel spreadsheet](#) and will guide you through each part of the study with questions, suggestions, examples, and proposals for change.

Current Licensing Chapters

Seven licenses are currently available to support individuals' goals in caring for children. These are the types and descriptions of licenses currently available.

In-Home Child Care (Chapter 75-03-07) has been developed to support individuals who take care of children in the child's home. An in-home provider may provide early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months.

Self-Declaration (Chapter 75-03-07-1) Authorized to provide care and still have benefits such as child care assistance but do not hold an official "license". The self-declared applicant can care for up to five children under the age of 12, and this includes the self-declared applicant's children. The self-declared applicant cannot care for more than five children, this includes their own.

1. The provider can care for up to 3 children under 24 months and additional children over 24 months, but not exceeding seven children.
2. OR the provider can care for up to 4 children under the age of 24 months with additional children over 24 months, but not exceeding a total of seven children.
3. Two school-age children can be added to either of the above scenarios listed under numbers 2 or 3.

Family Child Care (Chapter 75-03-08): The HHS Early Childhood Licensing Unit licenses and monitors family child care programs. These programs must meet regulations per North Dakota Century Code 50-11.1 and North Dakota Administrative Code 75-03-08, including standards for background checks and basic health and safety training. These programs receive one announced and one unannounced monitoring visit per year.

- Setting: Private residence
- Age Range: Infants through 11 years old

- Number of Children: Up to 7 children, of which no more than 3 may be under the age of 24 months, plus 2 additional school-age children. A provider's own children under age 12 must be included in the total.
- Child and Adult Care Food Program Eligible: Yes
- Child Care Assistance Program Eligible: Yes

Group Child Care (Chapter 75-03-09) Group child care programs are licensed and monitored by the HHS Early Childhood Licensing Unit and must meet regulations per [North Dakota Century Code 50-11.1](#) and [North Dakota Administrative Code 75-03-09](#) including standards for background checks and basic health and safety training. These programs receive one announced and one unannounced monitoring visit per year.

- Setting: Private residence (group-home license) or non-residential building (group-facility license)
- Age Range: Infants through 11 years old
- Number of Children: Up to 30 children, dependent upon square-footage requirements, staffing ratios and local ordinances. A provider's own children under age 12 must be included in the total.
- Child and Adult Care Food Program Eligible: Yes
- Child Care Assistance Program Eligible: Yes

Center Child Care (Chapter 75-03-10): The HHS Early Childhood Licensing Unit licenses and monitors childcare centers. These programs must meet regulations per North Dakota Century Code 50-11.1 and North Dakota Administrative Rule 75-03-10, including background checks and basic health and safety training standards. These programs receive one announced and one unannounced monitoring visit per year.

- Setting: Programs are often in free-standing buildings, businesses, community centers, or places of worship. They may be privately-owned, for-profit business or a non-profit entity that is governed by a board of directors.
- Age Range: Infants through 11 years old
- Number of Children: 19 or more children
- Child and Adult Care Food Program Eligible: Yes
- Child Care Assistance Program Eligible: Yes

Preschool (Chapter 75-03-11) Private preschool programs are licensed and monitored by the HHS Early Childhood Licensing Unit and must meet regulations per [North Dakota Century Code 50-11.1](#) and [North Dakota Administrative Code 75-03-11](#), including standards for background checks and basic health and safety training. These programs receive one announced and one unannounced monitoring visit per year. Private preschool programs provide care part-time, with hours limited to three hours a day.

- Setting: Programs are often in free-standing buildings, businesses, homes, community centers, or places of worship. They may be privately-owned, for-profit business or a non-profit entity that is governed by a board of directors.
- Age Range: 2 through 5 years old
- Number of Children: Varies, dependent upon square-footage requirements

- Child and Adult Care Food Program Eligible: Yes
- Child Care Assistance Program Eligible: No

School Age (Chapter 75-03-11.1) The HHS Early Childhood Licensing Unit licenses and monitors school-age child care programs. They must meet regulations per [North Dakota Century Code 50-11.1](#) and [North Dakota Administrative Code 75-03-11.1](#), including background checks and basic health and safety training standards. These programs receive one announced and one unannounced monitoring visit per year. School-age programs provide care for children in kindergarten through sixth grade. These programs offer services before and after school, sometimes on school holidays, and through the summer months.

- Setting: Programs are often in free-standing buildings, businesses, homes, community centers, or places of worship. They may be privately owned, for-profit businesses, or non-profit entities governed by a board of directors.
- Age Range: 5 through 11 years old
- Number of Children: 19 or more children
- Child and Adult Care Food Program Eligible: Yes
- Child Care Assistance Program Eligible: Yes

Child Care Licensing Definitions

Words are important, and being clear, concise, and understandable is critical in child licensing to ensure that children receive effective and developmentally appropriate care. Each license was studied for terms currently defined and the definition currently used within licensing documents. Each license was also studied to find terms that were not clearly defined, and those were added to a definition list for each license type. Creating a licensing document that individuals can go to for a clearer understanding of their business, profession, and expectations was consistently reflected throughout each portion of the study. Items throughout the definition document that are highlighted are questions or items that could be added.

| The following charts show definitions that are currently present in each chapter and propose some rewrites of definitions. | |
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| Licensing Definitions for Chapter 75-03-08- Family Child Care Early Childhood Services, Chapter 75-03-09 Group Child Care Early Childhood Services, Chapter 75-03-10 Child Care Center Early Childhood Services, Chapter 75-03-11 Preschool Early Childhood Services, Chapter 75-03-11.1 School Age Care Program Early Childhood Services | |
| Current Definitions | Proposed Definitions |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is the date you received your license. |
| "Application" means all forms the department requires when applying or reapplying for a license. | |
| "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. | |
| "Attendance" means the total number of children present at any one time at the family child care. | "Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within |

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| | the definition and only place the ratio that applies to the license within the license. |
| "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. | "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP. |
| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| Provider means owner or operator of a family child care/group child care/child care center/preschool. | The "Provider" is the person who holds the license, owns the business, and/or is responsible for operating the business and meeting all licensing requirements according to the licensing aligned with child care programming applied. |
| Staff member means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider. Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work. Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent. "Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care. | "Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent. |
| "Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically. | "Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically. |
| Licensing Definition unique to: Chapter 75-03-07.1- Self-Declaration Providers for Early Childhood Services, Chapter 75-03-08- Family Child Care Early Childhood Services, Chapter 75-03-09 Group Child Care Early Childhood Services, Chapter 75-03-10 Child Care Center Early Childhood Services | |
| Current Definitions | Proposed Definitions |
| "Infant" means a child who is younger than twelve months of age. | "Infant" means a child who is younger than seventeen months of age. State ratio for children this age. |
| Licensing Definition unique to: Chapter 75-03-09 Group Child Care Early Childhood Services, Chapter 75-03-10 Child Care Center Early Childhood Services, Chapter 75-03-11 Preschool Early Childhood Services, Chapter 75-03-11.1 School Age Care Program Early Childhood Services | |
| Current Definitions | Proposed Definitions |
| Operator means the individual or governing board who has the legal responsibility and the administrative authority for | Operator means the individual or governing board with the legal responsibility and administrative |

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| the operation of a group child care/Child Care Center/Preschool. | authority to operate a (group child care/ Center/ or preschool). |
| Licensing Definition unique to: Chapter 75-03-09 Group Child Care Early Childhood Services, Chapter, Chapter 75-03-10 Child Care Center Early Childhood Services, Chapter 75-03-11 Preschool Early Childhood Services, Chapter 75-03-11.1 School Age Care Program Early Childhood Services | |
| Current Definitions | Proposed Definitions |
| "Supervisor" means any individual with the responsibility for organizing and supervising daily child care center activities. | "Supervisor" means an individual responsible for organizing and supervising daily program activities. |
| "Preschool" means a program licensed to provide early childhood services which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day. | "Preschool" means a program licensed to provide early childhood services for no more than three hours a day and following a developmentally appropriate preschool curriculum designed to enhance a child's physical, social, cognitive, and language development. |
| "Teacher" means an individual with the responsibility of implementing program activities, either as the director or under the supervision of the director. | "Teacher" means an individual responsible for implementing developmentally appropriate curriculum and activities, either as the director or under the supervision of the director. |
| Add these definitions to all Chapters. | |
| Current Definitions | Proposed Definitions |
| | "Developmental Age" is the age at which the child functions socially, physically, intellectually, culturally, and emotionally. |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child between 3 and 5 years of age. State the ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| | "Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child. |
| Chapter 50-11.1 North Dakota Century Code Definitions | |
| Proposed New Definitions to Create Clarity | |
| Self-Declared Applicant | Self-Declared Applicant means the person applying to operate early childhood services as an owner of a self-declared program. |

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| In- Home Applicant | In-Home Applicant means the person applying to operate early childhood services as a registered in-home provider. |
| Applies to all remaining licenses. | Applicant means the person applying for a license to operate early childhood services as an owner of an early childhood program under the following licenses: Family Child Care, Group Child Care, Child Care Center, Preschool, or School-Age Child Care. |
| Clarifying the use of Provider and Owner | <p>Can this be provider for the Family Child Care? From the <i>suggested list</i> of Vocabulary: The "Provider" is the person who holds the license, owns the business, and is responsible for operating the business and meeting all licensing requirements according to the licensing aligned with child care programming applied.</p> <p>This would eliminate the redundancy of several different terms describing the "Provider": Applicant Owner Provider</p> <p>From the <i>suggested list</i> of Vocabulary: The Owner is the person who has the legal and operational responsibility for the early childhood program and premises on which the early childhood services operate. Applicant Owner Provider Staff Member</p> |
| The following definitions are in licensing documents but not in the North Dakota Century Code Chapter 50-1.1 | |
| Supervisor means any person with the responsibility for organizing and supervising daily program activities. Listed within Chapter 75-03-11.1 | |
| The following definitions are within the North Dakota Century Code Chapter 50-1.1 and differs within licensing. | |
| <p>Operator Definition is not similar to other licensing documents- Defined in Chapter 50-11.1 "Operator" means the person that has operational responsibility for the early childhood program and premises at which the early childhood service operates.</p> <p>Defined in 75-03-08: The term operator is not defined, however, is it within the definition of Provider. "Provider" means owner or operator of a family child care. Defined in 75-03-09: "Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a group child care. Defined in 75-03-10: "Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a child care center. Defined in 75-03-11: "Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a preschool. Defined in 75-03-11.1: "Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operations of a school-age child care program.</p> | |

Registration Document is not a term present in any specific licensure. It applies to what license? All? Or some?

Defined in Chapter 50-11.1 Registration Document means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.

Defined using many different terms.

Authorized Agent/Early Childhood Services Specialist/Licensing Specialist- what one term makes the most sense. Find one and update all documents with one term.

Clean Up

Preschool License- Remove the term Child Care Center.

Under 75-03-11-08 Duties of Preschool Operator:

The care and safeguarding of personal belongings brought to the **child care center** by a child or by another on a child's behalf;

The following definitions are only in the North Dakota Century Code and not in licensing documents.

"Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider.

This is defined in the century code but not as a definition within licensure documents. However, the term applicant is used throughout the licensing document.

The following charts walk through what is present in each chapter and propose what to remove and/or add.

Chapter 75-03-07.1- Self-Declaration Providers for Early Childhood Services: Authorized to provide care and still have benefits such as child care assistance but do not hold an official "license"

Current Definitions listed within the license

Proposed Definitions to be listed within the license documentation

"Annual" is defined as the provider's licensing year.

"Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here).

"Application" means all forms the department requires when applying or reapplying for a license.

"Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides.

"Attendance" means the total number of children present at any one time at the family child care.

"Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. **Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license.**

"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions.

"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and

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| | family child care staff members who work with the child on an IFSP or IEP. |
| "Infant" means a child who is younger than twelve months of age. | "Infant" means a child who is younger than seventeen months of age. State ratio for children this age. |
| Provider is the person that is the self-declaration applicant and the holder of the self-declaration applicant. | The "Provider" is the person who holds the license, owns the business and is responsible for operating the business and meeting all licensing requirements. |
| "Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care. | "Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent. |
| "Supervision" means a provider or emergency designee responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler at all times so that the provider or emergency designee is capable of intervening to protect the health and safety of the child. For the school-age child, it means a provider or emergency designee responsible for caring for or teaching children being available for assistance and care so that the child's health and safety is protected. | "Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child. |
| "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months. | "Self-Declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven. No more than three of the children can be under the age of twenty-four months. This type of documentation does not provide a license but does allow the provider to claim child care assistance, apply for the food program, and |
| Terms that are listed throughout the Self-Declaration Document but not included within the Definitions-proposing to add to the definitions. | Proposed new definition. |
| "Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. | |
| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| Early childhood services mean the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. | |
| "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily. | |
| Medication is any drug or remedy taken internally or orally, inhaled, or applied topically. | |

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| "Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian. | |
| "Premises" means the indoor and outdoor areas approved for providing early childhood services. | |
| Registration ?? "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules. | This would need to be reworked to support both in-home and self-declared if used in both documents. Need to ask if this makes sense to include. |
| "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months. | |
| Add these definitions | |
| Current Definitions | Proposed Definitions |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| | "Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child. |
| Chapter 75-03-07- In-Home Child Care Early Childhood Services: Any person who provides early childhood services to children in the children's home. | |
| Current Definitions listed within the license | Proposed Definitions to be listed within the license documentation |
| It states within the chapter: North Dakota Century Code section 50-11.1-02. | I suggest listing the exact definitions that align with the license. |
| "Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. | |

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| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. | |
| "In-home provider" means any person who provides early childhood services to children in the children's home. | |
| "Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian. | |
| "Provider" means an early childhood program, self-declaration, or registered in-home provider. | |
| "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter. | This is defined within North Dakota Century Code Section 50-11.1-02 however the term is not used once within the document. |
| "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department. | What does this mean? |
| Add these definitions | |
| Current Definitions | Proposed Definitions |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| | "Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child. |
| Terms that are not listed within the In-Home Child Care Early Childhood Services but are listed within North Dakota Century Code section 50-11.1-02. – States within the chapter that it follows the definitions within the ND Century Code. | |
| Child Care Center | Licensed |
| Drop-in Care | Licensee |

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| Early Childhood Program | Multiple License Program |
| Family Child Care | Operator |
| Four Year Old Program | Owner |
| Group Child Care | Premises |
| Household member- these individuals do no have to do a background check? | Preschool |
| Public Approval | School Age Child Care |
| Self-Declaration | Staff Member |
| Chapter 75-03-08- Family Child Care Early Childhood Services: Authorized to provide care and still have benefits such as child care assistance but do not hold an official "license". | |
| Current Definitions listed within the license | Proposed Definitions to be listed within the license documentation |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here). |
| "Application" means all forms the department requires when applying or reapplying for a license. | |
| "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. | |
| "Attendance" means the total number of children present at any one time at the family child care. | "Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license. |
| "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. | "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP. |
| "Infant" means a child who is younger than twelve months of age. | "Infant" means a child who is younger than seventeen months of age. State ratio for children this age. |
| "Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically. | "Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically. |
| Provider means owner or operator of a family child care/group child care/child care center/preschool. | The "Provider" is the person who holds the license, owns the business and is responsible for operating the business and meeting all licensing requirements. |
| Staff member" means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider. | "Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent. |

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| <p>Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work.</p> <p>Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent.</p> <p>"Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care.</p> | |
| <p>Terms that are listed throughout Chapter 75-03-08 Family Child Care Services but not included within the Definitions- proposing to add to the definitions.</p> | <p>Proposed new definition.</p> |
| <p>"Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider.</p> | |
| <p>"Department" means the department of health and human services.</p> | <p>"Department" means the Department of Health and Human Services.</p> |
| <p>"Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services.</p> | |
| <p>"Supervision" means a provider or emergency designee responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler at all times so that the provider or emergency designee is capable of intervening to protect the health and safety of the child. For the school-age child, it means a provider or emergency designee responsible for caring for or teaching children being available for assistance and care so that the child's health and safety is protected.</p> | <p>"Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child.</p> |
| <p>"Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.</p> | <p>Family child care refers to a provider who is at least 18 years of age and has a private residence licensed to provide childhood services for up to 7 children. However, the provider must meet adult-to-child ratios according to the ages of the children in the family child care.</p> |
| <p>"Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.</p> | |
| <p>"Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.</p> | |
| <p>"Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.</p> | |
| <p>"Premises" means the indoor and outdoor areas approved for providing early childhood services.</p> | |

| Add these definitions | |
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| Current Definitions | Proposed Definitions |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| Chapter 75-03-09- Group Child Care Early Childhood Services: means a child care program licensed to provide early childhood services for thirty or fewer children. | |
| Current Definitions listed within the license | Proposed Definitions to be listed within the license documentation |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here). |
| "Application" means all forms the department requires when applying or reapplying for a license. | |
| "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. | |
| "Attendance" means the total number of children present at any one time at the family child care. | "Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license. |
| "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. | "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP. |
| Staff member" means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider. | "Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent. |

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| <p>Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work.</p> <p>Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent.</p> <p>"Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care.</p> | |
| <p>"Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a group child care.</p> <p>"Provider" means an early childhood program, self-declaration, or registered in-home provider, as listed in Chapter 50-11.1. "Provider" means the group child care owner or operator, as listed in Chapter 75-03-09.</p> <p>"Owner" means the person who has legal responsibility for the early childhood program and premises at which the early childhood service operates.</p> | <p>Operator means the individual or governing board with the legal responsibility and administrative authority to operate a group child care and the premises at which the early childhood service operates.</p> |
| <p>"Infant" means a child who is younger than twelve months of age.</p> | <p>"Infant" means a child who is younger than seventeen months of age. State ratio for children this age.</p> |
| <p>"Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically.</p> | <p>"Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically.</p> |
| <p>Terms that are listed throughout Chapter 75-03-09 Group Child Care Services but not included within the Definitions- proposing to add to the definitions.</p> | <p>Proposed new definition.</p> |
| <p>"Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider.</p> | |
| <p>"Department" means the department of health and human services.</p> | <p>"Department" means the Department of Health and Human Services.</p> |
| <p>"Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services.</p> | |
| <p>"Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.</p> | |
| <p>"Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.</p> | |
| <p>"Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.</p> | |
| <p>"Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.</p> | |

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| "Premises" means the indoor and outdoor areas approved for providing early childhood services. | |
| Add these definitions | |
| Current Definitions | Proposed Definitions |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| | "Supervision" means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child. |
| Chapter 75-03-10- Child Care Center Early Childhood Services: means an early childhood program licensed to provide early childhood services to nineteen or more children. | |
| Current Definitions listed within the license | Proposed Definitions to be listed within the license documentation |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here). |
| "Application" means all forms the department requires when applying or reapplying for a license. | |
| "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. | |
| "Attendance" means the total number of children present at any one time at the family child care. | "Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license. |
| "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. | "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be |

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| | understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP. |
| "Director" means the individual responsible for overseeing the general operation and implementing the policies and procedures of the child care center. | |
| <p>Staff member" means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider.</p> <p>Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work.</p> <p>Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent.</p> <p>"Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care.</p> | "Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent. |
| <p>"Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a group child care.</p> <p>"Provider" means an early childhood program, self-declaration, or registered in-home provider, as listed in Chapter 50-11.1.</p> <p>"Owner" means the person who has legal responsibility for the early childhood program and premises at which the early childhood service operates.</p> | Operator means the individual or governing board with the legal responsibility and administrative authority to operate a group child care and the premises at which the early childhood service operates. |
| "Infant" means a child who is younger than twelve months of age. | "Infant" means a child who is younger than seventeen months of age. State ratio for children this age. |
| "Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically. | "Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically. |
| Terms that are listed throughout Chapter 75-03-10 Child Care Center Early Childhood Services but not included within the Definitions- proposing to add to the definitions. | Proposed new definition. |
| "Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. | |
| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. | |

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| "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children. | |
| "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families. | |
| "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services. | |
| "Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian. | |
| "Premises" means the indoor and outdoor areas approved for providing early childhood services. | |
| Add these definitions | |
| Current Definitions | Proposed Definitions |
| | "Toddler" means a child who is between 18 months and 35 months. State ratio for children this age. |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "School Age" means a child 6 to 12 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| Chapter 75-03-11- Preschool Early Childhood Services: means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day. | |
| Current Definitions listed within the license | Proposed Definitions to be listed within the license documentation |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here). |
| "Application" means all forms the department requires when applying or reapplying for a license. | |
| "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. | |
| "Assistant" means any individual who works directly with children in a preschool under the supervision of a teacher or a director. | This definition is not listed in Chapter 50-11.1 but is listed in Chapter 75-03-11 |

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| <p>"Attendance" means the total number of children present at any one time at the family child care.</p> | <p>"Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license.</p> |
| <p>"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions.</p> | <p>"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP.</p> |
| <p>"Director" means the individual responsible for overseeing the general operation and implementing the policies and procedures of the child care center.</p> | |
| <p>"Teacher" means an individual with the responsibility of implementing program activities, either as the director or under the supervision of the director.</p> | <p>"Teacher" means an individual responsible for implementing developmentally appropriate curriculum and activities, either as the director or under the supervision of the director.</p> |
| <p>Staff member" means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider. (this definition is not included within Chapter 75-03-11, but included here to keep consistency with the proposed change to one term- Staff member to cover four terms).</p> <p>Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work.</p> <p>Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent.</p> <p>"Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care.</p> | <p>"Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent.</p> |
| <p>"Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a group child care.</p> <p>"Provider" means an early childhood program, self-declaration, or registered in-home provider, as listed in Chapter 50-11.1.</p> <p>"Owner" means the person who has legal responsibility for the early childhood program and premises at which the early childhood service operates.</p> | <p>Operator means the individual or governing board with the legal responsibility and administrative authority to operate a group child care and the premises at which the early childhood service operates.</p> |
| <p>"Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically.</p> | <p>"Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically.</p> |

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| "Preschool" means a program licensed to provide early childhood services which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day. | "Preschool" means a program licensed to provide early childhood services for no more than three hours a day and following a developmentally appropriate preschool curriculum designed to enhance a child's physical, social, cognitive, and language development. |
| Terms that are listed throughout Chapter 75-03-11 Preschool Early Childhood Services but not included within the Definitions- proposing to add to the definitions. | Proposed new definition. |
| "Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. | |
| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. | |
| "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services. | |
| "Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian. | |
| "Premises" means the indoor and outdoor areas approved for providing early childhood services. | |
| Add The Definitions | |
| Current definitions | Proposed new definition |
| | "Preschool" means a child who is between 3 to 5 years of age. State ratio for children this age. |
| | "IFSP" is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | "IEP" is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age. |
| Chapter 75-03-11.1- School-AGE Child Care Program Early Childhood Services: means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day. | |
| "Annual" is defined as the provider's licensing year. | "Annual" is defined as the provider's licensing year. The licensing year is (put definition of this here). |
| "Application" means all forms the department requires when applying or reapplying for a license. | |

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| <p>"Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides.</p> | |
| <p>"Attendance" means the total number of children present at any one time at the family child care.</p> | <p>"Attendance" means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license.</p> |
| <p>"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions.</p> | <p>"Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP.</p> |
| <p>"Director" means the individual responsible for overseeing the general operation and implementing the policies and procedures of the child care center.</p> | <p>This term is not listed in Chapter 50.11.1.</p> |
| <p>"Supervisor" means any person with the responsibility for organizing and supervising daily program activities. This term is not listed in Chapter 50.11.1.</p> | <p>Can we use- "Teacher" means an individual responsible for implementing developmentally appropriate curriculum and activities, either as the director or under the supervision of the director.</p> |
| <p>Staff member" means an individual: a. Who is an employee or operator of an early childhood provider; b. Whose activities involve the care, supervision, or guidance of children of an early childhood provider; or c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood provider. (this definition is not included within Chapter 75-03-11, but included here to keep consistency with the proposed change to one term- Staff member to cover four terms).</p> <p>Substitute Staff means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work.</p> <p>Volunteer Means an individual who visits or provides an unpaid service, including a firefighter for Fire Safety Week, a practicum student, or a foster grandparent.</p> <p>"Emergency designee" means an individual designated by the family/group/center/preschool/school-age child care program to be a backup staff member for emergency assistance or to provide substitute care.</p> | <p>"Staff Member(s)" means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent.</p> |
| <p>"Operator" means the individual or governing board who has the legal responsibility and the administrative authority for the operation of a group child care.</p> <p>"Provider" means an early childhood program, self-declaration, or registered in-home provider, as listed in Chapter 50-11.1.</p> | <p>Operator means the individual or governing board with the legal responsibility and administrative authority to operate a group child care and the premises at which the early childhood service operates.</p> |

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| "Owner" means the person who has legal responsibility for the early childhood program and premises at which the early childhood service operates. | |
| "Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically. | "Medication" is any drug or remedy taken internally or orally, inhaled, or applied topically. |
| "School-age child care program" or "program" means a program licensed to provide early childhood services exclusively to school-age children before and after school, during school holidays, and during summer vacation. | |
| Terms that are listed throughout Chapter 75-03-11.1 School-Age Child Care Program Early Childhood Services but not included within the Definitions-proposing to add to the definitions. | Proposed new definition. |
| "Applicant" means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. | |
| "Department" means the department of health and human services. | "Department" means the Department of Health and Human Services. |
| "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. | |
| "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services. | |
| "Parent" means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian. | |
| "Premises" means the indoor and outdoor areas approved for providing early childhood services. | |
| Add The Definitions | |
| Current definitions | Proposed new definition |
| | “School Age” means a child 6 to 12 years of age. State ratio for children this age. |
| | “IFSP” is an acronym for Individual Family Service Plan, a written plan created by the child’s IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families. |
| | “IEP” is an acronym for Individual Education Plan, a written plan created to meet the |

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| | individual needs, concerns, and priorities of children from 3 to 21 years of age. |
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The layout of these definitions is also included within the [Standards Crosswalk Excel spreadsheet](#) so that you can see the line-up according to license.

Qualifications, Training, and Age Requirements

Each license was examined to determine the qualifications needed to hold different roles within early childhood programming, the training needed to perform the job according to the license, and the ages of individuals able to work within early childhood programs. Below are the following licenses broken down according to qualifications, training, and age required within family child care, group child care, center child care, preschool, and school-age programming. This work is also included in the [Standards Crosswalk Excel spreadsheet](#).

Items to consider while reviewing:

- **Qualifications:** As you review the qualifications throughout licensure, you will notice that education and qualifications are more rigorous for directors or supervisors, and those working directly with children require minimal to no qualifications. The one exception is the preschool license, which has similar qualifications for the director and teacher.
- **Training:** As you review the training requirements, the fewer hours a person works in a program, the fewer training hours they are expected to complete each year. Why? Does the number of hours a person works with children matter? If a person spends 2 or 40 hours a week with children, they need to be effectively trained in CPR/First Aid, Infant Sleep, child guidance, and developmentally appropriate practices. Within licensing, it is stated without being stated that minimum understanding is good enough.
- **Age:** As you review the age requirements throughout licensure, reflect on an individual's brain development for decision-making, reasoning, and problem-solving at the ages of 12, 16, and 18. Taking care of children is an incredible responsibility, and the ages that are allowed to be "professional" within a program may need to be reviewed, discussed, and revised as necessary.

Ages listed for responsibilities.

Family Child Care

- Minimum 18 years Old- to run a family child care.
- Staff Member- Minimum of 14 Years of Age- Staff members under 16 need written parental consent.

Group

Supervisor

- There is not a specific age cited for being able to be an owner or supervisor. It just states that one must be an adult. What does this mean?
- However, it states, "Children under the age of eighteen shall have adult supervision in the group child care at all times".
- "The driver must be eighteen years of age or older and must comply with all relevant federal, state, and local laws, including child restraint system laws. "

** There are discrepancies in the ages and the person's responsibilities according to age.

Staff Member

- Staff Member- Minimum of 14 Years of Age- Staff members under 16 need written parental consent.
- An immediate family member can be a staff member if they are at least 12.

Center

Director & Supervisor

- There is not a specific age cited for being able to be an owner or supervisor. It just states that one must be an adult. What does this mean?
- Ensure that staff members responsible for caring for or teaching children under the age of eighteen are supervised by an adult staff member- what does this mean? If a staff member is under the age of 18 they are supervised by an adult? What is the minimum age of a staff member?
- "The driver must be eighteen years of age or older and shall comply with all relevant federal, state, and local laws, including child restraint system laws."

Staff Member

- Staff Member- Minimum of 14 Years of Age- Staff members under 16 need written parental consent.

Preschool

Operator

- There are no statements of age qualifications for an operator of a preschool.
- The only statement of age is "The driver must be eighteen years of age or older and must comply with all relevant federal, state, and local laws, including child restraint system laws."

Preschool Director

- There is not a specific age cited for being able to be a preschool director. It just states that one must be an adult. What does this mean?

Teacher or Assistant Teacher

- No specific age limits stated.

School-Age Child Care

Operator, Director, Supervisor

- There are no statements of age qualifications for an operator of a school-age program
- The only statement of age is "The driver must be eighteen years of age or older and must comply with all relevant federal, state, and local laws, including child restraint system laws."

Teacher

- Must be at least 16 years old.

Educational Requirements for Job

Family Child Care

- No Educational Requirements.

Group

Supervisor must meet one of the following:

a. A bachelor's degree in the field of early childhood education or child development;

b. An associate's degree with at least one of the following:

(1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development;

(2) One hundred twenty hours of department-approved early childhood training; **or**

(3) A director's credential approved by the department;

c. Current certification as a child development associate or successful completion of a department-approved diploma program with emphasis in early childhood or child care;

d. Certification from a Montessori teacher training program;

e. At least one year of exclusive experience as a self-declaration holder or licensed child care provider with positive references from at least two parents whose children were in the provider's care;

f. A high school degree or equivalency with certification of completion in a secondary occupational child care program and at least one year of exclusive experience working with young children, with references from at least two individuals who either had their children in the group child care supervisor's care or instructed the group child care supervisor in child care programming **or**

g. A minimum of one year of exclusive experience providing care to three or more children, with positive references from at least two parents whose children were in the group child care supervisor's care or a center director or teacher who observed the group child care supervisor's care of children first hand.

Staff Members

- No Educational requirements.

Center

Director

- a. A bachelor's degree in the field of early childhood education or child development;
- b. An associate's degree with at least one of the following:
 - (1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development;
 - (2) One hundred twenty hours of department-approved early childhood training; **or**
 - (3) A director's credential approved by the department;
- c. Current certification as a child development associate or successful completion of a department-approved diploma program with emphasis in early childhood or child care;
- d. Certification from a Montessori teacher training program;
- e. At least one year of exclusive experience as a self-declaration holder or licensed child care provider with positive references from at least two parents whose children were in the provider's care;
- f. A high school degree or equivalency with certification of completion in a secondary occupational child care program and at least one year of exclusive experience working with young children, with references from at least two individuals who either had their children in the group child care supervisor's care or instructed the group child care supervisor in child care programming **or**
- g. A minimum of one year of exclusive experience providing care to three or more children, with positive references from at least two parents whose children were in the group child care supervisor's care or a center director or teacher who observed the group child care supervisor's care of children first hand.

Supervisor

Hold at least one of the following qualifications:

- a. An associate degree in the field of early childhood development;
- b. Current certification as a child development associate or successful completion of a department-approved diploma program with an emphasis in early childhood or child care;
- c. Certification from a Montessori teacher training program; or
- d. A high school diploma or high school equivalency with at least one year of experience in a child care or similar setting;

Staff

- No Educational requirements.

Preschool**Operator**

- No Educational requirements.

Director

The director shall hold at least one of the following qualifications, in addition to those set out in subsection 1:

- a. A bachelor's degree in the field of early childhood education with eight or more weeks of supervised student teaching experience in a preschool or similar setting;
- b. A bachelor's degree with at least six months of experience in a preschool or similar setting and one of the following:
 - (1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development;
 - (2) One hundred twenty hours of department-approved early childhood training; or (3) A director's credential approved by the department;
- c. An associate degree in the field of early childhood education or child development with at least six months of experience in a preschool or similar setting;
- d. An associate's degree with at least one year of experience in a preschool or similar setting and one of the following:
 - (1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development;
 - (2) One hundred twenty hours of department-approved early childhood training; or
 - (3) A director's credential approved by the department;
- e. Current certification as a child development associate or similar status, with at least one year of experience in a preschool or similar setting; or
- f. Certification from a Montessori teacher training program with at least one year of experience in a Montessori school, preschool, or similar setting.

Teacher

Hold at least one of the following qualifications:

- a. A bachelor's degree with at least eight semester hours or twelve quarter hours of department-approved early childhood education or child development;
- b. A teaching certificate in elementary education or kindergarten endorsement;
- c. An associate's degree in the field of early childhood education or child development;
- d. An associate's degree with at least one year of experience in a preschool or similar setting and one of the following:
 - (1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development; or
 - (2) One hundred twenty hours of department-approved early childhood training;
- e. Current certification as a child development associate or similar status; or
- f. Certification from a Montessori teacher training program.

Assistant Teacher

- Hold either a high school diploma or a high school equivalency.

School-Age Child Care

Operator

- No Educational requirements.

Director

Hold at least one of the following qualifications:

- a. A bachelor's degree with at least eight semester hours or twelve quarter hours of department-approved early childhood education or child development;
- b. A teaching certificate in elementary education or kindergarten endorsement;
- c. An associate's degree in the field of early childhood education or child development;
- d. An associate's degree with at least one year of experience in a preschool or similar setting and one of the following:
 - (1) Eight semester hours or twelve quarter hours of department-approved early childhood education or child development; or
 - (2) One hundred twenty hours of department-approved early childhood training;
- e. Current certification as a child development associate or similar status; or
- f. Certification from a Montessori teacher training program.

Supervisor

Hold at least one of the following qualifications:

- a. An associate degree in the field of early childhood development or elementary education, or a secondary degree with an emphasis on middle school or junior high training;
- b. Current certification as a child development associate;
- c. Certification from a Montessori teacher training program; or
- d. A high school diploma or high school equivalency with at least one year of experience in a child care program or similar setting.

Staff

- No Educational requirements.

Training Requirements

Family Child Care

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- Complete 9 hours of department-approved child care training yearly.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- Up to date with infant and pediatric First Aid & CPR and the use of a defibrillator within 90 days of employment and before a staff member can have unsupervised access to children.

Group

Supervisor

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- Complete 9 hours of department-approved child care training yearly.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)

Staff Member

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- Up to date with infant and pediatric First Aid & CPR and the use of a defibrillator within 90 days of employment and before a staff member can have unsupervised access to children.
- The number of hours needed in department-approved training annually depends on how many hours a staff member works per week.
30 hours or more- 8 hours of training annually.
20-30 hours- 6 hours of training annually.
10-20 hours- 4 hours of training annually.
Under 10 hours- 2 hours of training annually

Center

Director

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- Complete 9 hours of department-approved child care training yearly.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- 13 hours annually of department-approved training.

Supervisor

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- Complete 9 hours of department-approved child care training yearly.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- 13 hours annually of department-approved training.

Staff Member

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- Up to date with infant and pediatric First Aid & CPR and the use of a defibrillator within 90 days of employment and before a staff member can have unsupervised access to children.
- The number of hours needed in department-approved training annually depends on how many hours a staff member works per week.
30 hours or more- 8 hours of training annually.
20-30 hours- 6 hours of training annually.
10-20 hours- 4 hours of training annually.
Under 10 hours- 2 hours of training annually
- Substitute staff and emergency designees are exempt from the annual training requirements except for One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour) and Safe Sleep Training taken annually (1 hour). They only need 2 hours of training a year.

Preschool**Operator, Director, Teacher, and Assistant Teacher**

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- Up to date with infant and pediatric First Aid & CPR and the use of a defibrillator within 90 days of employment and before a staff member can have unsupervised access to children.
- The number of hours needed in department-approved training annually depends on how many hours a staff member works per week.
30 hours or more- 8 hours of training annually.
20-30 hours- 6 hours of training annually.
10-20 hours- 4 hours of training annually.
Under 10 hours- 2 hours of training annually
- Substitute staff and emergency designees are exempt from the annual training requirements except for One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour) and Safe Sleep Training taken annually (1 hour). They only need 2 hours of training a year.

School-Age Child Care

Operator, Director, or Supervisor

- Nothing specific is listed for training.

School-Age Child Care Staff Member

- Must complete the basic child care course (15 hours) within 90 days of licensure.
- One Hour Mandated Reporter of Suspected Child Abuse and Neglect taken annually (1 Hour)
- Safe Sleep Training taken annually (1 hour)
- Up to date with infant and pediatric First Aid & CPR and the use of a defibrillator within 90 days of employment and before a staff member can have unsupervised access to children.
- The number of hours needed in department-approved training annually depends on how many hours a staff member works per week.
30 hours or more- 8 hours of training annually.
20-30 hours- 6 hours of training annually.
10-20 hours- 4 hours of training annually.
Under 10 hours- 2 hours of training annually

Ratios

The ratios listed throughout the licenses are difficult to read and understand. There is not a clear way to decipher or understand exactly what is expected for each license. The [Standards Crosswalk Excel spreadsheet](#) contains several examples of how other states set up documents to explain ratios clearly and concisely.

Ratios

Family Child Care

Ratios are not defined or discussed within the licensing document.

This is the only place that the term “Ratios” is used within the license- The provider shall have policies that 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 children participating in aquatic activities, and additional safety precautions to be taken.

Group Child Care

1. The number of staff members and their responsibilities must reflect program requirements, individual differences in the needs of the children enrolled, and may permit flexible groupings, if necessary.
2. a. A provider may provide early childhood services for no more than seven children at any one time, which includes no more than three children under twenty-four months of age. A provider may also provide early childhood services to two additional school-age children; or b. A provider may elect to staff according to the following minimum ratio of staff members responsible for caring for or teaching children to children in group child care:
 - (1) For children younger than eighteen months of age, a ratio of .25 in decimal form is assigned;
 - (2) For children eighteen months of age to thirty-six months of age, a ratio of .20 in decimal form is assigned;
 - (3) For children thirty-six months of age to four years of age, a ratio of .14 in decimal form is assigned;
 - (4) For children four years of age to five years of age, a ratio of .10 in decimal form is assigned;
 - (5) For children five years of age to six years of age, a ratio of .08 in decimal form is assigned;
 - (6) For children six years to twelve years of age, a ratio of .05 in decimal form is assigned; and
 - (7) When there is a mixed-aged group, the number of children in each age category is multiplied by the corresponding ratio number, converted to decimal form, and carried to the nearest hundredth. To determine the number of staff members responsible for caring for or teaching children necessary at any given time, numbers of staff members for all age categories are added, and any fractional staff member count is then rounded to the next highest whole number whenever the fractional staff member count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped. No more than four children under the age of eighteen months per staff member are allowed in any mixed-aged group.
3. A provider licensed for at least two years may apply for a waiver of the required ratio, not to exceed .25 decimal point. The department shall consider demonstration of need, health and safety of children, age of children, number of children, and licensing history of the provider in determining whether to approve the application for a waiver. The department may deny an application for waiver and may revoke a waiver granted under this subsection. The decision to deny or revoke a waiver is not an appealable decision. The department shall review each waiver granted under this subsection annually to determine if the circumstances which led to granting the waiver continue to exist.
4. The provider of a group child care shall ensure that the group child care is sufficiently staffed at all times to meet the child and staff ratios for children in attendance, and that no more children than the licensed capacity are served at one time.
5. If a child with special needs is admitted to the group child care, the child's developmental age level must be used in determining the number of children for which care can be provided. 6. The provider shall ensure that children with special needs requiring more than usual care and supervision have adequate care and supervision provided to them without adversely affecting care provided to the remaining children in the group child care.

Center Child Care

1. The number of staff members and their responsibilities must reflect program requirements and individual differences in the needs of the children enrolled, and may permit mixed-age groups, if necessary. Service personnel engaged in housekeeping and food preparation may not be counted in the child to staff ratio for periods of time when they are engaged in housekeeping or food preparation.

2. a. The operator shall ensure that the child care center is sufficiently staffed at all times to meet the child to staff ratios for children in attendance and that no more children than the licensed capacity are served at one time. The minimum ratio of staff members responsible for caring for or teaching children to children in child care centers and maximum group size of children must be:

(1) For children less than eighteen months of age, one staff member may care for four children, a ratio of .25 in decimal form, with a maximum group size of ten children;

(2) For children eighteen months of age to thirty-six months of age, one staff member may care for five children, a ratio of .20 in decimal form, with a maximum group size of fifteen children;

(3) For children three years of age to four years of age, one staff member may care for seven children, a ratio of .14 in decimal form, with a maximum group size of twenty children;

(4) For children four years of age to five years of age, one staff member may care for ten children, a ratio of .10 in decimal form, with a maximum group size of twenty-five children;

(5) For children five years of age to six years of age, one staff member may care for twelve children, a ratio of .08 in de

(6) For children six years to twelve years of age, one staff member may care for twenty children, a ratio of .05 in decimal form, with a maximum group size of forty children.

b. When there are mixed-age groups in the same room, the operator shall ensure:

(1) The maximum group size is consistent with the:

(a) Age of the majority of the children; or

(b) Highest number of children in the youngest age group;

(2) When children age zero to eighteen months are in the mixed-age group, the maximum group size does not exceed ten children;

(3) The mixed-age group does not exceed the acceptable ratio pursuant to subdivision d of subsection 2 of section 75-03-10-08 and the maximum number of children per staff member pursuant to subdivision a of subsection 2 of section 75-03-10-08; and

(4) If the mixed-age group contains the maximum number of children per staff member pursuant to subdivision a of subsection 2 of section 75-03-10-08, the mixed-age group may only contain additional older children.

c. When there is a mixed-age group, the number of children in each age category is multiplied by the corresponding ratio number, converted to decimal form, and carried to the nearest hundredth. To determine the number of staff members responsible for caring for or teaching children necessary at any given time, numbers of staff members for all age categories are added, and any fractional staff member count is then rounded to the next highest whole number whenever the fractional staff member count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped. 3. If a child with special needs is admitted to the child care center, the child's developmental age level must be used to determine into which age group the child should be placed for determining child to staff ratios.

4. The operator shall ensure that a child with special needs requiring more than usual care and supervision has adequate care and supervision without adversely affecting care provided to the other children in the child care center.

5. An operator licensed for at least two years may apply for a waiver of the required ratio and maximum group size, not to exceed .25 decimal point per group. The department shall consider demonstration of need, health and safety of children, age of children, number of children, and licensing

history of the operator in determining whether to approve the application for a waiver. The department may deny an application for waiver and may revoke a waiver granted under this subsection. The decision to deny or revoke a waiver is not an appealable decision. The department shall review each waiver granted under this subsection. The decision to deny or revoke a waiver is not an appealable decision. The department shall review each waiver granted under this subsection annually to determine if the circumstances which led to granting the waiver continue to exist.

Preschool

1. The number of staff members and their responsibilities must reflect program requirements and individual differences in the needs of the children enrolled, and may permit mixed-age groups, if necessary. Service personnel engaged in housekeeping and food preparations may not be counted in the child to staff member ratio for periods of time when they are engaged in housekeeping or food preparation.
2. The minimum ratio of staff members responsible for caring for or teaching children to children in preschool must be:
 - a. If all children in care are children two years of age to three years of age, one staff member may care for six children, a ratio of .167 in decimal form.
 - b. If all children in care are children three years of age to four years of age, one staff member may care for eleven children, a ratio of .09 in decimal form.
 - c. If all children in care are children four years of age to five years of age, one staff member may care for thirteen children, a ratio of .077 in decimal form.
 - d. If all children in care are children five years of age to six years of age, one staff member may care for sixteen children, a ratio of .063 in decimal form.
 - e. There must be at least one director or teacher, in addition to at least one staff member responsible for caring for or teaching children, per group of ten children, if the group includes children two years old.
 - f. There must be at least one director or teacher, in addition to at least one staff member responsible for caring for or teaching children, per group of twenty children, if the group includes children three years old.
 - g. There must be at least one director or teacher, in addition to at least one staff member responsible for caring for or teaching children, per group of twenty-four children, ages four to six.
3. When there are mixed-age groups, the number of children in each category is multiplied by the corresponding ratio number, converted to decimal form, and carried to the nearest hundredth. To determine the number of staff members responsible for caring for or teaching children necessary at any given time, numbers of staff members for all age categories are added, and any fractional staff member count is then rounded to the next highest whole number whenever the fractional staff member count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped.
4. If a child with special needs is admitted to the preschool, the child's developmental age level must be used in determining the child to staff ratios.
5. The operator shall ensure that a child with special needs requiring more than usual care and supervision has adequate care and supervision without adversely affecting care provided to the other children in the preschool.

School-Age Child Care

There are not specific guidelines stated, these are the statements that refer to ratio:

- Shall ensure that the school-age child care program is sufficiently staffed at all times to meet the child to staff ratios for children in attendance and that no more children than the licensed capacity are served at any one time;
- One staff member may care for or teach a maximum of twenty children, with a maximum group size of forty children.
- A staff member may be counted in the required ratio only for the time the staff member is directly responsible for a group of children.
- The director shall ensure that staff members responsible for caring for or teaching children and children under the age of eighteen are supervised by an adult at all times while in the school-age child care program.

Language Duplication, Term Clarification, Updates Needed

This portion of the [Standards Crosswalk Excel spreadsheet](#) focuses on inconsistent terms and language, which are mentioned randomly or need to be updated. The spreadsheet lists the details and questions regarding duplication, clarification, and language updates.

Current Licenses Aligned & Rewritten

Each of the current licenses was reviewed, re-aligned, and rewritten to understand better the expectations and requirements of each type of license. For example, family child care licensing shows the alignment between the current setup and a proposed license setup. The topics of the license were reviewed and categorized into categories that aligned versus having topics scattered throughout. You can see below that everything aligned with licensing is one area of the license. This is also true for provider and staffing, admission procedures for children, minimum programming requirements, minimum facility requirements, health and safety, food and nutrition, transportation, and emergency procedures.

| Family Child Care Early Childhood Services | |
|--|--|
| Current | Proposed |
| Section 75-03-08-01 Purpose [Repealed] | Family Child Care Early Childhood Services Defined (New) |
| 75-03-08-02 Authority and Objective [Repealed] | Family Child Care Ratios (New) |
| 75-03-08-03 Definitions | Definitions (75-03-08-03) |
| 75-03-08-04 Effect of Licensing and Display of License | Family Child Care License (New) |
| 75-03-08-05 Denial or Revocation of License | Approved License (75-03-08-04) |
| 75-03-08-05.1 Family Child Care License [Repealed] | Denial or Cancellation of Family Child Care License (75-03-08-05, 75-03-08-05.1) |

| | |
|--|---|
| 75-03-08-06 Provisional License | Provisional License (75-03-08-06, 75-03-08-08) |
| 75-03-08-06.1 Restricted License | Restricted License (75-03-08-06.1, 75-03-08-07) |
| 75-03-08-07 Application for and Nontransferability of Family Child Care License | Correction of Violations (75-03-08-29) |
| 75-03-08-08 Family Child Care Homes Registered Prior to Effective Date [Repealed] | Fiscal Sanctions (75-03-08-30) |
| 75-03-08-08.1 Duties of the Provider | Appeals (75-03-08-31) |
| 75-03-08-09 Staffing Requirements | Provider and Staffing (New) |
| 75-03-08-10 Minimum Qualifications of Providers | Provider Minimum Qualifications (75-03-08-10, 75-03-08-08.1, 75-03-08-13, 75-03-08-08.1) |
| 75-03-08-11 [Reserved] | Family Child Care Staff Member Minimum Qualifications (75-03-08-09, 75-03-08-12, 75-03-08-12.1, 75-03-08-13, 75-03-08-08.1) |
| 75-03-08-12 Minimum Qualifications for All Staff Members Responsible for Caring for or Teaching Children | Effect of Conviction of the Provider or a Staff Member (75-03-08-27) |
| 75-03-08-12.1 Minimum Qualifications of Volunteers | Child Abuse and Neglect (75-03-08-28) |
| 75-03-08-13 Minimum Health Requirements for All Applicants, Providers, and Staff Members Responsible for Caring for or Teaching Children | Admission Procedures for Children (75-03-08-19, 75-03-08-24) |
| 75-03-08-14 Minimum Requirements of the Facility | Minimum Programming Requirements for Children |
| 75-03-08-15 Minimum Standards for Provision of Transportation | Minimum Requirements for Care of Children with Special Needs (75-03-08-25) |
| 75-03-08-16 Minimum Emergency Evacuation and Disaster Plan | Minimum Requirements for Infant Care (75-03-08-24) |
| 75-03-08-17 [Reserved] 75-03-08-18 [Reserved] | Environment and Interactions (75-03-08-24) |
| 75-03-08-19 Admission Procedures | Feeding Procedures (75-03-08-24) |
| 75-03-08-20 Program Requirements | Diapering (75-03-08-24) |
| 75-03-08-21 Minimum Standards for Food and Nutrition | Sleeping (75-03-08-20) |
| 75-03-08-21.1 Minimum Sanitation and Safety Requirements | Minimum Requirements for Over Night Care (75-03-08-24) |
| 75-03-08-22 Records | Guidance Requirements (New) (75-03-08-23) |
| 75-03-08-23 Discipline - Punishment Prohibited | Minimum Requirements of the Facility (75-03-08-14) |
| 75-03-08-24 Specialized Types of Care and Minimum Requirements | Health and Safety (75-03-08-21.1) |
| 75-03-08-25 Minimum Requirements for Care of Children With Special Needs | Food and Nutrition (75-03-08-21) |
| 75-03-08-26 [Reserved] | Minimum Standards for Providing Transportation (75-03-08-15) |
| 75-03-08-27 Effect of Conviction on Licensure and Employment | Minimum Emergency Evacuation and Disaster Plan (75-03-08-16) |
| 75-03-08-28 Child Abuse and Neglect Decisions | |
| 75-03-08-29 Correction of Violations | |

| | |
|------------------------------|--|
| 75-03-08-30 Fiscal Sanctions | |
| 75-03-08-31 Appeals | |

| Family Child Care Early Childhood Services | |
|---|--|
| Current Family Child Care Early Childhood Services Aligned with Proposed Alignment. | Proposed |
| Section 75-03-08-01 Purpose [Repealed] | Remove numbers- Create a tracking document for DHHS if the chapter number needs to be tracked. |
| 75-03-08-02 Authority and Objective [Repealed] | Remove |
| | <p>Family Child Care Early Childhood Services Defined (New)</p> <p>Family Child Care: Family child care refers to a provider who is at least 18 years of age and has a private residence licensed to provide childhood services for up to 7 children. However, the provider must meet adult-to-child ratios according to the ages of the children in the family child care.</p> |
| <p>75-03-08-09. Staffing requirements.</p> <p>1. Staffing requirements are established by the number of children physically in care at the family child care at any given time, rather than total enrollment.</p> <p>2. If a child with special needs is admitted to the program, the child's developmental age level must be used in determining the number of children for which care may be provided.</p> | <p>Family Child Care Ratios (New Heading) (75-03-08-09.)</p> <p>Family Child Care Ratios: A maximum of 7 children are allowed to be cared for, and the ages of the children are to be used to determine the provider-to-child ratio.</p> <ol style="list-style-type: none"> 1. A provider's children under 12 must be included in the total of children served. 2. The provider can care for up to 3 children under 24 months and additional children over 24 months, but not exceeding seven children. 3. OR the provider can care for up to 4 children under the age of 24 months with additional children over 24 months, but not exceeding a total of seven children. 4. Two school-age children can be added to either of the above scenarios listed under numbers 2 or 3. <p>(Used the language from this document: file:///C:/Users/kelli.odden/Downloads/How%20Many%20Children%20(1).pdf. Where is the formula located besides in the document link above?)</p> <p>Staffing Requirements:</p> <ol style="list-style-type: none"> 1. Staffing requirements are established according to the number and ages of children physically present at the family child care at any given time rather than the total enrollment of the family child care. |

| | |
|--|--|
| | <ol style="list-style-type: none"> 2. If a child with special needs is admitted to the program, the child's developmental age level must be used to determine the ratio of children that can be cared for at the same time. |
| <p>75-03-08-03 Definitions</p> <p>The terms used in this chapter have the same meanings as in North Dakota Century Code section 50-11.1-02. In addition, as used in this chapter, unless the context or subject matter otherwise requires:</p> <ol style="list-style-type: none"> 1. "Annual" is defined as the provider's licensing year. 2. "Application" means all forms the department requires when applying or reapplying for a license. 3. "Aquatic activity" means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. 4. "Attendance" means the total number of children present at any one time at the family child care. 5. "Child with special needs" means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. 6. "Emergency designee" means an individual designated by the provider to be a backup staff member for emergency assistance or to provide substitute care. 7. "Infant" means a child who is younger than twelve months of age. 8. "Medication" is defined as any drug or remedy which is taken internally or orally, inhaled, or applied topically. 9. "Substitute staff" means paid or unpaid staff who work less than thirty-two hours per month and are not regularly scheduled for work. 10. "Volunteer" means an individual who visits or provides an unpaid service, including a firefighter for fire safety week, a practicum student, or a foster grandparent. | <p>Definitions (75-03-08-03) Definitions of Terms used throughout the Family Child Care Early Childhood Services License:</p> <p>The terms used in this chapter have the same meanings as in North Dakota Century Code section 50-11.1-02.</p> <ol style="list-style-type: none"> 1. Annual is defined as the provider's licensing year. The licensing year is (put definition of this here). 2. Applicant means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider. 3. Application means all forms the department requires when applying or reapplying for a license. 4. Aquatic activity means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides. 5. Attendance means the total number of children present at any one time at the family child care/group child care/child care center/preschool. Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license. 6. Child with special needs means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP. 7. Department means the Department of Health and Human Services. 8. Developmental Age is the age at which the child functions socially, physically, intellectually, culturally, and emotionally. |

9. **Early childhood services** mean the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services.
10. **Family child care** refers to a provider who is at least 18 years of age and has a private residence licensed to provide childhood services for up to 7 children. However, the provider must meet adult-to-child ratios according to the ages of the children in the family child care.
11. **Household member** means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.
12. **IEP** is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age.
13. **IFSP** is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families.
14. **Infant** means a child who is younger than seventeen months of age. **State ratio for children this age.**
15. **Licensed** means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.
16. **Medication** is any drug or remedy taken internally or orally, inhaled, or applied topically.
17. **Parent** means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.
18. **Premises** means the indoor and outdoor areas approved for providing early childhood services.
19. **Preschool** means a child who is between 3 to 5 years of age. **State ratio for children this age.**
20. **Provider** is the person who holds the license, owns the business, and is responsible for operating the business and meeting all licensing requirements.
21. **School Age** means a child 6 to 12 years of age. **State ratio for children this age.**

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| | <p>22. Staff Member(s) means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent.</p> <p>23. Supervision means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child.</p> <p>24. Toddler means a child who is between 18 months and 35 months. State ratio for children this age.</p> |
| <p>75-03-08-05.1. Family child care license. Repealed effective January 1, 2013.</p> | <p>Family Child Care License (Main Heading)</p> |
| <p>75-03-08-04 Effect of Licensing and Display of License</p> <p>1. The issuance of a license to operate a family child care is evidence of compliance with the standards contained in this chapter and North Dakota Century Code chapter 50-11.1 at the time of licensure.</p> <p>2. The current license must be displayed prominently in the premises to which it applies.</p> <p>History: Effective December 1, 1981; amended effective January 1, 1987; July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999; January 1, 2011; April 1, 2016; January 1, 2022; January 1, 2023; April 1, 2024. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-02</p> <p>75-03-08-07. Application for and nontransferability of family child care license.</p> <p>1. An application for a license must be submitted to the department in which the family child care is located. Application must be made in the form and manner prescribed by the department.</p> <p>2. The license is nontransferable and valid only for the premises indicated on the license. A new application for a license must be filed upon change of provider or location.</p> | <p>Approved License (75-03-08-04, 75-03-08-07)</p> <ol style="list-style-type: none"> 1. The family child care license application is submitted to the department or assigned Licensing Specialist. 2. Issuing an approved license to operate a family child care is evidence of compliance with family child care licensing requirements and North Dakota Century Code chapter 50-11.1. 3. An approved license must be displayed in a visible location within the home to which the license applies. 4. The license is non-transferable and only valid for the family childcare home listed on the license. Only one license per residence and a new application must be filed if there is a change in provider and/or location. 5. An approved license demonstrates that the provider has completed a department-approved <i>basic child care course</i> and department-approved <i>sudden infant death prevention training</i> before opening the family child care business. |

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| <p>3. The department may not issue more than one in-home registration, self-declaration, or license per residence. A residence means real property that is typically used as a single family dwelling.</p> | |
| <p>75-03-08-05 Denial or Revocation of License</p> <p>1. A license may be denied or revoked under the terms and conditions of North Dakota Century Code sections 50-11.1-04, 50-11.1-06.2, 50-11.1-09, and 50-11.1-10. 2</p> <p>2. If an action to revoke a license is appealed, the provider may continue the operation of the family child care pending the final administrative determination or until the license expires, whichever occurs first, unless continued operation would jeopardize the health and safety of the children attending the family child care. This subsection does not limit the actions the department may take pursuant to North Dakota Century Code sections 50-11.1-07.8 and 50-11.1-12.</p> <p>3. The department may revoke a license to operate a family child care without first issuing a correction order, or simultaneously with a suspension if continued operation would jeopardize the health and safety of the children present or would violate North Dakota Century Code section 50-11.1-09.</p> <p>History: Effective December 1, 1981; amended effective July 1, 1996; July 1, 1996, amendments voided by the Administrative Rules Committee effective August 24, 1996; amended effective January 1, 1999; January 1, 2011.</p> <p>General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-03, 50-11.1-04</p> | <p>Denial or Cancellation of Family Child Care License (75-03-08-05)</p> <p>1. A license may be denied or canceled under the terms and conditions of North Dakota Century Code sections:</p> <ul style="list-style-type: none"> a. 50-11.1-04 - Application for License- Prerequisites for Issuance- License Granted- Term b. 50-11.1-06.2 - Background Investigations- Fees c. 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document d. 50-11.1-10 - Denial or Revocation of License, Four-Year-Old Program Approval, Self-Declaration, or Registration Document- Administrative Hearing. <p>2. If an action to cancel a license is appealed, the provider may continue operating the family child care pending the final administrative determination, or until the license expires, whichever occurs first, unless continued operation would endanger the health and safety of the children attending the family child care. This subsection does not restrict the Department's authority under North Dakota Century Code sections:</p> <ul style="list-style-type: none"> a. 50-11.1-07.8 - Suspension of License, Self-Declaration, or Registration Document- Assessment Upon a Report of Child Abuse or Neglect- Notification. b. 50-11.1-12.- Violation of Chapter or Rules. c. The department may cancel a license to operate a family child care without first issuing a correction order or simultaneously with a suspension if the continued operation would endanger the health and safety of the children present or would violate North Dakota Century Code section 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document. |
| <p>75-03-08-06. Provisional license.</p> <p>1. The department may issue a provisional license for the operation of a family child care although the applicant or provider fails to, or is unable to, comply with all applicable standards and rules of the department.</p> | <p>Provisional License (75-03-08-06, 75-03-08-08)</p> <p>1. The department may issue a provisional license for the operation of a family child care although the applicant or provider fails to, or is</p> |

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| <p>2. A provisional license must:</p> <ol style="list-style-type: none"> a. State that the provider has failed to comply with all applicable standards and rules of the department; b. State the items of noncompliance; c. Expire at a set date, not to exceed six months from the date of issuance; and d. Be exchanged for an unrestricted license, which bears an expiration date of one year from the date of issuance as the provisional license, after the applicant or provider demonstrates compliance, satisfactory to the department, with all applicable standards and rules. <p>3. The department may issue a provisional license only to an applicant or provider who has waived, in writing:</p> <ol style="list-style-type: none"> a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the nonissuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license. <p>4. Any provisional license issued must be accompanied by a written statement of violations signed by the department and must be acknowledged in writing by the provider.</p> <p>5. Subject to the exceptions contained in this section, a provisional license entitles the holder to all rights and privileges afforded to the holder of an unrestricted license. 3</p> <p>6. The department may not issue a provisional license if the family child care is not in compliance with section 75-03-08-14.</p> <p>7. The provider shall prominently display the provisional license and agreement.</p> <p>8. The provider shall provide parents written notice that the family child care is operating on a provisional license and the basis for the provisional license.</p> <p>75-03-08-08 Family Child Care Homes Registered Prior to Effective Date [Repealed]</p> | <p>unable to, comply with all applicable standards and rules of the department.</p> <p>2. A provisional license must:</p> <ol style="list-style-type: none"> a. State that the provider has failed to comply with all applicable standards and rules of the department. b. State the items of noncompliance. c. Expire at a set date, not to exceed six months from the date of issuance; and d. Be exchanged for an unrestricted license, which displays an expiration date of one year from the date of issuance as the provisional license, after the applicant or provider demonstrates compliance, satisfactory to the department, with all applicable standards and rules. <p>3. The department may issue a provisional license only to a provider who has waived, in writing:</p> <ol style="list-style-type: none"> a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the non-issuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license. <p>4. Any provisional license issued must be accompanied by a written statement of violations signed by the department and must be acknowledged in writing by the provider.</p> <p>5. Subject to the exceptions contained in this section, a provisional license entitles the provider to all rights and privileges afforded to the provider of an unrestricted license.</p> <p>6. The department may not issue a provisional license if the family child care is not in compliance with section 75-03-08-14.</p> <p>7. The provider shall prominently display the provisional license and agreement.</p> <p>8. The provider shall provide parents with written notice that the family child care is operating on a provisional license and the reason for the provisional license.</p> |
| <p>75-03-08-06.1. Restricted license.</p> | <p>Restricted License (75-03-08-06.1, 75-03-08-07)</p> |

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| <p>The department may issue a restricted license:</p> <ol style="list-style-type: none"> 1. To restrict an individual's presence when children are in child care; 2. To restrict a pet or animal from areas accessible to children; or 3. When necessary to inform the parents that the provider is licensed, but is restricted to operating in certain rooms or floors of the residence or restricted from using specified outdoor space of the residence. | <p>The department may issue a restricted license:</p> <ol style="list-style-type: none"> 1. To restrict an individual's presence when children are in child care. 2. To restrict a pet or animal from areas accessible to children. 3. When necessary, inform the parents that the provider is licensed but is restricted to operating in certain rooms or floors of the residence or restricted from using specified outdoor spaces of the residence. |
| <p>75-03-08-29. Correction of violations.</p> <ol style="list-style-type: none"> 1. A provider shall correct violations noted in a correction order within the following times: <ol style="list-style-type: none"> a. For a violation of subsection 8 of North Dakota Century Code section 50-11.1-02, North Dakota Century Code section 50-11.1-02.2, section 75-03-08-04, subsection 4 or 11 of section 75-03-08-08.1, section 75-03-08-09, subsection 2 or 9 of section 75-03-08-14, section 75-03-08-23, or subsection 1 of section 75-03-08-24, within twenty-four hours. b. For a violation that requires an inspection by a state fire marshal or local fire department authority pursuant to section 75-03-08-14, within sixty days. c. For a violation that requires substantial building remodeling, construction, or change, within sixty days. d. For all other violations, within twenty days. 2. All periods for correction begin on the date of receipt of the correction order by the provider. 21 3. The department may grant an extension of additional time to correct violations, up to a period of one-half the original allowable time allotted. An extension may be granted upon application by the provider and a showing that the need for the extension is created by unforeseeable circumstances and the provider has diligently pursued the correction of the violation. 4. The provider shall furnish a written notice to the department upon completion of the required corrective action. The correction order remains in effect until the department confirms the corrections have been made. 5. Within ten business days of mailing or within three days of electronic transmission of the correction order, the provider shall notify the parents of each child receiving care at the family child care that a correction order has been issued. In addition to providing notice to the parent of each child, the provider also shall post the correction order in a conspicuous location within the family child care until the violation has been corrected or for five days, whichever is longer. | <p>Correction of Violations (75-03-08-29)</p> <ol style="list-style-type: none"> 1. A provider shall correct violations noted in a correction order within the following time periods: <ol style="list-style-type: none"> A. 24 Hours: Violations in subsection 8 of North Dakota Century Code: <ol style="list-style-type: none"> a. A death or serious accident or illness requiring hospitalization of a child while in the care of the self-declaration provider or attributable to care received by the self-declaration provider; b. An injury to any child which occurs while the child is in the care of the self-declaration provider and which requires medical treatment; c. Poisonings or errors in the administration of medication; d. Closures or relocation of self-declaration program due to emergencies; e. Fire that occurs or explosions that occur in or on the premises of the provider. B. 60 Days: For a violation that requires an inspection by a state fire marshal or local fire department authority. (according to section 75-03-08-14. - Does this have to be listed?) C. 60 Days: For a violation that requires substantial building remodeling, construction, or structural change. D. 20 Days: For all other violations. (For all other violations listed above in letter "A"? I cannot find what it means for 20 days for all other violations.) 2. All correction periods begin on the date the provider receives the correction order. 3. The department may grant an extension of additional time to correct violations, up to a period of one-half the original allowable time allotted. <ol style="list-style-type: none"> a. An extension may be granted upon application by the provider, showing that unforeseeable circumstances create |

6. A family child care that has been issued a correction order must be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the family child care has not corrected a violation identified in the correction order, the department shall mail or send by electronic mail a notice of noncompliance with the correction order to the provider. The notice must specify the violations not corrected and the penalties assessed in accordance with North Dakota Century Code section 50-11.1-07.5.

7. If a family child care receives more than one correction order in a single year, the provider may be referred by the department for consulting services to assist the provider in maintaining compliance and to avoid future corrective action.

8. Refutation process for a correction order:

a. A provider may refute a correction order by submitting a refutation request in writing on the form provided by the department within five calendar days of receiving the correction order.

b. The department shall respond to written refutations within five business days of receipt.

the need for the extension and that the provider has diligently pursued the correction of the violation.

4. Upon completion of the required corrective action, the provider shall furnish written notice to the department or its authorized agent. The correction order remains in effect until the department or its authorized agent confirms that the corrections have been made.

5. Within three business days of receiving the correction order, the provider will notify the parents of each child receiving care by the provider that a correction order has been issued.

a. In addition to providing notice to each child's parent, the provider will prominently display the correction order in the family child care.

b. This notice should remain visible until the violation has been corrected or for a duration of five days, whichever is longer.

6. A family child care program that has been issued a correction order must be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the program has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order must be mailed by certified mail to the program. The notice must specify the violations not corrected and the penalties assessed in accordance with [North Dakota Century Code](#) section 50-11.1-07.5: (I added and updated from [North Dakota Century Code](#).)

a. Upon receipt of written notice by the department, the daily fiscal sanction assessed for the violation must stop accruing.

b. The department shall reinspect or review the early childhood program or premises out of which the holder of the self-declaration is operating within three working days after receipt of the notification. If, upon reinspection or review, the department determines a violation has not been corrected, the department shall resume the daily assessment of fiscal sanction and add the amount of fiscal sanction that otherwise would have accrued during the period before resumption to the total assessment due from the licensee or holder of the self-declaration.

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| | <p>c. The department will notify the provider of the reinstatement of fiscal fines by mail or electronic mail. Recovery of the reinstated fiscal fines must stop if the provider makes a written request for an administrative hearing in the manner provided in North Dakota Century Code chapters 28-32, only if a written request for the hearing is made to the department within fifteen days upon mailing or ten days upon electronic transmission of the notice of resumption.</p> <p>If a family child care program receives more than one correction order in a single year, the department may refer the provider for consulting services to assist the provider in maintaining compliance and avoiding future corrective action. (I rewrote- this is the old format: If a family child care program receives more than one correction order in a single year, the provider may be referred by the department for consulting services to assist the provider in maintaining compliance and avoiding future corrective action.)</p> <p>7. Refutation process for a correction order:</p> <ul style="list-style-type: none"> a. A provider may refute a correction order by submitting a refutation request in writing on the form provided by the department within five calendar days of receiving the correction order. b. The department shall respond to written refutations within five business days of receipt. |
| <p>75-03-08-30. Fiscal sanctions.</p> <p>1. The department shall assess a fiscal sanction of twenty-five dollars per day for each violation of North Dakota Century Code chapter 50-11.1; section 75-03-08-09; subsection 1, 2, or 9 of section 75-03-08-14; or section 75-03-08-23, 75-03-08-27, or 75-03-08-28 for each day that the provider has not verified correction, after the allowable time for correction of violations ends.</p> <p>2. The department shall assess a fiscal sanction of fifteen dollars per day for each violation of subsection 8 or 10 of section 75-03-08-14, or subsection 13 of section 75-03-08-21.1 for each day that the provider has not verified correction, after the allowable time for correction of violations ends.</p> | <p>Fiscal Sanctions (75-03-08-30)</p> <p>1. The department assesses a financial penalty of twenty-five dollars per day for each violation of North Dakota Century Code chapter 50-11.1 or for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended. (Does this have to be listed: section 75-03-08-09; subsection 1, 2, or 9 of section 75-03-08-14; or section 75-03-08-23, 75-03-08-27, or 75-03-08-28)</p> <p>2. The department shall assess a financial penalty of fifteen dollars per day for each violation for each day that the provider has not notified the department of the correction after the allowable time to make the</p> |

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| <p>3. The department shall assess a fiscal sanction of five dollars per day for each violation of any other provision of this chapter for each day that the provider has not verified correction, after the allowable time for correction of violations ends.</p> | <p>correction has ended. (Can I remove: of subsection 8 or 10 of section 75-03-08-14 or subsection 13 of section 75-03-08-21.1)</p> <p>3. The department shall assess a financial penalty of five dollars per day for each violation of any other rules of this chapter for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.</p> |
| <p>75-03-08-31. Appeals. An applicant or provider may appeal a decision to deny or revoke a license. A written appeal must be postmarked or received by the department within ten calendar days of the applicant's or provider's receipt of written notice of the decision to deny or revoke the license. Upon receipt of a timely appeal, an administrative hearing will be conducted in the manner prescribed by chapter 75-01-03.</p> | <p>Appeals (75-03-08-31)</p> <ol style="list-style-type: none"> 1. A provider may appeal a decision to deny or cancel a license. A written appeal must be postmarked or received by the department within ten calendar days of the provider's receipt of the written notice of the decision to deny or cancel the license. 2. Upon receipt of a timely appeal, an administrative hearing will be conducted in the manner prescribed by North Dakota Administrative Code Chapter 3 75-01-03. |
| <p>75-03-08-10. Minimum qualifications of providers. A provider shall:</p> <ol style="list-style-type: none"> 1. Be at least eighteen years of age; 2. Certify completion of a department-approved basic child care course within ninety days of licensure; 3. Certify completion of a minimum of nine hours of department-approved training related to child care annually, including one hour on mandated reporter of suspected child abuse or neglect. The same training courses may be counted toward licensing annual requirements only if at least three years has passed since the last completion date of that training course, with the exception of safe sleep and mandated reporter annual training; and 4. Certify completion of one hour of department-approved safe sleep training prior to provider providing care to infants and annually thereafter. <p>75-03-08-08.1. Duties of the provider.</p> <ol style="list-style-type: none"> 1. A provider shall be currently certified: <ol style="list-style-type: none"> a. In infant and pediatric cardiopulmonary resuscitation and the use of an automated external defibrillator by the American heart association, American red cross, or other similar cardiopulmonary resuscitation and automated | <p>Provider and Staffing (New Heading) Provider Minimum Qualifications (75-03-08-10, 75-03-08-08.1, 75-03-08-13)</p> <p>Provider Minimum Qualifications</p> <ol style="list-style-type: none"> 1. The provider must be at least 18 years of age. 2. Before opening the family child care business, the provider must complete a department-approved <i>basic child care course</i> and department-approved <i>sudden infant death prevention training</i>. 3. The provider continues to complete a total of ten department-approved training related to child care every licensing year. Sudden infant death prevention training is one of the ten hours of department-approved training required to be taken each year. A repeat in other training can occur as long as three years have passed since the completion date of the repeated training. 4. The provider must possess current certification in infant and pediatric cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator, and pediatric first aid. Acceptable certifying organizations include the American Heart Association, American Red Cross, or other department-approved programs. 5. If the provider's physical, cognitive, social, or emotional health capabilities appear questionable, the department may require the individual to present evidence of the individual's capability to provide |

external defibrillator training programs that are approved by the department; and b. In pediatric first aid by a program approved by the department.

2. The provider shall have an adult staff member responsible for caring for or teaching children present in the family child care at all times to supervise staff members under the age of eighteen and children in care.

3. A staff member may not at any time place a child in an environment that would be harmful or dangerous to the child's physical, cognitive, social, or emotional health.

4. The provider shall report to the department within twenty-four hours:

a. A death or serious accident or illness requiring hospitalization of a child while in the care of the family child care or attributable to care received in the family child care;

b. An injury to any child which occurs while the child is in the care of the family child care and which requires medical treatment;

c. Poisonings or errors in the administration of medication;

d. Closures or relocations of the family child care due to emergencies; and

e. Fire that occurs or explosions that occur in or on the premises of the family child care.

5. The provider shall be present in the family child care no less than sixty percent of the time when children are in care.

6. The provider, as a mandatory reporter, shall report any suspected child abuse or neglect as required by North Dakota Century Code section 50-25.1-03.

7. The provider may select an emergency designee.

8. The provider shall maintain necessary information to verify staff members' qualifications and to ensure safe care for the children in the family child care.

9. The provider must be an adult of good physical, cognitive, social, and emotional health and shall use mature judgment when making decisions impacting the quality of child care.

10. The provider shall ensure safe care for the children under supervision. Supervision means a staff member responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler at all times 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 the child's health and safety is protected.

the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.

6. A provider may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.

7. A provider must submit an application for a fingerprint-based criminal history record check at the time of initial application, re-licensure within five years from the date of initial approval, and at least once every five years thereafter.

a. The department may excuse a person from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If a person is excused from providing fingerprints, the department shall submit a request to the Bureau of Criminal Investigation for a nationwide name-based criminal history record check.

b. If an individual needs to dispute the results of the criminal history record check, he or she may request a review by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.

i. The department shall assign the individual's request for review to a department review panel.

The department will let the individual requesting a review a timeline of the review process, the name/number of an individual to contact with questions, and the due date of the decisions of the panel.

ii. The individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.

iii. The department shall notify the individual of its final decision in writing within sixty calendar days of receiving the individual's request for review.

11. The provider shall ensure that each child is released only to the child's parent, legal custodian, guardian, or an individual who has been authorized by the child's parent, legal custodian, or guardian.

History: Effective January 1, 1999; amended effective January 1, 2011; January 1, 2013; April 1, 2016;

75-03-08-13. Minimum health requirements for all applicants, providers, and staff members responsible for caring for or teaching children.

1. If the physical, cognitive, social, or emotional health capabilities of an applicant, provider, or staff member appears questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.
2. A staff member or household member may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.

75-03-08-12. Minimum qualifications for all staff members responsible for caring for or teaching children.

Each staff member who provides care shall:

1. Be at least fourteen years of age, provided that each staff member under age sixteen provides written parental consent for employment as a staff member, and the employment arrangements comply with North Dakota Century Code chapter 34-07. A member of the immediate family of the provider may provide care if the family member is at least twelve years of age;
2. Be an individual of good physical, cognitive, social, and emotional health and use mature judgment when making decisions impacting the quality of child care;
3. Certify completion of a department-approved basic child care course within ninety days of employment;
4. Be currently certified within ninety days of employment and prior to staff member having unsupervised access to children under care, in infant and pediatric cardiopulmonary 6 resuscitation and the use of an automated external defibrillator by the American heart association, American red cross, or other similar cardiopulmonary resuscitation and automated external defibrillator training programs that are approved by the department;

Family Child Care Staff Member Minimum Qualifications (75-03-08-12, 75-03-08-12.1, 75-03-08-13)

1. The Family Child Care Staff member must be at least 18 years of age.
2. the Family Child Care Staff member must complete a department-approved basic child care course and department-approved sudden infant death prevention training before beginning work.
3. The family child care staff members will continue to complete ten hours of department-approved training related to child care every licensing year. Sudden infant death prevention training is one of the ten hours required each year. A repeat in other training can occur as long as three years have passed since the completion date of the repeated training.
4. The family child care staff members must possess current certification in infant and pediatric cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator, and pediatric first aid. Acceptable certifying organizations include the American Heart Association, American Red Cross, or other department-approved programs.

5. Be currently certified within ninety days of employment and prior to staff member having unsupervised access to children under care, in pediatric first aid by a program approved by the department;
6. Certify annual completion of one hour of department-approved mandated reporter of suspected child abuse or neglect training;
7. Certify completion of one hour of department-approved safe sleep training prior to staff member providing care to infants and annually thereafter; and
8. Receive orientation to the family child care program during the first week of employment. The orientation must be documented on an orientation certification form and must address the following:
 - a. Emergency health, fire, and safety procedures;
 - b. The importance of handwashing and sanitation procedures to reduce the spread of infection and disease among children and staff members;
 - c. Any special health or nutrition instructions regarding the children assigned to the staff member;
 - d. Any special needs of the children assigned to the staff member; e. The planned program of activities at the family child care;
 - f. Rules and policies of the family child care; and
 - g. Child abuse and neglect reporting laws.

History: Effective January 1, 1999; amended effective January 1, 2011; April 1, 2016; April 1, 2018; January 1, 2023; April 1, 2024. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-04, 50-11.1-07, 50-11.1-08

75-03-08-12.1. Minimum qualifications of volunteers.

If a volunteer is providing child care, the volunteer shall meet the qualifications of a staff member responsible for caring for or teaching children and shall receive orientation for all assigned tasks. History: Effective January 1, 2011. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-04, 50-11.1-07, 50-11.1-08

75-03-08-13. Minimum health requirements for all applicants, providers, and staff members responsible for caring for or teaching children.

1. If the physical, cognitive, social, or emotional health capabilities of an applicant, provider, or staff member appears questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.

5. During the first week of employment, the family child care staff member will receive orientation related to child care policies, emergency procedures, special needs of children in care, and child care activities.
6. If the staff member's physical, cognitive, social, or emotional health capabilities appear questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.
7. A staff member may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.
8. The provider shall ensure that each staff member submits an application for a fingerprint-based criminal history record check upon hire and within five years from the date of initial approval and at least once every five years thereafter.
 - a. The department may excuse a person from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If a person is excused from providing fingerprints, the department shall submit a request to the Bureau of Criminal Investigation for a nationwide name-based criminal history record check.
 - b. If an individual needs to dispute the results of the criminal history record check, he or she may request a review by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
 - i. The department shall assign the individual's request for review to a department review panel. The department will let the individual requesting a review a timeline of the review process, the name/number of an individual to contact with questions, and the due date of the decisions of the panel.

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| <p>2. A staff member or household member may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.</p> | <ul style="list-style-type: none"> ii. The individual requesting a review may contact the department for an informal conference regarding the review before the department has issued its final decision. iii. The department shall notify the individual of its final decision in writing within sixty calendar days of receiving the individual's request for review. <p>9. Receive orientation related to child care policies, emergency procedures, special needs of children in care, and child care activities during the first week of employment.</p> |
| <p>75-03-08-27. Effect of conviction on licensure and employment.</p> <p>1. An applicant or provider may not be, and a family child care may not employ or allow, in any capacity that involves or permits contact between the emergency designee, staff member, or household member and any child cared for by the family child care, a provider, emergency designee, staff member, or household member who has been found guilty of, pled guilty to, or pled no contest to:</p> <p>a. An offense described in North Dakota Century Code chapter 12.1-16, homicide; 12.1-18, kidnapping; 12.1-27.2, sexual performances by children; or 12.1-41, Uniform Act on Prevention of and Remedies for Human Trafficking; or in North Dakota Century Code section 12.1-17-01, simple assault; 12.1-17-01.1, assault; 12.1-17-01.2, domestic violence; 12.1-17-02, aggravated assault; 12.1-17-03, reckless endangerment; 12.1-17-04, terrorizing; 12.1-17-06, criminal coercion; 12.1-17-07, harassment; 12.1-17-07.1, stalking; 12.1-17-12, assault or homicide while fleeing a police officer; 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-05.1, luring minors by computer or other electronic means; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-21-01, arson; 12.1-22-01, robbery; 19 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; 12.1-31-05, child procurement; 14-09-22, abuse of child; or 14-09-22.1, neglect of child;</p> | <p>Effect of Conviction of the Provider or a Staff Member</p> <p>1. A provider or staff member who has been found guilty of, pled guilty to or pled no contest to any of the following offenses described in North Dakota Century Code chapter 12.1-16:</p> <ul style="list-style-type: none"> a. Homicide, kidnapping, sexual performances by children, Uniform Act on Prevention of and Remedies for Human Trafficking, simple assault, assault, domestic violence, aggravated assault, reckless endangerment, terrorizing, criminal coercion, harassment, stalking, assault or homicide while fleeing a police officer, gross sexual imposition, continuous sexual abuse of a child, sexual imposition, corruption or solicitation of minors, luring minors by computer or other electronic means, sexual abuse of wards, sexual assault, arson, robbery, burglary, if a class B felony under subdivision b of subsection 2 of that section, promoting prostitution, facilitating prostitution, child procurement, abuse of child or neglect of child; b. An offense under the laws of another jurisdiction that requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or 19 c. An offense, other than an offense identified in subdivision a or b, if the department in the case of an applicant, provider, or household member, or the provider in the case of a staff member or emergency designee, determines that the individual has not been |

b. An offense under the laws of another jurisdiction which requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or

c. An offense, other than an offense identified in subdivision a or b, if the department in the case of an applicant, provider, or household member, or the provider in the case of a staff member or emergency designee, determines that the individual has not been sufficiently rehabilitated. An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation.

2. The department has determined that the offenses enumerated in subdivision a or b of subsection 1 have a direct bearing on the applicant's, provider's, emergency designee's, or staff member's ability to serve the public in a capacity as a provider, emergency designee, or staff member.

3. In the case of a misdemeanor offense described in North Dakota Century Code sections 12.1-17-01, simple assault; 12.1-17-03, reckless endangerment; 12.1-17-06, criminal coercion; 12.1-17-07, harassment; 12.1-17-07.1, stalking; in the case of a class B misdemeanor offense described in North Dakota Century Code section 12.1-17-01.2, domestic violence; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.

4. The provider shall establish written policies and engage in practices that conform to those policies to effectively implement this section before the hiring of any staff members.

5. A provider shall submit an application for a fingerprint-based criminal history record check at the time of application and within five years from the date of initial approval and at least once every five years thereafter. The provider shall ensure that each staff member submits an application for a fingerprint-based criminal history record check upon hire and within five years from the date of initial approval and at least once every five years thereafter. The department may excuse an individual from providing fingerprints if usable prints have not

sufficiently rehabilitated. An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation. 2. The department has determined that the offenses enumerated in subdivision a or b of subsection 1 have a direct bearing on the applicant's, provider's, emergency designee's, or staff member's ability to serve the public in a capacity as a provider, emergency designee, or staff member.

c. In the case of a misdemeanor offense described in [North Dakota Century Code](#) sections:

- i. 12.1-17-01- simple assault
- ii. 12.1-17-03, reckless endangerment
- iii. 12.1-17-06, criminal coercion
- iv. 12.1-17-07, harassment
- v. 12.1-17-07.1, stalking

d. In the case of a class B misdemeanor offense described in [North Dakota Century Code](#) section 12.1-17-01.2, domestic violence; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.

2. The provider shall establish written policies and engage in practices that conform to those policies to effectively implement this section before hiring any staff members.

been obtained after two sets of prints have been submitted and rejected. If an individual is excused from providing fingerprints, the department shall submit a request to the bureau of criminal investigation for a nationwide name-based criminal history record check.

6. Review of fingerprint-based criminal history record check results.

a. If an individual disputes the results of the criminal history record check required under this chapter, the individual may request a review of the results by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.

b. The department shall assign the individual's request for review to a department review panel. An individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision. 20

c. The department shall notify the individual of the department's final decision in writing within sixty calendar days of receipt of the individual's request for review.

75-03-08-28. Child abuse and neglect decisions.

1. A provider shall ensure safe care for the children receiving services in the provider's family child care. If a confirmed decision made under North Dakota Century Code chapter 50-25.1 or a similar finding in another jurisdiction which requires proof of substantially similar elements exists, indicating that a child has been abused or neglected by an applicant, provider, emergency designee, staff member, or household member, that decision has a direct bearing on the applicant's or provider's ability to serve the public in a capacity involving the provision of child care, and the application or license may be denied or revoked. If a confirmed determination under North Dakota Century Code chapter 50-25.1 or a similar finding in another jurisdiction which requires proof of substantially similar elements exists, indicating that any child has been abused or neglected by the applicant, provider, emergency designee, staff member, or household member, the applicant or provider shall furnish information satisfactory to the department, from which the department can determine the applicant's, provider's, or staff member's ability to provide care that is free of abuse and neglect. The department shall furnish the determination of current ability to the applicant or provider.

Child Abuse and Neglect

A provider shall ensure safe care for the children receiving services in the provider's family child care.

1. If a confirmed decision made under [North Dakota Century Code chapter 50-25.1](#) indicating that a child has been abused or neglected by a provider, staff member, or household member:
 - a. It affects the provider's ability to provide child care and could result in the denial or cancellation of a license.
 - b. If a confirmed determination under North Dakota Century Code chapter 50-25 is confirmed. The provider will provide detailed written information to the department. This information will allow the department to determine the provider's ability to provide care that is free of abuse and neglect.
 - i. Within five days of receiving all information, a specific timeline for a decision about the provider's ability to continue providing child care services will be communicated in writing.

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| <p>2. Each applicant, provider, emergency designee, and staff member in the family child care shall complete, and the provider shall submit to the department, a department-approved authorization for background check form no later than the first day of employment.</p> <p>3. Household members age twelve and older shall complete, and the provider shall submit to the department, a department-approved authorization for background check form at the time of application, relicensure, or upon obtaining residence at the location of the family child care.</p> <p>History: Effective January 1, 1999; amended effective January 1, 2011; January 1, 2013; April 1, 2014; April 1, 2016; July 1, 2020; January 1, 2022; January 1, 2023; April 1, 2024. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07, 50-11.1-08</p> | <p>c. Once all information is gathered, according to the timeline given to the provider, the department will let the provider know if they are able to continue their child care business.</p> |
| <p>75-03-08-19. Admission procedures.</p> <p>1. The provider shall request a preadmission visit with the child and the child's parents to acquaint the child and the parent with the family child care and its surroundings, the other children, and the provider.</p> <p>2. The provider shall inform parents about the family child care, places and times of special activities outside the family child care, policies, and emergency procedures, and shall discuss information concerning the child to identify and accommodate the child's needs. Written policies must include:</p> <ul style="list-style-type: none"> a. An explanation of how accidents and illnesses will be handled; b. The methods of developmentally appropriate discipline and guidance techniques that are to be used; c. The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect; d. Hiring practices and personnel policies for staff members; e. Informing parents that they may request daily reports for their child, including details regarding eating, napping, and diapering; f. Procedure for accountability when a child fails to arrive as expected at the family child care; and g. Transportation procedures, if the provider provides transportation. <p>3. The provider shall notify parents of the payment rates and the time of payment.</p> <p>4. The provider shall provide parents with unlimited access and opportunities to observe their children at any time their children are in care. This does not</p> | <p>Admission Procedures for Children (75-03-08-19, 75-03-08-24)</p> <ul style="list-style-type: none"> 1. The provider will request a preadmission visit with the child and their guardians to acquaint them with the family child care, the environment, the other children, and the provider. 2. The provider will tell the parents about the child care program's daily schedule, special activities that take place outside of the family childcare, policies, and emergency procedures, and discuss the child to identify and accommodate the child's needs. 3. Written policies must include: <ul style="list-style-type: none"> a. An explanation of how accidents and illnesses will be handled. b. The developmentally appropriate guidance techniques used. c. The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect. d. The Hiring practices and personnel policies for staff members. e. Informing parents that they may request daily reports for their child, including details regarding eating, napping, and diapering. f. Procedure for accountability for when a guardian can drop off and pick up a child at the family child care. |

prohibit a provider from locking the doors of the family child care while children are in care.

5. The provider shall verify the identification of the child through official documentation such as a certified birth certificate, certified school records, passport, or any other documentary evidence the provider considers appropriate proof of identity and shall comply with North Dakota Century Code section 12-60-26. 6. The provider shall ensure that children do not depart from the family child care premises unsupervised, except when the parent and provider consent that an unsupervised departure is safe and appropriate for the age and development of the child. The provider shall obtain written parental consent for the child to leave the family child care premises unsupervised, which must specify the activity, time the child is leaving and length of time the child will be gone, method of transportation, and parental responsibility for the child once the child leaves the family child care premises.

History: Effective January 1, 1999; amended effective January 1, 2011; January 1, 2013; April 1, 2024. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-04, 50-11.1-08

g. Transportation procedures, if the provider provides transportation.

4. The provider will notify guardians of the payment rates and due dates for payments.
5. The provider shall provide guardians unlimited access and opportunities to observe their children at any time their children are in family child care.

a. This does not prohibit a provider from locking the doors of the family child care while children are in care.

6. The provider will verify the identification of the child through official documentation such as a certified birth certificate, certified school records, passport, or any other documentary evidence the provider considers appropriate proof of identity and shall comply with [North Dakota Century Code section 12-60-26](#).
7. The provider will ensure that children do not leave the child care premises unsupervised, except when the guardian and provider consent that an unsupervised departure is safe and appropriate for the child's age and development. The provider will obtain written guardian consent for the child to leave the child care premises unsupervised, which must specify the activity, time the child is leaving and length of time the child will be gone, method of transportation, and guardian's responsibility for the child once the child leaves the child care premises.

75-03-08-20. Program requirements.

1. The provider shall have a program of daily individual and small group activities appropriate to the ages and needs of the children in the family child care. The program must include activities that foster sound social, cognitive, emotional, and physical growth, developed in consultation with parents as to their children's needs. A written daily routine, including mealtimes, rest times, planned developmentally appropriate activities, free play, and outside time shall be available to parents. The daily routine must be flexible enough to allow for spontaneous activity as appropriate.
2. The program must be designed with intervals of stimulation and relaxation and a balance between periods of active play and quiet play or rest. The daily routine must foster the development of good health habits and self-discipline,

Minimum Programming Requirements for Children (75-03-08-20)

1. The provider shall have a program of developmentally age-appropriate daily individual and small group activities for the children in the family child care.
 - a. The program must include developmentally appropriate activities developed in consultation with guardians to support the children's social, cognitive, emotional, and physical growth.
 - b. Parents have access to a written daily routine, including mealtimes, rest times, planned developmentally appropriate activities, free play, and outside times.

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| <p>adequate indoor and outdoor play, rest, and sleep, with sufficient time and opportunities for various experiences.</p> <p>3. The program must provide a variety of educational experiences for all ages of children served with an adequate supply of safe play equipment, toys, and materials for indoor and outdoor activity. Each family child care shall have enough play materials and equipment so each child in attendance may be involved individually or as a group.</p> <p>4. Areas used for napping must provide an opportunity for undisturbed rest. The provider shall set napping schedules for children according to the children's ages and needs.</p> <p>History: Effective January 1, 1999; amended effective January 1, 2011. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-08</p> | <p>c. The daily routine must be flexible enough to allow for spontaneous activity as appropriate.</p> <p>2. The program must be designed with intervals of stimulation and relaxation and a balance between periods of active play and quiet play or rest.</p> <p>a. The daily routine must foster the development of good health habits and self-discipline, adequate indoor and outdoor play, rest, and sleep, with sufficient time and opportunities for various experiences.</p> <p>3. The program must provide various educational experiences for children of all ages with an adequate supply of safe play equipment, play materials, toys, and materials for indoor and outdoor activities that support a child's individual or group involvement.</p> <p>4. Napping areas must allow for uninterrupted rest, and the nap schedule should be tailored to the child's age and individual needs.</p> |
| <p>75-03-08-25. Minimum requirements for care of children with special needs.</p> <p>A provider shall make appropriate accommodations, as required by the Americans with Disabilities Act, to meet the needs of children with special needs. The provider shall receive documentation of the child's special needs by the parent upon the child's enrollment.</p> <p>1. When children with special needs are being cared for, the provider shall consult with the child's parents, and with the parent's permission, the child's source of professional health care or, when appropriate, other health and professional consultants to gain an understanding of the child's individual needs. The provider shall receive a written health care plan from the child's medical provider or parent with information related to the child's special needs, such as a description of the special needs, definition of the diagnosis, and general information for emergency and required care such as usual medications and procedures.</p> <p>2. The provider shall ensure staff members responsible for caring for or teaching children receive proper instructions as to the nature of the child's special needs and potential for growth and development.</p> <p>History: Effective January 1, 2011. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-08</p> | <p>Minimum Requirements for Care of Children with Special Needs (75-03-08-25)</p> <p>Minimum Requirements for Care of Children with Special Needs</p> <p>A provider shall make appropriate accommodations, as required by the Americans with Disabilities Act, to meet the needs of children with special needs.</p> <p>The provider shall receive documentation about the child's special needs from the guardian prior to a child's enrollment.</p> <p>1. When children with special needs are being cared for, the provider shall consult with the child's parents and, with the parent's permission, the child's source of professional health care or, when appropriate, other health and professional consultants to gain an understanding of the child's individual needs. that could be developmental, physical, cognitive, and/or emotional.</p> <p>2. The provider shall receive a written health care plan from the child's medical provider or parent with information related to the child's special needs, such as a description of the special needs, definition of the diagnosis, and general information for emergency and required care such as usual medications and procedures.</p> <p>3. The provider will receive a copy of the child's IFSP or IEP to clearly understand the child's strengths and goals.</p> |

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| | <p>4. The provider shall ensure staff members responsible for caring for or teaching children receive proper training on the child's special needs and potential for growth and development.</p> |
| <p>75-03-08-24. Specialized types of care and minimum requirements.</p> <p>1. Infant care.</p> <p>a. Environment and interactions.</p> <p>(1) A provider serving children from birth to twelve months shall provide an environment which protects the children from physical harm.</p> <p>(2) The provider shall ensure that each infant receives positive stimulation and verbal interaction with a staff member responsible for caring for or teaching children, such as being held, rocked, talked with, or sung to. 16</p> <p>(3) The staff members responsible for caring for or teaching children or emergency designee shall respond promptly to comfort an infant's or toddler's physical and emotional distress:</p> <p>(a) Especially when indicated by crying or due to conditions such as hunger, fatigue, wet or soiled diapers, fear, teething, or illness; and</p> <p>(b) Through positive actions such as feeding, diapering, holding, touching, smiling, talking, singing, or eye contact.</p> <p>(4) The provider shall ensure that infants have frequent and extended opportunities during each day for freedom of movement, including creeping or crawling in a safe, clean, open, and uncluttered area.</p> <p>(5) Staff members responsible for caring for or teaching children shall take children outdoors or to other areas within the family child care for a part of each day to provide some change of physical surroundings and to interact with other children.</p> <p>(6) The provider shall ensure that infants are not shaken or jostled. (7) The provider shall ensure that low chairs and tables, high chairs with trays, or other age-appropriate seating systems are provided for mealtime for infants no longer being held for feeding. High chairs, if used, must have a wide base and a safety strap.</p> <p>(8) The provider shall ensure that thermometers, pacifiers, teething toys, and similar objects are cleaned and sanitized between uses. Pacifiers may not be shared.</p> | <p>Minimum Requirements for Infant Care (75-03-08-24)</p> <p>Environment and Interactions (75-03-08-24)</p> <p>Environment and interactions</p> <ol style="list-style-type: none"> 1. A provider serving children from birth to twelve months shall provide an environment that protects the children from physical harm. 2. The provider shall ensure that each infant receives positive stimulation and verbal interaction with the provider responsible for caring for or teaching children. Interactions include being held, rocked, talked with, and snuggled. 3. The provider responsible for caring for the infant will respond promptly to comfort their physical and emotional distress. Especially when: <ol style="list-style-type: none"> a. indicated by crying or due to conditions such as hunger, fatigue, wet or soiled diapers, fear, teething, or illness. b. Through positive actions such as feeding, diapering, holding, touching, smiling, talking, singing, or eye contact. 4. The provider shall ensure that infants have frequent and extended opportunities during each day for freedom of movement, including creeping or crawling in a safe, clean, open, and uncluttered area. 5. The provider will take children outdoors or to other areas within the family child care for a part of each day to provide some change of physical surroundings and to interact with other children. 6. The provider shall ensure that infants are not shaken or jostled. 7. The provider shall ensure that low chairs and tables, highchairs with trays with a wide base and safety strap, or other age-appropriate seating systems are provided for mealtime for infants who are no longer being held for feeding. 8. The provider shall ensure that thermometers, pacifiers, teething toys, and similar objects are cleaned and sanitized between uses. <ol style="list-style-type: none"> a. Pacifiers may not be shared. |
| <p>75-03-08-24. Specialized types of care and minimum requirements.</p> <p>b. Feeding.</p> | <p>Feeding Procedures (75-03-08-24)</p> |

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| <p>(1) The provider shall ensure that infants are provided developmentally appropriate nutritious foods. Only breast milk or iron-fortified infant formula may be fed to infants less than six months of age, unless otherwise instructed by the infant's parent or medical provider in writing.</p> <p>(2) The provider shall ensure that infants are fed only the specific brand of iron-fortified infant formula requested by the parent. Staff members shall use brand-specific mixing instructions unless alternative mixing instructions are directed by a child's medical provider in writing.</p> <p>(3) The provider shall ensure that mixed formula that has been unrefrigerated more than one hour is discarded.</p> <p>(4) The provider shall ensure that frozen breast milk is thawed under cool running tap water, or in the refrigerator in amounts needed. Unused, thawed breast milk must be discarded or given to the parent within twenty-four hours.</p> <p>(5) The provider shall ensure that an infant is not fed by propping a bottle.</p> <p>(6) The provider shall ensure that cereal and other nonliquids or suspensions are only fed to an infant through a bottle on the written orders of the child's medical provider.</p> <p>(7) The provider shall ensure that a staff member responsible for caring for or teaching children is within sight and hearing range of an infant during the infant's feeding or eating process.</p> | <ol style="list-style-type: none"> 1. The provider shall ensure that infants are provided developmentally appropriate nutritious foods. 2. Only breast milk or iron-fortified infant formula may be fed to infants under six months of age unless otherwise instructed by the infant's guardian or medical provider in writing. 3. The provider shall ensure that infants are fed only the specific brand of iron-fortified infant formula requested by the parent. The Iron-fortified infant formula will use brand specific mixing instructions unless medical provider has given written directions about alternative mixing instructions. 4. The provider will ensure that the mixed formula that has been unrefrigerated for more than one hour is discarded. 5. The provider will ensure that frozen breast milk is thawed under cool running tap water or in the refrigerator in amounts needed. Unused, thawed breast milk must be discarded or given to the guardian within twenty-four hours. 6. The provider will ensure that an infant is not fed by propping a bottle. 7. The provider shall ensure that cereal and other nonliquids or suspensions are only fed to an infant through a bottle on the written orders of the child's medical provider. 8. The provider shall ensure that a staff member responsible for caring for or teaching children is within the sight and hearing range of an infant during the infant's feeding or eating process. |
| <p>75-03-08-24. Specialized types of care and minimum requirements.</p> <p>c. Diapering.</p> <p>(1) The provider shall ensure that there is a designated cleanable diapering area, located separately from food preparation and serving areas in the family child care, if children requiring diapering are in care.</p> <p>(2) The provider shall ensure that diapers are changed promptly when needed and in a sanitary manner.</p> <p>(3) Diapers must be changed on a nonporous surface area which must be cleaned and disinfected after each diapering.</p> <p>(4) The provider shall ensure that soiled or wet diapers are stored in a sanitary, covered container separate from other garbage and waste until removed from the family child care.</p> | <p>Diapering(75-03-08-24)</p> <ol style="list-style-type: none"> 1. If children requiring diapering are in care, the provider shall ensure that there is a designated cleanable diapering area located separately from food preparation and serving areas in the family child care facility. 2. The provider shall ensure that diapers are changed promptly when needed and in a sanitary manner. 3. Diapers must be changed on a nonporous surface area and cleaned and disinfected after each diapering. 4. The provider shall ensure that soiled or wet diapers are stored in a sanitary, covered container separate from other garbage and waste until removed from the family child care. |
| <p>75-03-08-24. Specialized types of care and minimum requirements.</p> | <p>Sleeping (75-03-08-24)</p> |

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| <p>d. Sleeping.</p> <p>(1) The provider shall ensure that infants are placed on their back initially when sleeping to lower the risk of sudden infant death syndrome, unless the infant's parent has provided a note from the infant's medical provider specifying otherwise. The infant's face must remain uncovered when sleeping.</p> <p>(2) The provider shall ensure that infants sleep in a crib with a firm mattress or in a portable crib with the manufacturer's pad that meets consumer product safety commission standards.</p> <p>(3) The provider shall ensure that if an infant falls asleep while not in a crib or portable crib, the infant must be moved immediately to a crib or portable crib, unless the infant's parent has provided a note from the infant's medical provider specifying otherwise.</p> <p>(4) Water beds, adult beds, sofas, pillows, soft mattresses, and other soft surfaces are prohibited as infant sleeping surfaces.</p> <p>(5) The provider shall ensure that all items are removed from and that no toys or objects are hung over or attached to the crib or portable crib when an infant is sleeping or preparing to sleep. With written parental permission, the provider may place one individual infant blanket or sleep sack, a pacifier, and a security item that does not pose a risk of suffocation to the infant in the crib or portable crib while the infant is sleeping or preparing to sleep.</p> <p>(6) A staff member shall check on sleeping infants regularly and have a monitor in the room with the sleeping infant, unless a staff member is in the room with the infants while the infants are sleeping.</p> | <ol style="list-style-type: none"> 1. The provider shall ensure that infants are placed on their back initially when sleeping to lower the risk of sudden infant death syndrome unless the infant's guardians have provided a note from the infant's medical provider specifying otherwise. The infant's face must remain uncovered when sleeping. 2. The provider shall ensure that infants sleep in a crib with a firm mattress or in a portable crib with the manufacturer's pad that meets Consumer Product Safety Commission standards. 3. The provider shall ensure that if an infant falls asleep while not in a crib or portable crib, the infant must be moved immediately to a crib or portable crib unless the infant's guardian has provided a note from the infant's medical provider specifying otherwise. 4. Water beds, adult beds, sofas, pillows, soft mattresses, and other soft surfaces are prohibited as infant sleeping surfaces. 5. The provider must ensure that all items are removed from the crib or portable crib when an infant is sleeping or preparing to sleep. No toys or objects should be hung over or attached to the crib. 6. With written parental permission, the provider may place one individual infant blanket or sleep sack, a pacifier, and a security item that does not pose a risk of suffocation in the crib or portable crib while the infant is sleeping or preparing to sleep. 7. A provider shall check on sleeping infants regularly and have a monitor in the room with them unless a staff member is in the room with them while the infants are sleeping. |
| <p>75-03-08-24. Specialized types of care and minimum requirements.</p> <p>2. Night care.</p> <p>a. Any family child care offering night care shall provide program modifications for the needs of children and their parents during the night.</p> <p>b. In consultation with parents, special attention must be given by the staff member responsible for caring for or teaching children to provide a transition into this type of care, appropriate to the child's needs.</p> <p>c. The provider shall encourage parents to leave their children in care or pick them up before and after their normal sleeping period when practical, to ensure minimal disturbance of the child during sleep, with consideration given to the parents' work schedule.</p> | <p>Minimum Requirements for Over Night Care (75-03-08-24)</p> <ol style="list-style-type: none"> 1. Any provider offering night care shall modify its program to accommodate the needs of children and their parents during the night. 2. In consultation with parents, special attention must be given by the staff member responsible for caring for or teaching children to provide a transition into this type of care, appropriate to the child's needs. 3. The provider will encourage guardians to leave their children in care or pick them up before and after their normal sleeping period whenever practical. This approach ensures minimal disturbance to |

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| <p>d. The provider shall ensure that children under the age of six are supervised directly when bathing.</p> <p>e. The provider shall ensure that comfortable beds, cots, or cribs, complete with a mattress or pad, are available.</p> <p>f. The provider shall require each child in night care to have night clothing and a toothbrush marked for identification.</p> | <p>the child during sleep while also taking into account the guardian's work schedule.</p> <ol style="list-style-type: none"> 4. The provider shall ensure that children under the age of six are supervised directly when bathing. 5. The provider shall ensure that comfortable beds, cots, or cribs, complete with a mattress or pad, are available. 6. The provider shall require each child in night care to have night clothing and a toothbrush marked for identification. |
| <p>75-03-08-23. Discipline - Punishment prohibited.</p> <p>Disregard of any of the following disciplinary rules or any disciplinary measure resulting in physical or emotional injury, or neglect or abuse, to any child is grounds for denial or revocation of a provider's license.</p> <ol style="list-style-type: none"> 1. Discipline must be constructive or educational in nature and may include diversion, separation from the problem situation, talking with the child about the situation, praising appropriate behavior, or gentle physical restraint, such as holding. A child may not be subjected to physical harm, fear, or humiliation. 2. Authority to discipline may not be delegated to or be administered by children. 3. Separation, when used as discipline, must be appropriate to the child's development and circumstances. The child must be in a safe, lighted, well-ventilated room within sight or hearing range of a staff member responsible for caring for or teaching children. A child may not be isolated in a locked room or closet. 4. A child may not be punished for lapses in toilet training. 5. A staff member may not use verbal abuse or make derogatory remarks about the child, the child's family, race, or religion when addressing a child or when in the presence of a child. A staff member may not use profane, threatening, unduly loud, or abusive language in the presence of a child. 6. A staff member may not force-feed a child or coerce a child to eat, unless medically prescribed and administered under a medical provider's care. 7. A staff member may not use deprivation of snacks or meals as a form of discipline or punishment. 8. A staff member, household member, or any other adult in the family child care may not kick, punch, spank, shake, pinch, bite, roughly handle, strike, mechanically restrain, or physically maltreat a child. | <p>Guidance Requirements (New Term) (75-03-08-23)</p> <p>Disregarding any of the following disciplinary rules or any disciplinary measure resulting in physical or emotional injury or neglect or abuse to any child is grounds for denial or revocation of a provider's license.</p> <ol style="list-style-type: none"> 1. Behavior Guidance must be constructive and educational in nature. It may include diversion, separation from the situation, talking with the child about the situation, praising appropriate behavior, or gentle physical restraint, such as holding. 2. A child may not be subjected to physical harm, fear, or humiliation. 3. Authority to discipline may not be delegated to or be administered by other children. 4. Separation, when used as behavior guidance, must be appropriate to the child's development and circumstances. The child must be in a safe, lighted, well-ventilated room within sight or hearing range of a staff member responsible for caring for or teaching children. A child may not be isolated in a locked room or closet. 5. A child may not be punished for lapses in toilet training. 6. A provider may not use verbal abuse or make derogatory remarks about the child, the child's family, race, or religion when addressing a child or when in the presence of a child. 7. Profane, threatening, unduly loud, or abusive language in the presence of a child cannot be used by the provider or staff members. 8. A provider may not force-feed a child or coerce a child to eat unless medically prescribed and administered under a medical provider's care. 9. A provider may not use deprivation of snacks or meals as a form of discipline or punishment. |

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| <p>9. A staff member may not force a child to ingest substances that would cause pain or discomfort, for example, placing soap in the mouth of a child to deter the child from biting other children.</p> <p>10. A staff member may not withhold active play from a child as a form of discipline or punishment, beyond a brief period of separation.</p> <p>History: Effective January 1, 1999; amended effective January 1, 2011. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07, 50-11.1-08</p> | <p>10. The provider, staff member, household member, or any other adult in the family child care may not kick, punch, spank, shake, pinch, bite, roughly handle, strike, mechanically restrain, or physically maltreat a child.</p> <p>11. The provider, staff member, household member, or any other adult in the family child care may not force a child to ingest substances that would cause pain or discomfort, for example, placing soap in a child's mouth to deter the child from biting other children.</p> <p>12. The provider, staff member, household member, or any other adult in the family child care may not withhold active play from a child as a form of discipline or punishment beyond a brief period of separation to allow a child to regain their emotions.</p> |
| Records that Need to be Kept by Provider (75-03-08-22) | |
| <p>Records (75-03-08-22)</p> <p>1. A copy of this chapter must be kept on the premises and available to staff members at all times.</p> <p>2. The provider shall maintain the following records:</p> <p>a. The child's full name, birth date, current home address, legal names of the child's parents, and current business and personal telephone numbers where they can be reached;</p> <p>b. A written statement from the parents or legal guardian authorizing emergency medical care;</p> <p>c. Names and telephone numbers of individuals authorized to take the child from the family child care;</p> <p>d. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the public health division of the department, or have on file a document citing that the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs; and</p> <p>e. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child, that must indicate any special precautions for diet, medication, or activity. This assessment shall be completed annually.</p> <p>3. The provider shall ensure that all records, photographs, and information maintained with respect to children receiving child care services are kept</p> | <p>1. A copy of this licensing chapter 75-03-08 Family Child Care Early Childhood Services must be kept on the premises and always available to staff members.</p> <p>2. The provider shall maintain the following records:</p> <p>a. The child's full name, birth date, current home address, legal names of the child's parents, and current business and personal telephone numbers where they can be reached.</p> <p>b. A written statement from the parents or legal guardian authorizing emergency medical care for the children while they are being cared for within the family childcare home.</p> <p>c. Names and telephone numbers of individuals authorized to take the child from the family child care.</p> <p>d. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the public health division of the department, or have on file a document citing that the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs.</p> |

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| <p>confidential, and that access is limited to staff members, the parents of each child, and to the following, unless otherwise protected by law:</p> <ul style="list-style-type: none"> a. Department representatives; b. Individuals having a definite interest in the well-being of the child concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary; and c. Individuals who possess written authorization from the child's parent. The family child care shall have a release of information form available and shall have the form signed prior to the release of information. | <ul style="list-style-type: none"> e. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child, that must indicate any special precautions for diet, medication, or activity. This assessment shall be completed annually. (This is listed twice. Also under 21.1 within the license.) <p>3. The provider shall ensure that all records, photographs, and information maintained with respect to children receiving child care services are kept confidential and access is limited to staff members, the parents of each child, and the following unless otherwise protected by law:</p> <ul style="list-style-type: none"> a. Department representatives; (Who are the representatives? They should be listed.) b. Individuals having a definite interest in the well-being of the child concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary; and (Should there be an, i.e., of who this person might be?) c. Individuals who possess written authorization from the child's parent. d. The family child care shall have a release of information form available and shall have the form signed prior to the release of information. |
| | Minimum Requirements of the Facility (75-03-08-14) |
| <p>75-03-08-14. Minimum requirements of the facility.</p> <p>1. The family child care must contain adequate space, indoors and out, for the daily activities of the children. Adequate space must include a minimum of thirty-five square feet [3.25 square meters] of space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of play space per child outdoors. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, areas occupied by furniture or appliances that children should not play on or under, and space children are not permitted to occupy. Providers who provide seventy-five square feet [6.97 square meters] of separate indoor recreation space per child are exempt from the outdoor space requirement.</p> <p>2. The family child care must be clean and maintained to protect the health and safety of children. The family child care and outdoor play area must be</p> | <p>Minimum Requirements of the Facility</p> <ul style="list-style-type: none"> 1. The family child care must provide adequate space, indoors and out, for the children's daily activities. 2. Adequate space must include a minimum of thirty-five square feet [3.25 square meters] of outdoor space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of outdoor play space. 3. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, areas occupied by furniture or appliances that children should not play on or under, and spaces children are not permitted to occupy. Operators who provide seventy-five square feet [6.97 square meters] of separate indoor recreation space per child are exempt from the outdoor space requirement. |

free of clutter, accumulation of refuse, standing water, unprotected wells, debris, and other health and safety hazards. Garbage must be regularly removed.

3. The provider shall ensure adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children.

4. The provider shall ensure that the family child care is equipped with one properly installed smoke detector located in each sleeping area used by the children, and one properly installed smoke detector and one fire extinguisher per level. Properly installed means installed according to manufacturer's or fire inspector's directions.

5. The provider shall ensure that elevated areas, including stairs and porches, have railings and safety gates where necessary to prevent falls.

6. The provider shall ensure that the family child care has a drinking water supply from an approved community water system or from a source tested and approved annually by the department of environmental quality.

7. The provider shall ensure that each child has a comfortable and clean place to sleep or rest and an individual blanket. The provider may allow a child to sleep or rest on the floor only when the floor is carpeted or padded, warm, and free from drafts.

8. The provider shall ensure that exterior play areas in close proximity to busy streets and other unsafe areas are contained or fenced, or have natural barriers, to restrict children from those unsafe areas. Outdoor play areas must be inspected daily for hazards and necessary maintenance.

9. The provider shall ensure that potential hazards, such as guns, household cleaning chemicals, uninsulated wires, medicines, noncovered electrical outlets, and poisonous plants are not accessible to children. The provider shall keep guns and ammunition in locked storage, each separate from the other, or shall use trigger locks. The provider shall ensure other weapons and dangerous sporting equipment, such as bows and arrows, are not accessible to children.

10. The provider shall ensure indoor and outdoor equipment, toys, and supplies are safe, strong, nontoxic, and in good repair. The provider shall ensure that all toys and equipment are kept clean and sanitary. Books and other toys that are not readily cleanable must be sanitized as much as possible without damaging the integrity or educational value of the item.

4. The family child care must be clean and maintained to protect the health and safety of children.

5. The family child care and outdoor play area must be free of clutter, refuse accumulation, standing water, unprotected wells, debris, and other health and safety hazards. Garbage must be regularly removed.

6. The provider shall ensure adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children.

7. The provider shall ensure that the family child care is equipped with one properly installed smoke detector located in each sleeping area used by the children, and one properly installed smoke detector and one fire extinguisher per level. Properly installed means installed according to manufacturer's or fire inspector's directions.

8. The provider shall ensure that elevated areas, including stairs and porches, have railings and safety gates where necessary to prevent falls.

9. The provider shall ensure that the family child care has a drinking water supply from an approved community water system or from a source tested and approved by the public health division of the department of health and human services.

10. The provider shall ensure that each child has a comfortable and clean place to sleep or rest and an individual blanket. The provider may allow a child to sleep or rest on the floor only when the floor is carpeted or padded, warm, and free from drafts.

11. The provider shall ensure that exterior play areas close to busy streets and other unsafe areas are contained, fenced, or have natural barriers to restrict children from those unsafe areas. Outdoor play areas must be inspected daily for hazards and necessary maintenance.

12. The provider shall ensure that potential hazards, such as guns, household cleaning chemicals, uninsulated wires, medicines, noncovered electrical outlets, and poisonous plants, are inaccessible to children. The provider shall keep guns and ammunition in locked storage, each separate from the other, or shall use trigger locks. The

11. The provider shall ensure that exit doorways and pathways are not blocked.

12. The provider shall ensure that the family child care has a working telephone in the location used for child care. The provider shall post emergency numbers of parents and first responders.

13. The family child care must have an indoor bathroom with a minimum of one sink and one flush toilet.

14. The family child care must have hot and cold running water. The water in the faucets used by children must not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].

15. The family child care must meet the local minimum fire and safety standards. The provider shall obtain a fire inspection prior to licensure and annually thereafter. Any inspection fees are the provider's responsibility. The provider shall have any code violations noted by the fire inspector corrected and shall file reports of the inspections and any corrections with the department. If the fire, safety, health, or sanitation environment appears questionable, the department may require the provider to obtain additional inspections at the cost of the provider. The provider shall provide:

a. The fire inspector's written statement of compliance with the local fire code, if there is one; or

b. The fire inspector's written statement that the family child care has been inspected and that the inspector is satisfied that the family child care meets minimum fire and safety standards.

16. The provider shall ensure that accumulations of water, ice, snow, or debris are removed from steps and walkways as quickly as possible.

17. The provider shall ensure that combustible materials are kept away from light bulbs and other heat sources.

History: Effective January 1, 1999; amended effective January 1, 2011; April 1, 2014; April 1, 2016; July 1, 2020; January 1, 2023; April 1, 2024. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07, 50-11.1-08

provider shall ensure other weapons and dangerous sporting equipment, such as bows and arrows, are not accessible to children.

13. The provider shall ensure indoor and outdoor equipment, toys, and supplies are safe, strong, nontoxic, and in good repair. The provider shall ensure that all toys and equipment are kept clean and sanitary. Books and other toys that are not readily cleanable must be sanitized as much as possible without damaging the integrity or educational value of the item.

14. The provider shall ensure that exit doorways and pathways are not blocked.

15. The provider shall ensure that the family child care has a working telephone in the location used for child care. The provider shall post emergency numbers of parents and first responders.

16. The family child care must have an indoor bathroom with a minimum of one sink and one flush toilet.

17. The family child care must have hot and cold running water. The water in the faucets used by children must not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].

18. The family child care must meet the local minimum fire and safety standards. The provider shall obtain a fire inspection prior to licensure and annually thereafter. Any inspection fees are the provider's responsibility. The provider shall have any code violations noted by the fire inspector corrected and shall file reports of the inspections and any corrections with the department or its authorized agent. If the fire, safety, health, or sanitation environment appears questionable, the department or its authorized agent may require the provider to obtain additional inspections at the cost of the provider.

19. The provider shall provide:

a. The fire inspector's written statement of compliance with the local fire code, if there is one; or

b. The fire inspector's written statement that the family child care has been inspected and that the inspector is satisfied that the family child care meets minimum fire and safety standards.

20. The provider shall ensure that accumulations of water, ice, snow, or debris are removed from steps and walkways as quickly as possible.

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| | 21. The provider shall ensure that combustible materials are kept away from light bulbs and other heat sources. |
| | Health and Safety (75-03-08-21.1) |
| <p>75-03-08-21.1. Minimum sanitation and safety requirements.</p> <p>1. Children shall have received all immunizations appropriate for the child's age, as prescribed by the public health division of the department, unless the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs. 2. 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, and after any other procedure that may involve contact with bodily fluids. Hand soap and sanitary hand-drying equipment, single-use or individually designated cloth towels, or paper towels must be available at each sink.</p> <p>3. The provider shall have a statement on file, signed by the child's parents, authorizing emergency medical care for each child.</p> <p>4. The provider shall ensure at least one department-approved first-aid kit is maintained and kept in a designated location, inaccessible to children, yet readily accessible to staff members at all times.</p> <p>5. The provider shall have plans to respond to illness and emergencies, including evacuation in case of fire, serious injury, and ingestion of poison.</p> <p>6. If children in care require medication, the provider shall secure written permission and follow proper instructions as to the administration of medication.</p> <p>a. Medication prescribed by a medical provider must be accompanied by the medical provider's written instructions as to dosage and storage and labeled with the child's name and date.</p> <p>b. The provider shall store medications in an area inaccessible to children.</p> <p>c. Medications stored in a refrigerator must be stored collectively in a spillproof container.</p> <p>d. The provider shall keep a written record of the administration of medication, including over-the-counter medication, for each child. Records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child. Completed medication records must be included in the child's record.</p> | <p>Health and Safety</p> <p>1. Children shall have received all immunizations appropriate for their age, as prescribed by the public health division of the Department of Health and Human Services unless the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs. (Also within the records section.)</p> <p>2. 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, and after any other procedure that may involve contact with bodily fluids. Hand soap and sanitary hand-drying equipment, as well as single-use or individually designated cloth or paper towels, must be available at each sink.</p> <p>3. The provider shall have a statement on file, signed by the child's parents, authorizing emergency medical care for each child.</p> <p>4. The provider shall ensure at least one department-approved first-aid kit is maintained and kept in a designated location, readily accessible and inaccessible to children.</p> <p>5. The provider shall have plans to respond to illness and emergencies, including evacuation in case of fire, serious injury, and ingestion of poison.</p> <p>6. If children in care require medication, the provider shall secure written permission and follow proper medication administration instructions.</p> <p>a. Medication prescribed by a medical provider must be accompanied by the medical provider's written instructions as to dosage and storage and labeled with the child's name and date.</p> <p>b. The provider shall store medications in an area inaccessible to children.</p> <p>c. Medications stored in a refrigerator must be stored collectively in a spillproof container.</p> |

7. The provider shall establish practices in accordance with guidance obtained through consultation with local health unit authorities or authorities from the public health division of the department regarding the exclusion and return of children with infectious or communicable conditions. The provider may obtain this guidance directly or through current published materials regarding exclusion and return to the family child care. The provider shall notify the parents, legal custodians, or guardians of a child's exposure to a presumed or confirmed reportable infectious disease.

8. The provider may release a child only to the child's parent or individual who has been authorized by the child's parent.

9. The provider shall ensure that children playing outdoors are clothed appropriately for weather conditions.

10. The provider shall ensure that a staff member responsible for caring for or teaching children is supervising directly any child who is bathing or using a pool.

11. The provider shall ensure that children receive proper supervision when playing outdoors.

12. Children's personal items, including combs, brushes, pacifiers, and toothbrushes, must be individually identified and stored in a sanitary manner.

13. Pets and animals.

a. The provider shall ensure that only small pets that are contained in an aquarium or other approved container, cats, and dogs are present in areas occupied by children. Wire cages are not approved containers. Other indoor pets and animals must be restricted by a solid barrier and must not be accessible to children. The department may restrict any pet or animal from the premises that may pose a risk to children or may approve additional pets that do not pose a health or safety risk to children. b. The provider shall ensure that animals are maintained in good health and are appropriately immunized. Pet immunizations must be documented with a current certificate from a veterinarian.

c. The provider shall ensure parents are aware of the presence of pets and animals in the family child care.

d. The provider shall notify parents immediately if a child is bitten or scratched and skin is broken.

e. A staff member responsible for caring for or teaching children shall supervise closely all contact between pets or animals and children. The staff

d. The provider shall keep a written record of the administration of medication, including over-the-counter medication, for each child. Records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child. Completed medication records must be included in the child's record.

7. The provider shall establish practices in accordance with guidance obtained through consultation with local health unit authorities or authorities from the public health division of the department of health and human services regarding the exclusion and return of children with infectious or communicable conditions. The provider may obtain this guidance directly or through current published materials regarding exclusion and return to the family child care. The provider shall notify the parents, legal custodians, or guardians of a child's exposure to a presumed or confirmed reportable infectious disease.

8. The provider may release a child only to the child's parent or individual who the child's parent has authorized.

9. The provider shall ensure that children playing outdoors are clothed appropriately for weather conditions.

10. The provider shall ensure that a staff member responsible for caring for or teaching children is supervising directly any child who is bathing or using a pool.

11. The provider shall ensure that children receive proper supervision when playing outdoors.

12. Children's personal items, including combs, brushes, pacifiers, and toothbrushes, must be individually identified and stored in a sanitary manner.

13. Pets and animals.

a. The provider shall ensure that only small pets that are contained in an aquarium or other approved container, cats, and dogs are present in areas occupied by children. Wire cages are not approved containers. A solid barrier must restrict other indoor pets and animals and must not be accessible to children. The department may restrict any pet or animal from the premises that may pose a risk to children

member shall immediately remove the pet if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.

f. The provider shall ensure that pets, pet feeding dishes, cages, and litter boxes are not present in any food preparation, food storage, or serving areas. The provider shall ensure that pet and animal feeding dishes and litter boxes are not placed in areas accessible to children.

g. The provider shall ensure that indoor and outdoor areas accessible to children must be free of animal excrement.

h. The provider shall ensure that the family child care is in compliance with all applicable state and local ordinances regarding the number, type, and health status of pets or animals.

14. Staff members responsible for caring for or teaching children shall strictly supervise wading pools used by the family child care and shall empty, clean, and sanitize wading pools daily.

15. All swimming pools used by the children must be approved annually by the local health unit.

16. Aquatic activities:

a. The provider shall have policies that 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 children participating in aquatic activities, and additional safety precautions to be taken.

b. 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.

17. The provider shall ensure that garbage stored outside is kept away from areas used by children and is kept in covered containers. Open burning is not permitted. The provider shall keep indoor garbage in containers with lids. The provider may allow paper waste to be kept in open waste containers.

18. The provider shall ensure that beds, cots, mats, or cribs, complete with a mattress or pad, are available and the provider shall ensure:

a. Pillows and mattresses have clean coverings.

b. Sheets and pillowcases are changed as often as necessary for cleanliness and hygiene, at least weekly.

c. If beds, cots, mats, or cribs are used by different children, sheets and pillowcases are laundered before use by other children.

or may approve additional pets that do not pose a health or safety risk to children. (What is this trying to say?)

b. The provider shall ensure that animals are maintained in good health and are appropriately immunized. Pet immunizations must be documented with a current certificate from a veterinarian.

c. The provider shall ensure parents are aware of the presence of pets and animals in the family child care.

d. The provider shall notify parents immediately if a child is bitten or scratched and skin is broken.

e. The provider and staff members responsible for children shall closely supervise all contact between pets or animals and children. The staff member shall immediately remove the pet if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.

f. The provider shall ensure that pets, pet feeding dishes, cages, and litter boxes are not present in any food preparation, food storage, or serving areas. The provider shall ensure that pet and animal feeding dishes and litter boxes are not placed in areas accessible to children.

g. The provider shall ensure that indoor and outdoor areas accessible to children must be free of animal excrement.

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15. All swimming pools used by the children must be approved annually by the local health unit.

16. Aquatic activities:

a. The provider shall have policies that ensure the health and safety of children in care while participating in aquatic activities, including types of aquatic activities the program

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| <p>d. Cots, mats, and cribs are cleaned as often as necessary for cleanliness and hygiene, at least weekly, and after each use if used by different children.</p> <p>e. That cots, mats, and cribs are single occupancy.</p> <p>f. Each bed, cot, or mat has sufficient blankets available.</p> <p>g. That aisles between beds, cots, mats, or cribs are a minimum space of two feet [60.96 centimeters] and are kept free of all obstructions while beds, cots, mats, or cribs are occupied.</p> <p>h. Provide separate storage for personal blankets or coverings.</p> <p>i. That mattresses and sheets are properly fitted.</p> <p>History: Effective January 1, 1999; amended effective January 1, 2011; April 1, 2016; April 1, 2018; July 1, 2020; January 1, 2023; April 1, 2024. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-07, 50-11.1-08</p> | <p>may participate in, staff-to-child ratios appropriate to the ages and swimming ability of children participating in aquatic activities, and additional safety precautions to be taken.</p> <p>b. 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.</p> <p>17. The provider shall ensure that garbage stored outside is kept away from children's areas and in covered containers. Open burning is not permitted. The provider shall keep indoor garbage in containers with lids. The provider may allow paper waste to be kept in open waste containers.</p> <p>18. The provider shall ensure that beds, cots, mats, or cribs, complete with a mattress or pad, are available and the provider shall ensure:</p> <p>a. Pillows and mattresses have clean coverings.</p> <p>b. Sheets and pillowcases are changed as often as necessary for cleanliness and hygiene, at least weekly.</p> <p>c. If beds, cots, mats, or cribs are used by different children, sheets, and pillowcases are laundered before use by other children.</p> <p>d. Cots, mats, and cribs are cleaned as often as necessary for cleanliness and hygiene, at least weekly, and after each use if used by different children.</p> <p>e. That cots, mats, and cribs are single occupancy.</p> <p>f. Each bed, cot, or mat has sufficient blankets available.</p> <p>g. That aisles between beds, cots, mats, or cribs are a minimum space of two feet [60.96 centimeters] and are kept free of all obstructions while beds, cots, mats, or cribs are occupied.</p> <p>h. Provide separate storage for personal blankets or coverings.</p> <p>i. That mattresses and sheets are properly fitted.</p> |
| <p>75-03-08-21. Minimum standards for food and nutrition. A provider shall serve children nutritious meals or snacks according to the following requirements:</p> | <p>Food and Nutrition (75-03-08-21) Food and Nutrition A provider shall serve children nutritious meals or snacks according to the following requirements:</p> |

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| <ol style="list-style-type: none"> 1. When the provider is responsible for providing food to children, the food supplied must meet United States department of agriculture standards and must be properly prepared, sufficient in amount, nutritious, varied according to the diets of the children enrolled, and served at appropriate hours in a sanitary manner. 2. When parents bring sack lunches for their children, the provider shall supplement lunches, as necessary, to provide nutritious and sufficient amounts of food for children, and shall provide adequate and appropriate refrigeration and storage as required. 3. When a child is in care for more than three hours, that child shall receive either a snack or a meal, whichever is appropriate to that time of day. 4. Children in care during any normal mealtime hour must be served nutritious food appropriate to that time of day. 5. Children in care after school shall be provided with a snack. 6. Information provided by the childrens parents regarding special diets, allergies, or other dietary conditions shall be adhered to in the feeding schedule and planning of menus. 7. The provider shall serve snacks and meals to children in a manner commensurate with their development, using appropriate foods, portions, dishes, and eating utensils. 8. The provider or staff member may encourage children to eat the food served, but the provider or staff member may not coerce or force-feed children. 9. The provider shall post a daily or weekly menu for meals and snacks. <p>History: Effective January 1, 1999; amended effective January 1, 2011. General Authority: NDCC 50-11.1-04, 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-08</p> | <ol style="list-style-type: none"> 1. When the provider is responsible for providing food to children, the food supplied must meet United States Department of Agriculture standards and must be properly prepared, sufficient in amount, nutritious, varied according to the diets of the children enrolled, and served at appropriate hours in a sanitary manner. 2. The provider shall post a daily or weekly menu for meals and snacks. 3. When parents bring sack lunches for their children, the provider shall supplement lunches, as necessary, to provide nutritious and sufficient amounts of food for children and shall provide adequate and appropriate refrigeration and storage as required. 4. When a child is in care for more than three hours, that child shall receive either a snack or a meal, whichever is appropriate to that time of day. 5. Children in care during any normal mealtime hour must be served nutritious food appropriate to that time of day. 6. Children in care after school shall be provided with a snack. 7. Information provided by the children's guardians regarding special diets, allergies, or other dietary conditions shall be adhered to in the feeding schedule and menu planning. 8. The provider shall serve snacks and meals to children in a manner commensurate with their development, using appropriate foods, portions, dishes, and eating utensils. 9. The provider or staff member may encourage children to eat the food served, but they may not coerce or force-feed children. |
| | Minimum Standards for Providing Transportation (75-03-08-15) |
| <p>75-03-08-15. Minimum standards for provision of transportation.</p> <ol style="list-style-type: none"> 1. Prior to licensure, the provider shall establish a written policy governing the transportation of children to and from the family child care, if the family child care provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the family child care. If the family child care provides transportation, the provider shall inform the parents of any insurance coverage | <p>Minimum Standards for Providing Transportation</p> <ol style="list-style-type: none"> 1. Prior to licensure, the provider shall establish a written policy governing the transportation of children to and from the family child care, if the family child care provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the family child care. If the family child care provides transportation, the provider shall inform the parents of any vehicle insurance coverage. Any |

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| <p>on the vehicles. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.</p> <p>2. When transportation is provided by a family child care, children must be protected by adequate staff supervision, safety precautions, and liability insurance.</p> <p>a. Staffing requirements must be maintained to assure the safety of children while being transported.</p> <p>b. A child may not be left unattended in a vehicle.</p> <p>3. Children must be instructed in safe transportation conduct appropriate to their age and stage of development.</p> <p>4. The driver shall be eighteen years of age or older and shall comply with all relevant federal, state, and local laws, including child restraint system laws.</p> <p>History: Effective January 1, 1999; amended effective January 1, 2011; January 1, 2022. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-08</p> | <p>vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.</p> <p>2. 2. When transportation is provided by a family child care, children must be protected by adequate staff supervision, safety precautions, and liability insurance.</p> <p>a. Staffing requirements must be maintained to assure the safety of children while being transported.</p> <p>b. A child may not be left unattended in a vehicle.</p> <p>3. Children must be instructed in safe transportation conduct appropriate to their age and stage of development.</p> <p>4. The driver shall be eighteen years of age or older and shall comply with all relevant federal, state, and local laws, including child restraint system laws.</p> |
| <p>75-03-08-16. Minimum emergency evacuation and disaster plan.</p> <p>1. Each provider shall establish and post an emergency disaster plan for the safety of the children in care. Written disaster plans must be developed in cooperation with local emergency management agencies. The plan must include:</p> <p>a. Emergency procedures, including the availability of emergency food, water, and first-aid supplies;</p> <p>b. Procedures for evacuation, relocation, shelter-in-place, and lockdown;</p> <p>c. Communications and reunification with families;</p> <p>d. Continuity of operations; and</p> <p>e. Accommodations for infants, toddlers, children with disabilities, and children with chronic medical conditions.</p> <p>2. Fire and emergency evacuation drills must be performed monthly.</p> <p>History: Effective January 1, 2011; amended effective January 1, 2022. General Authority: NDCC 50-11.1-08 Law Implemented: NDCC 50-11.1-01, 50-11.1-04, 50-11.1-08</p> | <p>Minimum Emergency Evacuation and Disaster Plan (75-03-08-16)</p> <p>Minimum Emergency Evacuation and Disaster Plan</p> <p>1. The provider must create and post an emergency disaster plan for the safety of the children in care.</p> <p>a. Written disaster plans must be developed in cooperation with local emergency management agencies.</p> <p>b. The plan must include:</p> <p>i. Emergency procedures, including the availability of emergency food, water, and first-aid supplies</p> <p>ii. Procedures for evacuation, relocation, shelter-in-place, and lockdown.</p> <p>iii. How to communicate and reunite with the families of the children.</p> <p>iv. How the continuity of operations that supports all children including infants, toddlers, children with disabilities, and children with chronic medical conditions.</p> <p>2. Fire and emergency evacuation drills must be performed monthly.</p> |

Family Child Care Early Childhood Services

Family Child Care: Family child care refers to a provider who is at least 18 years of age and has a private residence licensed to provide childhood services for up to 7 children. However, the provider must meet adult-to-child ratios according to the ages of the children in the family child care.

Family Child Care Ratios: A maximum of 7 children are allowed to be cared for, and the ages of the children are to be used to determine the provider-to-child ratio.

5. A provider's children under 12 must be included in the total of children served.
6. The provider can care for up to 3 children under 24 months and additional children over 24 months, but not exceeding seven children.
7. OR the provider can care for up to 4 children under the age of 24 months with additional children over 24 months, but not exceeding a total of seven children.
8. Two school-age children can be added to either of the above scenarios listed under numbers 2 or 3.

Definitions of Terms used throughout the Family Child Care Early Childhood Services License:

The terms used in this chapter have the same meanings as in [North Dakota Century Code section 50-11.1-02](#).

Annual is defined as the provider's licensing year. The licensing year starts on the date that the license is received.

Applicant means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider.

Application means all forms the department requires when applying or reapplying for a license.

Aquatic activity means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and waterslides.

Attendance means the total number of children present at any one time at the family child care/group child care/child care center/preschool. **Place ratio numbers for each license type within the definition and only place the ratio that applies to the license within the license.**

Child with special needs means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP.

Department means the Department of Health and Human Services.

Developmental Age is the age at which the child functions socially, physically, intellectually, culturally, and emotionally.

Early childhood services mean the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services.

Family child care refers to a provider who is at least 18 years of age and has a private residence licensed to provide childhood services for up to 7 children. However, the provider must meet adult-to-child ratios according to the ages of the children in the family child care.

Household member means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.

IEP is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age.

IFSP is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families.

Infant means a child who is younger than Seventeen months of age. **State ratio for children this age.**

Licensed means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.

Medication is any drug or remedy taken internally or orally, inhaled, or applied topically.

Parent means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.

Premises means the indoor and outdoor areas approved for providing early childhood services.

Preschool means a child who is between 3 to 5 years of age. **State ratio for children this age.**

Provider is the person who holds the license, owns the business, and is responsible for operating the business and meeting all licensing requirements.

School Age means a child 6 to 12 years of age. **State ratio for children this age.**

Staff Member(s) means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent.

Supervision means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child.

Toddler means a child who is between 18 months and 35 months. **State ratio for children this age.**

Family Child Care License

Approved License

6. The family child care license application is submitted to the department or assigned Licensing Specialist.
7. Issuing an approved license to operate a family child care is evidence of compliance with family child care licensing requirements and [North Dakota Century Code chapter 50-11.1](#).
8. An approved license must be displayed in a visible location within the home to which the license applies.
9. The license is non-transferable and only valid for the family childcare home listed on the license. Only one license per residence and a new application must be filed if there is a change in provider and/or location.
10. An approved license demonstrates that the provider has completed a department-approved *basic child care course* and department-approved *sudden infant death prevention training* before opening the family child care business.

Denial or Cancellation of Family Child Care License

3. A license may be denied or canceled under the terms and conditions of [North Dakota Century Code](#) sections:
 - a. 50-11.1-04 - Application for License- Prerequisites for Issuance- License Granted- Term
 - b. 50-11.1-06.2 - Background Investigations- Fees
 - c. 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document

- d. 50-11.1-10 - Denial or Revocation of License, Four-Year-Old Program Approval, Self-Declaration, or Registration Document- Administrative Hearing.
4. If an action to cancel a license is appealed, the provider may continue operating the family child care pending the final administrative determination, or until the license expires, whichever occurs first, unless continued operation would endanger the health and safety of the children attending the family child care. This subsection does not restrict the Department's authority under [North Dakota Century Code](#) sections:
 - a. 50-11.1-07.8 - Suspension of License, Self-Declaration, or Registration Document- Assessment Upon a Report of Child Abuse or Neglect- Notification.
 - b. 50-11.1-12.- Violation of Chapter or Rules.
 - c. The department may cancel a license to operate a family child care without first issuing a correction order or simultaneously with a suspension if the continued operation would endanger the health and safety of the children present or would violate [North Dakota Century Code](#) section 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document.

Provisional License

9. The department may issue a provisional license for the operation of a family child care although the applicant or provider fails to, or is unable to, comply with all applicable standards and rules of the department.
10. A provisional license must:
 - a. State that the provider has failed to comply with all applicable standards and rules of the department.
 - b. State the items of noncompliance.
 - c. Expire at a set date, not to exceed six months from the date of issuance; and
 - d. Be exchanged for an unrestricted license, which displays an expiration date of one year from the date of issuance as the provisional license, after the applicant or provider demonstrates compliance, satisfactory to the department, with all applicable standards and rules.
11. The department may issue a provisional license only to a provider who has waived, in writing:
 - a. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and
 - b. The right to an administrative hearing, in the manner provided in North Dakota Century Code chapter 28-32, concerning the non-issuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license.
12. Any provisional license issued must be accompanied by a written statement of violations signed by the department and must be acknowledged in writing by the provider.
13. Subject to the exceptions contained in this section, a provisional license entitles the provider to all rights and privileges afforded to the provider of an unrestricted license.
14. The department may not issue a provisional license if the family child care is not in compliance with section 75-03-08-14.
15. The provider shall prominently display the provisional license and agreement.
16. The provider shall provide parents with written notice that the family child care is operating on a provisional license and the reason for the provisional license.

Restricted License

The department may issue a restricted license:

4. To restrict an individual's presence when children are in child care.
5. To restrict a pet or animal from areas accessible to children.

6. When necessary, inform the parents that the provider is licensed but is restricted to operating in certain rooms or floors of the residence or restricted from using specified outdoor spaces of the residence.

Correction of Violations

8. A provider shall correct violations noted in a correction order within the following time periods:
 - E. **24 Hours:** Violations in subsection 8 of [North Dakota Century Code](#):
 - a. A death or serious accident or illness requiring hospitalization of a child while in the care of the self-declaration provider or attributable to care received by the self-declaration provider;
 - b. An injury to any child which occurs while the child is in the care of the self-declaration provider and which requires medical treatment;
 - c. Poisonings or errors in the administration of medication;
 - d. Closures or relocation of self-declaration program due to emergencies;
 - e. Fire that occurs or explosions that occur in or on the premises of the provider.
 - F. **60 Days:** For a violation that requires an inspection by a state fire marshal or local fire department authority.
 - G. **60 Days:** For a violation that requires substantial building remodeling, construction, or structural change.
 - H. **20 Days:** For all other violations.
9. All correction periods begin on the date the provider receives the correction order.
10. The department may grant an extension of additional time to correct violations, up to a period of one-half the original allowable time allotted.
 - a. An extension may be granted upon application by the provider, showing that unforeseeable circumstances create the need for the extension and that the provider has diligently pursued the correction of the violation.
11. Upon completion of the required corrective action, the provider shall furnish written notice to the department or its authorized agent. The correction order remains in effect until the department or its authorized agent confirms that the corrections have been made.
12. Within three business days of receiving the correction order, the provider will notify the parents of each child receiving care by the provider that a correction order has been issued.
 - a. In addition to providing notice to each child's parent, the provider will prominently display the correction order in the family child care.
 - b. This notice should remain visible until the violation has been corrected or for a duration of five days, whichever is longer.
13. A family child care program that has been issued a correction order must be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the program has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order must be mailed by certified mail to the program. The notice must specify the violations not corrected and the penalties assessed in accordance with [North Dakota Century Code](#) section 50-11.1-07.5:
 - a. Upon receipt of written notice by the department, the daily fiscal sanction assessed for the violation must stop accruing.
 - b. The department shall reinspect or review the early childhood program or premises out of which the holder of the self-declaration is operating within three working days after receipt of the notification. If, upon reinspection or review, the department determines a violation has not been corrected, the department shall resume the daily assessment of fiscal sanction and add the amount of fiscal sanction that otherwise would have accrued during the period before resumption to the total assessment due from the licensee or holder of the self-declaration.
 - c. The department will notify the provider of the reinstatement of fiscal fines by mail or electronic mail. Recovery of the reinstated fiscal fines must stop if the provider makes a written request for an administrative hearing in the manner provided in [North Dakota Century Code](#)

[chapters 28-32](#), only if a written request for the hearing is made to the department within fifteen days upon mailing or ten days upon electronic transmission of the notice of resumption.

14. If a family child care program receives more than one correction order in a single year, the department may refer the provider for consulting services to assist the provider in maintaining compliance and avoiding future corrective action.
15. Refutation process for a correction order:
 - a. A provider may refute a correction order by submitting a refutation request in writing on the form provided by the department within five calendar days of receiving the correction order.
 - b. The department shall respond to written refutations within five business days of receipt.

Fiscal Sanctions

4. The department assesses a financial penalty of twenty-five dollars per day for each violation of [North Dakota Century Code chapter 50-11.1](#) or for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.
5. The department shall assess a financial penalty of fifteen dollars per day for each violation for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.
6. The department shall assess a financial penalty of five dollars per day for each violation of any other rules of this chapter for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.

Appeals

3. A provider may appeal a decision to deny or cancel a license. A written appeal must be postmarked or received by the department within ten calendar days of the provider's receipt of the written notice of the decision to deny or cancel the license.
4. Upon receipt of a timely appeal, an administrative hearing will be conducted in the manner prescribed by [North Dakota Administrative Code Chapter 3 75-01-03](#).

Provider and Staffing

Provider Minimum Qualifications

8. The provider must be at least 18 years of age.
9. Before opening the family child care business, the provider must complete a department-approved *basic child care course* and department-approved *sudden infant death prevention training*.
10. The provider continues to complete a total of ten department-approved training related to child care every licensing year. Sudden infant death prevention training is one of the ten hours of department-approved training required to be taken each year. A repeat in other training can occur as long as three years have passed since the completion date of the repeated training.
11. The provider must possess current certification in infant and pediatric cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator, and pediatric first aid. Acceptable certifying organizations include the American Heart Association, American Red Cross, or other department-approved programs.
12. If the provider's physical, cognitive, social, or emotional health capabilities appear questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.
13. A provider may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.

14. A provider must submit an application for a fingerprint-based criminal history record check at the time of initial application, re-licensure within five years from the date of initial approval, and at least once every five years thereafter.
 - a. The department may excuse a person from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If a person is excused from providing fingerprints, the department shall submit a request to the Bureau of Criminal Investigation for a nationwide name-based criminal history record check.
 - b. If an individual needs to dispute the results of the criminal history record check, he or she may request a review by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
 - i. The department shall assign the individual's request for review to a department review panel. **The department will let the individual requesting a review a timeline of the review process, the name/number of an individual to contact with questions, and the due date of the decisions of the panel.**
 - ii. The individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
 - iii. The department shall notify the individual of its final decision in writing within sixty calendar days of receiving the individual's request for review.

Family Child Care Staff Member Minimum Qualifications

10. The Family Child Care Staff member must be at least 18 years of age.
11. the Family Child Care Staff member must complete a department-approved basic child care course and department-approved sudden infant death prevention training before beginning work.
12. The family child care staff members will continue to complete ten hours of department-approved training related to child care every licensing year. Sudden infant death prevention training is one of the ten hours required each year. A repeat in other training can occur as long as three years have passed since the completion date of the repeated training.
13. The family child care staff members must possess current certification in infant and pediatric cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator, and pediatric first aid. Acceptable certifying organizations include the American Heart Association, American Red Cross, or other department-approved programs.
14. During the first week of employment, the family child care staff member will receive orientation related to child care policies, emergency procedures, special needs of children in care, and child care activities.
15. If the staff member's physical, cognitive, social, or emotional health capabilities appear questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.
16. A staff member may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.
17. The provider shall ensure that each staff member submits an application for a fingerprint-based criminal history record check upon hire and within five years from the date of initial approval and at least once every five years thereafter.
 - a. The department may excuse a person from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If a person is excused from providing fingerprints, the department shall submit a request to the Bureau of Criminal Investigation for a nationwide name-based criminal history record check.

- b. If an individual needs to dispute the results of the criminal history record check, he or she may request a review by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
 - i. The department shall assign the individual's request for review to a department review panel. **The department will let the individual requesting a review a timeline of the review process, the name/number of an individual to contact with questions, and the due date of the decisions of the panel.**
 - ii. The individual requesting a review may contact the department for an informal conference regarding the review before the department has issued its final decision.
 - iii. The department shall notify the individual of its final decision in writing within sixty calendar days of receiving the individual's request for review.
18. Receive orientation related to child care policies, emergency procedures, special needs of children in care, and child care activities during the first week of employment.

Effect of Conviction of the Provider or a Staff Member

3. A provider or staff member who has been found guilty of, pled guilty to or pled no contest to any of the following offenses described in [North Dakota Century Code chapter 12.1-16](#):
 - a. Homicide, kidnapping, sexual performances by children, Uniform Act on Prevention of and Remedies for Human Trafficking, simple assault, assault, domestic violence, aggravated assault, reckless endangerment, terrorizing, criminal coercion, harassment, stalking, assault or homicide while fleeing a police officer, gross sexual imposition, continuous sexual abuse of a child, sexual imposition, corruption or solicitation of minors, luring minors by computer or other electronic means, sexual abuse of wards, sexual assault, arson, robbery, burglary, if a class B felony under subdivision b of subsection 2 of that section, promoting prostitution, facilitating prostitution, child procurement, abuse of child or neglect of child;
 - b. An offense under the laws of another jurisdiction that requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or 19 c. An offense, other than an offense identified in subdivision a or b, if the department in the case of an applicant, provider, or household member, or the provider in the case of a staff member or emergency designee, determines that the individual has not been sufficiently rehabilitated. An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation. 2. The department has determined that the offenses enumerated in subdivision a or b of subsection 1 have a direct bearing on the applicant's, provider's, emergency designee's, or staff member's ability to serve the public in a capacity as a provider, emergency designee, or staff member.
 - c. In the case of a misdemeanor offense described in [North Dakota Century Code](#) sections:
 - i. 12.1-17-01- simple assault
 - ii. 12.1-17-03, reckless endangerment
 - iii. 12.1-17-06, criminal coercion
 - iv. 12.1-17-07, harassment
 - v. 12.1-17-07.1, stalking

- d. In the case of a class B misdemeanor offense described in [North Dakota Century Code](#) section 12.1-17-01.2, domestic violence; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.
4. The provider shall establish written policies and engage in practices that conform to those policies to effectively implement this section before hiring any staff members.

Child Abuse and Neglect

A provider shall ensure safe care for the children receiving services in the provider's family child care.

2. If a confirmed decision made under [North Dakota Century Code chapter 50-25.1](#) indicating that a child has been abused or neglected by a provider, staff member, or household member:
 - a. It affects the provider's ability to provide child care and could result in the denial or cancellation of a license.
 - b. If a confirmed determination under North Dakota Century Code chapter 50-25 is confirmed. The provider will provide detailed written information to the department. This information will allow the department to determine the provider's ability to provide care that is free of abuse and neglect.
 - i. Within five days of receiving all information, a specific timeline for a decision about the provider's ability to continue providing child care services will be communicated in writing.
 - c. Once all information is gathered, according to the timeline given to the provider, the department will let the provider know if they are able to continue their child care business.

Admission Procedures for Children

8. The provider will request a preadmission visit with the child and their guardians to acquaint them with the family child care, the environment, the other children, and the provider.
9. The provider will tell the parents about the child care program's daily schedule, special activities that take place outside of the family childcare, policies, and emergency procedures, and discuss the child to identify and accommodate the child's needs.
10. Written policies must include:
 - a. An explanation of how accidents and illnesses will be handled.
 - b. The developmentally appropriate guidance techniques used.
 - c. The process for a parent or staff member to report a complaint, a suspected licensing violation, or suspected child abuse or neglect.
 - d. The Hiring practices and personnel policies for staff members.
 - e. Informing parents that they may request daily reports for their child, including details regarding eating, napping, and diapering.
 - f. Procedure for accountability for when a guardian can drop off and pick up a child at the family child care.
 - g. Transportation procedures, if the provider provides transportation.
11. The provider will notify guardians of the payment rates and due dates for payments.
12. The provider shall provide guardians unlimited access and opportunities to observe their children at any time their children are in family child care.
 - a. This does not prohibit a provider from locking the doors of the family child care while children are in care.

13. The provider will verify the identification of the child through official documentation such as a certified birth certificate, certified school records, passport, or any other documentary evidence the provider considers appropriate proof of identity and shall comply with [North Dakota Century Code section 12-60-26](#).
14. The provider will ensure that children do not leave the child care premises unsupervised, except when the guardian and provider consent that an unsupervised departure is safe and appropriate for the child's age and development. The provider will obtain written guardian consent for the child to leave the child care premises unsupervised, which must specify the activity, time the child is leaving and length of time the child will be gone, method of transportation, and guardian's responsibility for the child once the child leaves the child care premises.

Minimum Programming Requirements for Children

5. The provider shall have a program of developmentally age-appropriate daily individual and small group activities for the children in the family child care.
 - a. The program must include developmentally appropriate activities, developed in consultation with guardians, supporting the children's social, cognitive, emotional, and physical growth.
 - b. Parents have access to a written daily routine, including mealtimes, rest times, planned developmentally appropriate activities, free play, and outside times.
 - c. The daily routine must be flexible enough to allow for spontaneous activity as appropriate.
6. The program must be designed with intervals of stimulation and relaxation and a balance between periods of active play and quiet play or rest.
 - a. The daily routine must foster the development of good health habits and self-discipline, adequate indoor and outdoor play, rest, and sleep, with sufficient time and opportunities for various experiences.
7. The program must provide various educational experiences for children of all ages with an adequate supply of safe play equipment, play materials, toys, and materials for indoor and outdoor activities that support a child's individual or group involvement.
8. Napping areas must allow for uninterrupted rest, and the nap schedule should be tailored to the child's age and individual needs.

Minimum Requirements for Care of Children with Special Needs

A provider shall make appropriate accommodations, as required by the [Americans with Disabilities Act](#), to meet the needs of children with special needs. The provider shall receive documentation about the child's special needs from the guardian **prior to** a child's enrollment.

5. When children with special needs are being cared for, the provider shall consult with the child's parents and, with the parent's permission, the child's source of professional health care or, when appropriate, other health and professional consultants to gain an understanding of the child's individual needs. **that could be developmental, physical, cognitive, and/or emotional.**
6. The provider shall receive a written health care plan from the child's medical provider or parent with information related to the child's special needs, such as a description of the special needs, definition of the diagnosis, and general information for emergency and required care such as usual medications and procedures.
7. **The provider will receive a copy of the child's IFSP or IEP to clearly understand the child's strengths and goals.**
8. The provider shall ensure staff members responsible for caring for or teaching children receive proper training on the child's special needs and potential for growth and development.

Minimum Requirements for Infant Care Environment and interactions

9. A provider serving children from birth to twelve months shall provide an environment that protects the children from physical harm.

10. The provider shall ensure that each infant receives positive stimulation and verbal interaction with the provider responsible for caring for or teaching children. Interactions include being held, rocked, talked with, and snuggled.
11. The provider responsible for caring for the infant will respond promptly to comfort their physical and emotional distress. Especially when:
 - a. indicated by crying or due to conditions such as hunger, fatigue, wet or soiled diapers, fear, teething, or illness.
 - b. Through positive actions such as feeding, diapering, holding, touching, smiling, talking, singing, or eye contact.
12. The provider shall ensure that infants have frequent and extended opportunities during each day for freedom of movement, including creeping or crawling in a safe, clean, open, and uncluttered area.
13. The provider will take children outdoors or to other areas within the family child care for a part of each day to provide some change of physical surroundings and to interact with other children.
14. The provider shall ensure that infants are not shaken or jostled.
15. The provider shall ensure that low chairs and tables, highchairs with trays with a wide base and safety strap, or other age-appropriate seating systems are provided for mealtime for infants who are no longer being held for feeding.
16. The provider shall ensure that thermometers, pacifiers, teething toys, and similar objects are cleaned and sanitized between uses.
 - a. Pacifiers may not be shared.

Feeding Procedures

9. The provider shall ensure that infants are provided developmentally appropriate nutritious foods.
10. Only breast milk or iron-fortified infant formula may be fed to infants under six months of age unless otherwise instructed by the infant's guardian or medical provider in writing.
11. The provider shall ensure that infants are fed only the specific brand of iron-fortified infant formula requested by the parent. The Iron-fortified infant formula will use brand specific mixing instructions unless medical provider has given written directions about alternative mixing instructions.
12. The provider will ensure that the mixed formula that has been unrefrigerated for more than one hour is discarded.
13. The provider will ensure that frozen breast milk is thawed under cool running tap water or in the refrigerator in amounts needed. Unused, thawed breast milk must be discarded or given to the guardian within twenty-four hours.
14. The provider will ensure that an infant is not fed by propping a bottle.
15. The provider shall ensure that cereal and other nonliquids or suspensions are only fed to an infant through a bottle on the written orders of the child's medical provider.
16. The provider shall ensure that a staff member responsible for caring for or teaching children is within the sight and hearing range of an infant during the infant's feeding or eating process.

Diapering

5. If children requiring diapering are in care, the provider shall ensure that there is a designated cleanable diapering area located separately from food preparation and serving areas in the family child care facility.
6. The provider shall ensure that diapers are changed promptly when needed and in a sanitary manner.
7. Diapers must be changed on a nonporous surface area and cleaned and disinfected after each diapering.
8. The provider shall ensure that soiled or wet diapers are stored in a sanitary, covered container separate from other garbage and waste until removed from the family child care.

Sleeping

8. The provider shall ensure that infants are placed on their back initially when sleeping to lower the risk of sudden infant death syndrome unless the infant's guardians have provided a note from the infant's medical provider specifying otherwise. The infant's face must remain uncovered when sleeping.
9. The provider shall ensure that infants sleep in a crib with a firm mattress or in a portable crib with the manufacturer's pad that meets Consumer Product Safety Commission standards.
10. The provider shall ensure that if an infant falls asleep while not in a crib or portable crib, the infant must be moved immediately to a crib or portable crib unless the infant's guardian has provided a note from the infant's medical provider specifying otherwise.
11. Water beds, adult beds, sofas, pillows, soft mattresses, and other soft surfaces are prohibited as infant sleeping surfaces.
12. The provider must ensure that all items are removed from the crib or portable crib when an infant is sleeping or preparing to sleep. No toys or objects should be hung over or attached to the crib.
13. With written parental permission, the provider may place one individual infant blanket or sleep sack, a pacifier, and a security item that does not pose a risk of suffocation in the crib or portable crib while the infant is sleeping or preparing to sleep.
14. A provider shall check on sleeping infants regularly and have a monitor in the room with them unless a staff member is in the room with them while the infants are sleeping.

Minimum Requirements for Over Night Care

7. Any provider offering night care shall modify its program to accommodate the needs of children and their parents during the night.
8. In consultation with parents, special attention must be given by the staff member responsible for caring for or teaching children to provide a transition into this type of care, appropriate to the child's needs.
9. The provider will encourage guardians to leave their children in care or pick them up before and after their normal sleeping period whenever practical. This approach ensures minimal disturbance to the child during sleep while also taking into account the guardian's work schedule.
10. The provider shall ensure that children under the age of six are supervised directly when bathing.
11. The provider shall ensure that comfortable beds, cots, or cribs, complete with a mattress or pad, are available.
12. The provider shall require each child in night care to have night clothing and a toothbrush marked for identification.

Guidance Requirements

Disregarding any of the following disciplinary rules or any disciplinary measure resulting in physical or emotional injury or neglect or abuse to any child is grounds for denial or revocation of a provider's license.

13. Behavior Guidance must be constructive and educational in nature. It may include diversion, separation from the situation, talking with the child about the situation, praising appropriate behavior, or gentle physical restraint, such as holding.
14. A child may not be subjected to physical harm, fear, or humiliation.
15. Authority to discipline may not be delegated to or be administered by other children.
16. Separation, when used as behavior guidance, must be appropriate to the child's development and circumstances. The child must be in a safe, lighted, well-ventilated room within sight or hearing range of a staff member responsible for caring for or teaching children. A child may not be isolated in a locked room or closet.
17. A child may not be punished for lapses in toilet training.
18. A provider may not use verbal abuse or make derogatory remarks about the child, the child's family, race, or religion when addressing a child or when in the presence of a child.

19. Profane, threatening, unduly loud, or abusive language in the presence of a child cannot be used by the provider or staff members.
20. A provider may not force-feed a child or coerce a child to eat unless medically prescribed and administered under a medical provider's care.
21. A provider may not use deprivation of snacks or meals as a form of discipline or punishment.
22. The provider, staff member, household member, or any other adult in the family child care may not kick, punch, spank, shake, pinch, bite, roughly handle, strike, mechanically restrain, or physically maltreat a child.
23. The provider, staff member, household member, or any other adult in the family child care may not force a child to ingest substances that would cause pain or discomfort, for example, placing soap in a child's mouth to deter the child from biting other children.
24. The provider, staff member, household member, or any other adult in the family child care may not withhold active play from a child as a form of discipline or punishment beyond a brief period of separation to allow a child to regain their emotions.

Minimum Requirements of the Facility

22. The family child care must provide adequate space, indoors and out, for the children's daily activities.
23. Adequate space must include a minimum of thirty-five square feet [3.25 square meters] of outdoor space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of outdoor play space.
24. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, areas occupied by furniture or appliances that children should not play on or under, and spaces children are not permitted to occupy. Operators who provide seventy-five square feet [6.97 square meters] of separate indoor recreation space per child are exempt from the outdoor space requirement.
25. The family child care must be clean and maintained to protect the health and safety of children.
26. The family child care and outdoor play area must be free of clutter, refuse accumulation, standing water, unprotected wells, debris, and other health and safety hazards. Garbage must be regularly removed.
27. The provider shall ensure adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children.
28. The provider shall ensure that the family child care is equipped with one properly installed smoke detector located in each sleeping area used by the children, and one properly installed smoke detector and one fire extinguisher per level. Properly installed means installed according to manufacturer's or fire inspector's directions.
29. The provider shall ensure that elevated areas, including stairs and porches, have railings and safety gates where necessary to prevent falls.
30. The provider shall ensure that the family child care has a drinking water supply from an approved community water system or from a source tested and approved by the public health division of the department of health and human services.
31. The provider shall ensure that each child has a comfortable and clean place to sleep or rest and an individual blanket. The provider may allow a child to sleep or rest on the floor only when the floor is carpeted or padded, warm, and free from drafts.
32. The provider shall ensure that exterior play areas close to busy streets and other unsafe areas are contained, fenced, or have natural barriers to restrict children from those unsafe areas. Outdoor play areas must be inspected daily for hazards and necessary maintenance.
33. The provider shall ensure that potential hazards, such as guns, household cleaning chemicals, uninsulated wires, medicines, noncovered electrical outlets, and poisonous plants, are inaccessible to children. The provider shall keep guns and ammunition in locked storage, each separate from the other, or shall use trigger locks. The provider shall ensure other weapons and dangerous sporting equipment, such as bows and arrows, are not accessible to children.

34. The provider shall ensure indoor and outdoor equipment, toys, and supplies are safe, strong, nontoxic, and in good repair. The provider shall ensure that all toys and equipment are kept clean and sanitary. Books and other toys that are not readily cleanable must be sanitized as much as possible without damaging the integrity or educational value of the item.
35. The provider shall ensure that exit doorways and pathways are not blocked.
36. The provider shall ensure that the family child care has a working telephone in the location used for child care. The provider shall post emergency numbers of parents and first responders.
37. The family child care must have an indoor bathroom with a minimum of one sink and one flush toilet.
38. The family child care must have hot and cold running water. The water in the faucets used by children must not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].
39. The family child care must meet the local minimum fire and safety standards. The provider shall obtain a fire inspection prior to licensure and annually thereafter. Any inspection fees are the provider's responsibility. The provider shall have any code violations noted by the fire inspector corrected and shall file reports of the inspections and any corrections with the department or its authorized agent. If the fire, safety, health, or sanitation environment appears questionable, the department or its authorized agent may require the provider to obtain additional inspections at the cost of the provider.
40. The provider shall provide:
 - a. The fire inspector's written statement of compliance with the local fire code, if there is one; or
 - b. The fire inspector's written statement that the family child care has been inspected and that the inspector is satisfied that the family child care meets minimum fire and safety standards.
41. The provider shall ensure that accumulations of water, ice, snow, or debris are removed from steps and walkways as quickly as possible.
42. The provider shall ensure that combustible materials are kept away from light bulbs and other heat sources.

Health and Safety

19. Children shall have received all immunizations appropriate for their age, as prescribed by the public health division of the Department of Health and Human Services unless the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs.
20. 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, and after any other procedure that may involve contact with bodily fluids. Hand soap and sanitary hand-drying equipment, as well as single-use or individually designated cloth or paper towels, must be available at each sink.
21. The provider shall have a statement on file, signed by the child's parents, authorizing emergency medical care for each child.
22. The provider shall ensure at least one department-approved first-aid kit is maintained and kept in a designated location, readily accessible and inaccessible to children.
23. The provider shall have plans to respond to illness and emergencies, including evacuation in case of fire, serious injury, and ingestion of poison.
24. If children in care require medication, the provider shall secure written permission and follow proper medication administration instructions.
 - a. Medication prescribed by a medical provider must be accompanied by the medical provider's written instructions as to dosage and storage and labeled with the child's name and date.
 - b. The provider shall store medications in an area inaccessible to children.
 - c. Medications stored in a refrigerator must be stored collectively in a spillproof container.

- d. The provider shall keep a written record of the administration of medication, including over-the-counter medication, for each child. Records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child. Completed medication records must be included in the child's record.
25. The provider shall establish practices in accordance with guidance obtained through consultation with local health unit authorities or authorities from the public health division of the department of health and human services regarding the exclusion and return of children with infectious or communicable conditions. The provider may obtain this guidance directly or through current published materials regarding exclusion and return to the family child care. The provider shall notify the parents, legal custodians, or guardians of a child's exposure to a presumed or confirmed reportable infectious disease.
26. The provider may release a child only to the child's parent or individual who the child's parent has authorized.
27. The provider shall ensure that children playing outdoors are clothed appropriately for weather conditions.
28. The provider shall ensure that a staff member responsible for caring for or teaching children is supervising directly any child who is bathing or using a pool.
29. The provider shall ensure that children receive proper supervision when playing outdoors.
30. Children's personal items, including combs, brushes, pacifiers, and toothbrushes, must be individually identified and stored in a sanitary manner.
31. Pets and animals.
 - a. The provider shall ensure that only small pets that are contained in an aquarium or other approved container, cats, and dogs are present in areas occupied by children. Wire cages are not approved containers. A solid barrier must restrict other indoor pets and animals and must not be accessible to children. The department may restrict any pet or animal from the premises that may pose a risk to children or may approve additional pets that do not pose a health or safety risk to children.
 - b. The provider shall ensure that animals are maintained in good health and are appropriately immunized. Pet immunizations must be documented with a current certificate from a veterinarian.
 - c. The provider shall ensure parents are aware of the presence of pets and animals in the family child care.
 - d. The provider shall notify parents immediately if a child is bitten or scratched and skin is broken.
 - e. The provider and staff members responsible for children shall closely supervise all contact between pets or animals and children. The staff member shall immediately remove the pet if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.
 - f. The provider shall ensure that pets, pet feeding dishes, cages, and litter boxes are not present in any food preparation, food storage, or serving areas. The provider shall ensure that pet and animal feeding dishes and litter boxes are not placed in areas accessible to children.
 - g. The provider shall ensure that indoor and outdoor areas accessible to children must be free of animal excrement.
 - h. The provider shall ensure that the child care is in compliance with all applicable state and local ordinances regarding the number, type, and health status of pets or animals.
32. Providers and staff members responsible for children shall strictly supervise wading pools used by the family child care and shall empty, clean, and sanitize wading pools daily.
33. All swimming pools used by the children must be approved annually by the local health unit.
34. Aquatic activities:

- a. The provider shall have policies that 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 children participating in aquatic activities, and additional safety precautions to be taken.
 - b. 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.
35. The provider shall ensure that garbage stored outside is kept away from children's areas and in covered containers. Open burning is not permitted. The provider shall keep indoor garbage in containers with lids. The provider may allow paper waste to be kept in open waste containers.
36. The provider shall ensure that beds, cots, mats, or cribs, complete with a mattress or pad, are available and the provider shall ensure:
- a. Pillows and mattresses have clean coverings.
 - b. Sheets and pillowcases are changed as often as necessary for cleanliness and hygiene, at least weekly.
 - c. If beds, cots, mats, or cribs are used by different children, sheets, and pillowcases are laundered before use by other children.
 - d. Cots, mats, and cribs are cleaned as often as necessary for cleanliness and hygiene, at least weekly, and after each use if used by different children.
 - e. That cots, mats, and cribs are single occupancy.
 - f. Each bed, cot, or mat has sufficient blankets available.
 - g. That aisles between beds, cots, mats, or cribs are a minimum space of two feet [60.96 centimeters] and are kept free of all obstructions while beds, cots, mats, or cribs are occupied.
 - h. Provide separate storage for personal blankets or coverings.
 - i. That mattresses and sheets are properly fitted.

Food and Nutrition

A provider shall serve children nutritious meals or snacks according to the following requirements:

10. When the provider is responsible for providing food to children, the food supplied must meet United States Department of Agriculture standards and must be properly prepared, sufficient in amount, nutritious, varied according to the diets of the children enrolled, and served at appropriate hours in a sanitary manner.
11. The provider shall post a daily or weekly menu for meals and snacks.
12. When parents bring sack lunches for their children, the provider shall supplement lunches, as necessary, to provide nutritious and sufficient amounts of food for children and shall provide adequate and appropriate refrigeration and storage as required.
13. When a child is in care for more than three hours, that child shall receive either a snack or a meal, whichever is appropriate to that time of day.
14. Children in care during any normal mealtime hour must be served nutritious food appropriate to that time of day.
15. Children in care after school shall be provided with a snack.
16. Information provided by the children's guardians regarding special diets, allergies, or other dietary conditions shall be adhered to in the feeding schedule and menu planning.
17. The provider shall serve snacks and meals to children in a manner commensurate with their development, using appropriate foods, portions, dishes, and eating utensils.
18. The provider or staff member may encourage children to eat the food served, but they may not coerce or force-feed children.

Minimum Standards for Providing Transportation

5. Prior to licensure, the provider shall establish a written policy governing the transportation of children to and from the family child care, if the family child care provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the family child care. If the family child care provides transportation, the provider shall inform the parents of any vehicle insurance coverage. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.
6. 2. When transportation is provided by a family child care, children must be protected by adequate staff supervision, safety precautions, and liability insurance.
 - a. Staffing requirements must be maintained to assure the safety of children while being transported.
 - b. A child may not be left unattended in a vehicle.
7. Children must be instructed in safe transportation conduct appropriate to their age and stage of development.
8. The driver shall be eighteen years of age or older and shall comply with all relevant federal, state, and local laws, including child restraint system laws.

Minimum Emergency Evacuation and Disaster Plan

3. The provider must create and post an emergency disaster plan for the safety of the children in care.
 - a. Written disaster plans must be developed in cooperation with local emergency management agencies.
 - b. The plan must include:
 - i. Emergency procedures, including the availability of emergency food, water, and first-aid supplies
 - ii. Procedures for evacuation, relocation, shelter-in-place, and lockdown.
 - iii. How to communicate and reunite with the families of the children.
 - iv. How the continuity of operations that supports all children including infants, toddlers, children with disabilities, and children with chronic medical conditions.
4. Fire and emergency evacuation drills must be performed monthly.

The remainder of the licenses were also realigned to represent the same categories displayed for the family child care license.

In-Home Child Care

| In-Home Child Care Early Childhood Services | |
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| Current | Proposed |
| 75-03-07-01 Purpose [Repealed] | In-Home Child Care Early Childhood Services Defined (New) |
| 75-03-07-02 Objective of Rules [Repealed] | In-Home Child Care Ratios (New) |
| 75-03-07-03 Definitions | Definitions (75-03-07.03) |
| 75-03-07-04 In-Home Registration and Standards | In-Home Registration and Standards (75-03-07-04) |
| 75-03-07-05 Minimum Requirements for Care of Children With Special Needs | Denial or Revocation of In-Home Registration (75-03-07-6) |
| 75-03-07-06 Denial or Revocation of In-Home Registration | Appeals (75-03-07-07) |
| 75-03-07-07 Appeals | Guidance Requirements (New) (75-03-07-04) |

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| | Minimum Requirements for the Care of Children with Special Needs (75-03-7-05) |
| | Effects of Conviction of In-Home Providers |
| | Child Abuse and Neglect |

Self-Declaration Providers Early Childhood Services

| Self-Declaration Providers Early Childhood Services | |
|--|--|
| Current | Proposed |
| 75-03-07.1-00.1 Definitions | Self-Declaration Providers Early Childhood Services Defined (New) |
| 75-03-07.1-01 Fees [Repealed] | Self-Declaration Child Care Ratios (New) |
| 75-03-07.1-02 Self-Declaration Standards - Application | Definitions (75-03-07.1-00.1) |
| 75-03-07.1-03 Smoke-Free Environment [Repealed] | Self-Declaration Guidance (New) |
| 75-03-07.1-04 One Per Residence – Non-transferability of Self-Declaration and Emergency Designee | Self-Declaration Standards – Application (75-03-07.1-02) |
| 75-03-07.1-05 Appeals | Denial or Revocation of Self-Declaration Document (75-03-07.1-06) |
| 75-03-07.1-06 Denial or Revocation of Self-Declaration Document | One Per Residence – Non-transferability of Self-Declaration and Emergency Designee (75-03-07.1-04) |
| 75-03-07.1-07 Minimum Sanitation Requirements | Minimum Sanitation Requirements (75-03-07.1-07) |
| 75-03-07.1-08 Infant Care | Correction of Violations (75-03-07.1-10) |
| 75-03-07.1-09 Minimum Requirements for the Care of Children With Special Needs | Fiscal Sanctions (75-03-07-1-11) |
| 75-03-07.1-10 Correction of Violations | Appeals (75-03-07.1-05) |
| 75-03-07.1-11 Fiscal Sanctions | Care of Children (New) |
| 75-03-07.1-12 Restricted Self-Declaration | Infant Care (75-03-07.1-08) |
| 75-03-07.1-13 Minimum Emergency and Disaster Plans | Minimum Requirements for the Care of Children With Special Needs (75-03-97.1-09) |
| | Restricted Self-Declaration (75-03-07.1-12) |
| | Minimum Emergency Evacuation and Disaster Plan (75-03-07-1-13) |

Group Child Care Early Childhood Services

| Group Child Care Early Childhood Services | |
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| Current | Proposed |
| 75-03-09-01 Purpose [Repealed] | Group Child Care Early Childhood Services Defined (New) |
| 75-03-09-02 Authority and Objective [Repealed] | Group Child Care Ratios (New) |
| 75-03-09-03 Definitions | Definitions (75-03-09-03) |
| 75-03-09-04 Effect of Licensing and Display of License | Group Child Care License (New) |
| 75-03-09-05 Denial or Revocation of License | Approved License (75-03-09-04) |
| 75-03-09-06 Provisional License | Denial or Cancellation of Group Child Care License (75-03-09-05) |
| 75-03-09-06.1 Restricted License | Provisional License (75-03-09-06, 75-03-09-08) |
| 75-03-09-07 Application for and Non-transferability of Group Child Care License | Restricted License (75-03-09-06.1, 75-03-09-07) |
| 75-03-09-08 Duties of Group Child Care Provider | Correction of Violations (75-03-09-29) |
| 75-03-09-09 Staffing Requirements | Fiscal Sanctions (75-03-09-30) |
| 75-03-09-10 Minimum Qualifications of Group Child Care Supervisor | Appeals (75-03-09-31) |
| 75-03-09-11 Duties of Group Child Care Supervisor | Operator and Staffing (New) |
| 75-03-09-12 Minimum Qualifications for All Staff Members Responsible for Caring for or Teaching Children | Group Child Care Operator Minimum Qualifications (75-03-09-08, 75-03-09-10, 75-03-09-13) |
| 75-03-09-12.1 Minimum Qualifications of Volunteers | Group Child Care Supervisor Minimum Qualifications (75-03-09-11) |
| 75-03-09-13 Minimum Health Requirements for All Applicants, Operators, and Staff Members | Group Child Care Staff Member Minimum Qualifications (75-03-09-08, 75-03-09-09, 75-03-09-12, 75-03-09-12.1, 75-03-09-13,) |
| 75-03-09-14 Minimum Requirements of the Facility | Effect of Conviction of the Operator or Staff Member (75-03-09-27) |
| 75-03-09-15 Minimum Standards for Provision of Transportation | Child Abuse and Neglect (75-03-09-28) |
| 75-03-09-16 Minimum Emergency Evacuation and Disaster Plan | Admission Procedures for Children (75-03-09-22) |
| 75-03-09-17 Fire Inspections | Minimum Programming Requirements for Children (75-03-09-20) |
| 75-03-09-18 Minimum Sanitation and Safety Requirements | Minimum Requirements for Care of Children with Special Needs (75-03-09-25) |
| 75-03-09-19 Minimum Requirements Regarding Space | Minimum Requirements for Infant Care (75-03-09-24) |
| 75-03-09-20 Program Requirements | Environment and Interactions (75-03-09-24) |
| 75-03-09-21 Minimum Standards for Food and Nutrition | Feeding Procedures (75-03-09-24) |
| 75-03-09-22 Records | Diapering (75-03-09-24) |
| 75-03-09-23 Discipline - Punishment Prohibited | Sleeping (75-03-09-24) |
| 75-03-09-24 Specialized Types of Care and Minimum Requirements | Minimum Requirements for Over Night Care (75-03-09-24) |
| 75-03-09-25 Minimum Requirements for Care of Children With Special Needs | Guidance Requirements (New Name) (75-03-09-23) |
| 75-03-09-26 Minimum Provisions Regarding Emergency Care for Children | Minimum provisions regarding emergency care for Children (75-03-09-26) |

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| 75-03-09-27 Effect of Conviction on Licensure and Employment | Minimum Requirements Regarding Space (75-03-09-19) |
| 75-03-09-28 Child Abuse and Neglect Decisions | Fire Inspections (75-03-09-17) |
| 75-03-09-29 Correction of Violations | Minimum Sanitation and Safety Requirements (75-03-09- 18) |
| 75-03-09-30 Fiscal Sanctions | |
| 75-03-09-31 Appeals | Health and Safety (75-03-09-22) |
| | Food and Nutrition (75-03-09-21) |
| | Minimum Standards for Providing Transportation (75-03-09-15) |
| | Minimum Emergency Evacuation and Disaster Plan (75-03-09-16) |

Child Care Center Early Childhood Services

| Child Care Center Early Childhood Services 75-03-10 | |
|--|---|
| Current | Proposed |
| 75-03-10-01 Purpose [Repealed] | Child Care Center Early Childhood Services Defined (New) |
| 75-03-10-02 Authority and Objective [Repealed] | Child Care Center Ratios (75-03-10-08) Staffing Requirements |
| 75-03-10-03 Definitions | Child Care Center Definitions (75-03-10-03) |
| 75-03-10-04 Effect of Licensing and Display of License | Child Care Center License (New) |
| 75-03-10-05 Denial or Revocation of License | Approved License (75-03-10-04, 75-03-10-07) |
| 75-03-10-06 Provisional License | Denial or Cancellation of Child Care Center License (75-03-10-05) |
| 75-03-10-06.1 Restricted License | Provisional License (75-03-10-06) |
| 75-03-10-07 Application for and Non-transferability of Child Care Center License | Restricted License (75-03-10-06.1) |
| 75-03-10-08 Staffing and Group Size Requirements | Correction of Violations (75-03-10-29) |
| 75-03-10-09 Duties of Child Care Center Operator | Fiscal Sanctions (75-03-10-30) |
| 75-03-10-10 Minimum Qualifications of Child Care Center Director | Appeals (75-03-10-31) |
| 75-03-10-11 Duties of Child Care Center Director | Operator, Center Director, Center Supervisor, and Staffing (New) |
| 75-03-10-11.1 Minimum Qualifications of Child Care Center Supervisor | Duties of a Child Care Center Operator (75-03-10-09) |
| 75-03-10-11.2 Duties of the Child Care Center Supervisor | Duties of a Child Care Center Director (75-03-10-11) |
| 75-03-10-12 Minimum Qualifications for All Staff Members Responsible for Caring for or Teaching Children | Duties of a Child Care Center Supervisor (75-03-10-11.1) |
| 75-03-10-13 Minimum Health Requirements for All Applicants, Operators, and Staff Members | Duties of a Child Care Center Supervisor (75-03-10-11.2) |

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| 75-03-10-14 Minimum Qualifications for Volunteers | Staff Member Minimum Qualifications (75-03-10-12, 75-03-10-13) |
| 75-03-10-15 Minimum Standards for Provision of Transportation | Effect of Conviction of the Operator or Staff Member (75-03-10-27) |
| 75-03-10-16 Minimum Emergency Evacuation and Disaster Plan | Child Abuse and Neglect (75-03-10-28) |
| 75-03-10-17 Fire Inspections | Records (75-03-10-22) |
| 75-03-10-18 Minimum Sanitation and Safety Requirements | Records Kept at the Child Care Center |
| 75-03-10-19 Minimum Requirements Regarding Space and Lighting | Minimum Programming Requirements for Children (75-03-10-20) |
| 75-03-10-20 Program Requirements | Minimum Requirements for Care of Children with Special Needs (75-03-10-25) |
| 75-03-10-21 Minimum Standards for Food and Nutrition | Minimum Requirements for Infant Care (75-03-10-24) |
| 75-03-10-22 Records | Environment and Interactions (75-03-10-24) |
| 75-03-10-23 Discipline - Punishment Prohibited | Feeding Procedures (75-03-10-24) |
| 75-03-10-24 Specialized Types of Care and Minimum Requirements | Diapering (75-03-10-24) |
| 75-03-10-25 Minimum Requirements for Care of Children With Special Needs | Sleeping (75-03-10-24) |
| 75-03-10-26 Minimum Provisions Regarding Emergency Care for Children | Minimum Requirements for Over Night Care (75-03-10-24) |
| 75-03-10-27 Effect of Conviction on Licensure and Employment | Guidance Requirements (New Name) (75-03-10-23) |
| 75-03-10-28 Child Abuse and Neglect Decisions | Facilities |
| 75-03-10-29 Correction of Violations | Minimum Requirements Regarding Space and Lighting (75-03-10-19) |
| 75-03-10-30 Fiscal Sanctions | Minimum Sanitation and Safety Requirements (75-03-10-18) |
| 75-03-10-31 Appeals | Fire Inspections (75-03-10-17) |
| 75-03-10-32 Penalties | Minimum provisions regarding emergency care for Children (75-03-10-26) |
| | Food and Nutrition (75-03-10-21) |
| | Minimum Standards for Providing Transportation (75-03-10-15) |
| | Emergency Plans |
| | Minimum Emergency Evacuation and Disaster Plan (75-03-10-16) |

Preschool Early Childhood Services

| Preschool Early Childhood Services | |
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| Current | Proposed |
| 75-03-11-01 Purpose [Repealed] | Preschool Early Childhood Services Defined (New) |
| 75-03-11-02 Authority and Objective [Repealed] | Preschool Ratios (New) (75-03-11-09) |
| 75-03-11-03 Definitions | Definitions (75-03-11-03) |
| 75-03-11-04 Effect of Licensing and Display of License | Preschool License (New) |
| 75-03-11-05 Denial or Revocation of License | Approved License (75-03-11-04) |

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| 75-03-11-06 Provisional License | Denial or Cancelation of Preschool License (75-03-11-05) |
| 75-03-11-06.1 Restricted License | Provisional License (75-03-11-06) |
| 75-03-11-07 Application for and Non-transferability of Preschool License | Restricted License (75-03-09-06.1) |
| 75-03-11-08 Duties of Preschool Operator | Application for and Non-Transferability of Preschool License (75-03-11-07) |
| 75-03-11-08.1 Minimum Qualifications of a Preschool Director | Correction of Violations (75-03-11-29) |
| 75-03-11-08.2 Minimum Qualifications of a Preschool Teacher | Fiscal Sanctions (75-03-11-30) |
| 75-03-11-08.3 Minimum Qualifications of a Preschool Assistant | Appeals (75-03-11-31) |
| 75-03-11-09 Staffing Requirements | Operator and Staffing (New) |
| 75-03-11-10 Duties of a Preschool Director | Preschool Operator Duties(75-03-11-08) |
| 75-03-11-11 Duties of a Preschool Teacher | Preschool Director Minimum Qualifications (75-03-11-08.1) |
| 75-03-11-12 Minimum Qualifications of Volunteers | Preschool Director Duties (75-03-11-10) |
| 75-03-11-13 Minimum Health Requirements for All Applicants, Operators, and Staff Members | Preschool Teacher Minimum Qualifications (75-03-11-08.2) |
| 75-03-11-14 Minimum Requirements of the Facility | Preschool Teacher Duties (75-03-11-11) |
| 75-03-11-15 Minimum Standards for Provision of Transportation | Preschool Assistant Minimum Qualifications (75-02-11-08.3) |
| 75-03-11-16 Minimum Emergency Evacuation and Disaster Plan | Minimum Health Requirements for All Applicants, Operators, and Staff Members (75-03-11-13) |
| 75-03-11-17 Fire Inspections | Effect of Conviction on Licensure and Employment (75-03-11-27) |
| 75-03-11- 18 Minimum Sanitation and Safety Requirements | Child Abuse and Neglect (75-03-11-28) |
| 75-03-11-19 Minimum Requirements Regarding Space | Admission Procedures for Children (75-03-11-22) |
| 75-03-11-20 Program Requirements | Minimum Programming Requirements for Children (75-03-11-20) |
| 75-03-11-21 Minimum Standards for the provision of snacks | Minimum Requirements for Care of Children with Special Needs (75-03-11-25) |
| 75-03-11-22 Records | Guidance Requirements (New Name) (75-03-11-23) |
| 75-03-11-23 Discipline - Punishment Prohibited | Minimum provisions regarding emergency care for Children (75-03-11-26) |
| 75-03-11-24 Reserved | Minimum Requirements of the Facility (75-03-11-14) |
| 75-03-11-25 Minimum Requirements for Care of Children With Special Needs | Fire Inspections (75-03-11-17) |
| 75-03-11-26 Minimum Provisions Regarding Emergency Care for Children | Minimum Sanitation and Safety Requirements (75-03-11-18) |
| 75-03-11-27 Effect of Conviction on Licensure and Employment | Minimum Requirements Regarding Space (75-03-11-19) |
| 75-03-11-28 Child Abuse and Neglect Decisions | Health and Safety (75-03-09-22) |
| 75-03-11-29 Correction of Violations | Food and Nutrition (75-03-11-21) |
| 75-03-11-30 Fiscal Sanctions | Minimum Standards for Providing Transportation (75-03-11-15) |
| 75-03-11-31 Appeals | Minimum Emergency Evacuation and Disaster Plan (75-03-11-16) |




School Age Early Childhood Services

| SCHOOL-AGE CHILD CARE PROGRAM EARLY CHILDHOOD SERVICES | |
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| Current | Proposed |
| 75-03-11.1-01 [Reserved] | School-Age Child Care Program Early Childhood Services Defined (New) |
| 75-03-11.1-02 [Reserved] | School-Age Child Care Ratios (75-03-11.1-09) |
| 75-03-11.1-03 Definitions | School-Age Child Care Definitions (75-03-11.1-03) |
| 75-03-11.1-04 Effect of Licensing and Display of License | School-Age Child Care License (New) |
| 75-03-11.1-05 Denial or Revocation of License | Application (75-03-11.1-07) and Approved License (75-03-11.1-04) |
| 75-03-11.1-06 Provisional License | Denial or Cancellation of School-Age Child Care License (75-03-11.1-05) |
| 75-03-11.1-06.1 Restricted License | Provisional License (75-03-11.1-06) |
| 75-03-11.1-07 Application for and Non-transferability of Child Care Center License | Restricted License (75-03-11.1-06.1) |
| 75-03-11.1-08 Duties of School-Age Child Care Program Operator | Application for and Non-transferability of Child Care Center License (75-03-11.1-07) |
| 75-03-11.1-08.1 Minimum Qualifications of a School-Age Child Care Program Director | Correction of Violations (75-03-11.1-29) |
| 75-03-11.1-08.2 Duties of School-Age Child Care Program Director | Fiscal Sanctions (75-03-11.1-30) |
| 75-03-11.1-08.3 Minimum Qualifications of School-Age Child Care Program Supervisor | Appeals (75-03-11.1-32) |
| 75-03-11.1-08.4 Minimum Qualifications for All School-Age Child Care Program Staff Members Responsible for Caring for or Teaching Children | Operator, Director, Center Supervisor, and Staffing (New) |
| 75-03-11.1-08.5 Minimum Qualifications for Volunteers | School-Age Child Care Program Operator Minimum Qualifications (75-03-11.1-08.1 & 75-03-11.1-13) |
| 75-03-11.1-08.6 Duties of School-Age Child Care Program Supervisor | School-Age Child Care Program Director Minimum Qualifications (75-03-11.1-08.1 & 75-03-11.1-13) |
| 75-03-11.1-09 Staffing and Group Size Requirements | School-Age Child Care Program Director Duties (75-03-11.1-08.2) |
| 75-03-11.1-10 [Reserved] | School-Age Child Care Program Supervisor Minimum Qualifications (75-03-11.1-08.3 & 75-03-11.1-13) |
| 75-03-11.1-11 [Reserved] | School-Age Child Care Program Supervisor Duties (75-03-11.1-08.6) |
| 75-03-11.1-12 [Reserved] | School-Age Child Care Program Staff Members Responsible for Caring for or Teaching Children Minimum Qualifications (75-03-11.1-8.4 & 75-03-11.1-13) |
| 75-03-11.1-13 Minimum Health Requirements for All Applicants, Operators, and Staff Members | Volunteer Minimum Qualifications (75-03-11.1-08.5 & 75-03-11.1-13) |
| 75-03-11.1-14 [Reserved] | Effect of Conviction of the Operator or Staff Member (75-03-11.1-27) |
| 75-03-11.1-15 Minimum Standards for Provision of Transportation | Child Abuse and Neglect (75-03-11.1-28) |

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| 75-03-11.1-16 Minimum Emergency Evacuation and Disaster Plan | Admission Procedures for Children (75-03-11.1-22) |
| 75-03-11.1-17 Fire Inspections | Minimum Programming Requirements for Children (75-03-11.1-20) |
| 75-03-11.1- 18 Minimum Sanitation and Safety Requirements | Minimum Requirements for Care of Children with Special Needs (75-03-11.1-25) |
| 75-03-11.1-19 Minimum Requirements Regarding Space and Lighting | Minimum Requirements for Specialized Types of Care (75-03-11.1-24) |
| 75-03-11.1-20 Program Requirements | Minimum Standards for Food and Nutrition (75-03-11.1-21) |
| 75-03-11.1-21 Minimum Standards for Food and Nutrition | Guidance Requirements (New Name) (75-03-11.1-23) |
| 75-03-11.1-22 Records | Minimum provisions regarding emergency care for Children (75-03-11.1-26) |
| 75-03-11.1-23 Discipline - Punishment Prohibited | Minimum Requirements of the Facility (75-03-10-19) |
| 75-03-11.1-24 Specialized Types of Care and Minimum Requirements | Fire Inspections (75-03-11.1-17) |
| 75-03-11.1-25 Minimum Requirements for Care of Children With Special Needs | Minimum Sanitation and Safety Requirements (75-03-11.1- 18) |
| 75-03-11.1-26 Minimum Provisions Regarding Emergency Care for Children | Minimum Requirements Regarding Space and Lighting (75-03-10-19) |
| 75-03-11.1-27 Effect of Conviction on Licensure and Employment | Health and Safety (75-03-11.1-18) |
| 75-03-11.1-28 Child Abuse and Neglect Decisions | Food and Nutrition (75-03-11.1-21) |
| 75-03-11.1-29 Correction of Violations | Minimum Standards for Providing Transportation (75-03-11.1-15) |
| 75-03-11.1-30 Fiscal Sanctions | Minimum Emergency Evacuation and Disaster Plan (75-03-11.1-16) |
| 75-03-11.1-31 Appeals | |
| 75-03-11.1-32 Appeals [Repealed] | |

Proposed Licenses

One of the goals of this project was to reduce the number of early childhood services licenses. This can be done and was clearly reduced into four areas: in-home child care, self-care, family, and center child care early childhood services. These four licenses are detailed in the [Standards Crosswalk Excel spreadsheet](#). There are also examples of reducing the number of licenses to two areas: Home Child Care and Center Child Care, and these two examples are detailed in the [Standards Crosswalk Excel spreadsheet](#). One item that comes to the forefront when considering the alignment of fewer licenses is the various roles expected within each license and the training or education needed to have that role within the early childhood program. Here is an example of the Center Child Care Early Childhood Services License:

| Center Early Childhood Services |
|---|
| <p>Center Early Childhood Services is an early childhood program licensed to provide early childhood services for children from birth to sixth grade, following appropriate ratios according to the square footage and ages.</p> <ul style="list-style-type: none"> Child Care Center School-Age Preschool |
| Child Care Center Ratios and Staffing |
| <p>Child Care Center Ratios</p> <p>Child Care Center Ratios: The number of children that can be cared for at one time according to square footage and child-adult ratios according to the ages of the children being cared for.</p> <p>Staffing Requirements: The maximum group size and minimum ratio of staff members responsible for caring for or teaching children in centers must be:</p> <ol style="list-style-type: none">1. For children less than eighteen months of age, one staff member may care for four children, a ratio of .25 in decimal form, with a maximum group size of ten children.2. For children eighteen months of age to thirty-six months of age, one staff member may care for five children, a ratio of .20 in decimal form, with a maximum group size of fifteen children.3. For children three years of age to four years of age, one staff member may care for seven children, a ratio of .14 in decimal form, with a maximum group size of twenty children.4. For children four years of age to five years of age, one staff member may care for ten children, a ratio of .10 in decimal form, with a maximum group size of twenty-five children.5. For children five years of age to six years of age, one staff member may care for twelve children, a ratio of .08 in decimal form, with a maximum group size of thirty children.6. For children six years to twelve years of age, one staff member may care for twenty children, a ratio of .05 in decimal form, with a maximum group size of forty children. <p>When there are mixed-age groups in the same room, the owner shall ensure that the maximum group size is consistent with the:</p> <ol style="list-style-type: none">1. Age of the majority of the children or highest number of children in the youngest age group.2. When children age zero to eighteen months are in the mixed-age group, the maximum group size does not exceed ten children. |

3. The mixed-age group does not exceed the acceptable ratio pursuant to subdivision d of subsection 2 of section 75-03-10-08 and the maximum number of children per staff member pursuant to subdivision a of subsection 2 of section 75-03-10-08. If the mixed-age group contains the maximum number of children per staff member pursuant to subdivision a of subsection 2 of section 75-03-10-08, the mixed-age group may only contain additional older children. When there is a mixed-age group, the number of children in each age category is multiplied by the corresponding ratio number, converted to decimal form, and carried to 5 the nearest hundredth. To determine the number of staff members responsible for caring for or teaching children necessary at any given time, numbers of staff members for all age categories are added, and any fractional staff member count is then rounded to the next highest whole number whenever the fractional staff member count amounts to thirty-five hundredths or more. If lower than thirty-five hundredths, the fractional amount is dropped.

Center License Definitions

The terms used in this chapter have the same meanings as in [North Dakota Century Code section 50-11.1-02](#).

- 1)Annual** is defined as the provider's licensing year. The licensing year is the date you received your license.
- 2)Applicant** means the person applying for a license to operate early childhood services as an owner of an early childhood program, self-declaration, or registered in-home provider.
- 3)Application** means all forms the department requires when applying or reapplying for a license.
- 4)Aquatic activity** means an activity in or on a body of water, either natural or manmade, including rivers, lakes, streams, swimming pools, and water slides.
- 5)Attendance** means the [total number of children present](#) at any one time at the family child care/group child care/child care center/preschool.
- 6)Child care center** is an early childhood program licensed to provide early childhood services to nineteen or more children.
- 7)Child with special needs** means a child determined by a medical provider to have or to be at risk for chronic physical, developmental, behavioral, or emotional conditions. The child may have an IFSP or IEP that needs to be understood by the family child care provider and family child care staff members who work with the child on an IFSP or IEP.
- 8)Developmental Age** is the age at which the child functions socially, physically, intellectually, culturally, and emotionally.
- 9)Department** means the Department of Health and Human Services.
- 10)Drop-in care** means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.
- 11)Early childhood services** mean the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services.
- 12)Household member** means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.
- 13)IEP** is an acronym for Individual Education Plan, a written plan created to meet the individual needs, concerns, and priorities of children from 3 to 21 years of age.
- 14)IFSP** is an acronym for Individual Family Service Plan, a written plan created by the child's IFSP team to meet the needs, concerns, and priorities of children from birth to age three and their families.
- 15)Infant** means a child who is birth to seventeen months of age.
- 16)Licensed** means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.
- 17)Medication** is any drug or remedy taken internally or orally, inhaled, or applied topically.
- 18)Operator** means the individual or governing board with the legal responsibility and administrative authority to operate a group child care and the premises at which the early childhood service operates.
- 19)Parent** means an individual with the legal relationship of a father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.
- 20)Premises** means the indoor and outdoor areas approved for providing early childhood services.
- 21)Preschool** means a child who is between 3 to 5 years of age.

22)School Age means a child 6 to 12 years of age.

23)Staff Member(s) means paid staff working full-time or part-time or as substitutes for short-term assistance or emergency assistance. They can also be unpaid staff members performing a temporary duty, such as a university practicum student or foster grandparent.

24)Supervision means a provider or staff member responsible for caring for or teaching children are within sight or hearing range of an infant, toddler, preschooler, or school-age child at all times so that the provider or staff member is capable of intervening to protect the physical and emotional health and safety of the child.

25)Toddler means a child who is between 18 months and 35 months.

Child Care Center License

Approved License

11. The Child Care Center Operator submits the license application to the Department of Health and Human Services, Early Childhood Section.
12. Issuing an approved license to operate a child care center is evidence of compliance with child care center licensing requirements and [North Dakota Century Code chapter 50-11.1](#).
13. An approved license must be displayed in a visible location within the child care center to which the license applies.
14. The license must state the maximum number of children who may be cared for within the center.
15. The child care center may not admit a greater number of children than the license allows.
16. The license is non-transferable and only valid for the owner of the child care center listed on the license.
17. Only one license per child care center location, and a new application must be filed if there is a change of owner and/or location.

An approved license demonstrates that the owner has completed a department-approved *basic child care course* and department-approved *sudden unexpected infant death training* before opening the family child care business.

Denial or Cancellation of Child Care Center License

1)A license may be denied or canceled under the terms and conditions of [North Dakota Century Code](#) sections:

- a. 50-11.1-04 - Application for License- Prerequisites for Issuance- License Granted- Term
- b. 50-11.1-06.2 - Background Investigations- Fees
- c. 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document
- d. 50-11.1-10 - Denial or Revocation of License, Four-Year-Old Program Approval, Self-Declaration, or Registration Document- Administrative Hearing.

2)If an action to cancel a license is appealed, the owner may continue operating the child care center pending the final administrative determination, or until the license expires, whichever occurs first, unless continued operation would endanger the health and safety of the children attending the family child care. This subsection does not restrict the Department's authority under [North Dakota Century Code](#) sections:

- e. 50-11.1-07.8 - Suspension of License, Self-Declaration, or Registration Document- Assessment Upon a Report of Child Abuse or Neglect- Notification.
- f. 50-11.1-12.- Violation of Chapter or Rules.
- g. The department may cancel a license to operate a child care center without first issuing a correction order or simultaneously with a suspension if the continued operation would endanger the health and safety of the children present or would violate [North Dakota Century Code](#) section 50-11.1-09 - Revocation of License, Self-Declaration, Or Registration Document.

Provisional License

1)The department may issue a provisional license for the operation of a child care center although the applicant or provider fails to, or is unable to, comply with all applicable standards and rules of the department.

2)A provisional license must:

- a. State that the owner has failed to comply with all applicable standards and rules of the department.
- b. State the items of noncompliance.
- c. Expire at a set date, not to exceed six months from the date of issuance; and

- d. Be exchanged for an unrestricted license, which displays an expiration date of one year from the date of issuance as the provisional license, after the owner demonstrates compliance, satisfactory to the department, with all applicable standards and rules.
- 3)The department may issue a provisional license only to an owner who has waived, in writing:
- e. The right to a written statement of charges as to the reasons for the denial of an unrestricted license; and
 - f. The right to an administrative hearing, in the manner provided in [North Dakota Century Code chapter 28-32](#), concerning the non-issuance of an unrestricted license, either at the time of application or during the period of operation under a provisional license.
- 4)Any provisional license issued must be accompanied by a written statement of violations signed by the department and must be acknowledged in writing by the owner.
- 5)Subject to the exceptions contained in this section, a provisional license entitles the owner to all rights and privileges afforded to the owner of an unrestricted license.
- 6)The department may not issue a provisional license if the child care center is not in compliance with sections section 75-03-10-17 or 75-03-10-18.
- 7)The owner shall prominently display the provisional license and agreement.
The owner shall provide parents with written notice that the child care center is operating on a provisional license and the reason for the provisional license.

Restricted License

The department may issue a restricted license:

- 1. To restrict an individual's presence when children are in child care.
- 2. To restrict a pet or animal from areas accessible to children.

When necessary, inform the parents that the owner is licensed but is restricted to operating in certain rooms or floors of the residence or restricted from using specified outdoor spaces of the residence.

Correction of Violations

- 1)A owner shall correct violations noted in a correction order within the following time periods:
- a. **24 Hours:** Violations in subsection 8 of [North Dakota Century Code](#):
 - i.A death or serious accident or illness requiring hospitalization of a child while in the care of the self-declaration provider or attributable to care received by the self-declaration provider;
 - ii.An injury to any child which occurs while the child is in the care of the self-declaration provider and which requires medical treatment;
 - iii.Poisonings or errors in the administration of medication;
 - iv.Closures or relocation of self-declaration program due to emergencies;
 - v.Fire that occurs or explosions that occur in or on the premises of the provider.
 - b. **60 Days:** For a violation that requires an inspection by a state fire marshal or local fire department authority.
 - c. **60 Days:** For a violation that requires substantial building remodeling, construction, or structural change.
 - d. **20 Days:** For all other violations.
- 2)All correction periods begin on the date the owner receives the correction order.
- 3)The department may grant an extension of additional time to correct violations, up to a period of one-half the original allowable time allotted.
- a. An extension may be granted upon application by the owner, showing that unforeseeable circumstances create the need for the extension and that the owner has diligently pursued the correction of the violation(s).
- 4)Upon completion of the required corrective action, the owner shall furnish written notice to the department or its authorized agent. The correction order remains in effect until the department or its authorized agent confirms that the corrections have been made.

5) Within three business days of receiving the correction order, the provider will notify the parents of each child receiving care by the provider that a correction order has been issued.

a. In addition to providing notice to each child's parent, the provider will prominently display the correction order in the family child care.

b. This notice should remain visible until the violation has been corrected or for a duration of five days, whichever is longer.

6) A child care center that has been issued a correction order must be reinspected at the end of the period allowed for correction. If, upon reinspection, it is determined that the program has not corrected a violation identified in the correction order, a notice of noncompliance with the correction order must be mailed by certified mail to the program. The notice must specify the violations not corrected and the penalties assessed in accordance with [North Dakota Century Code](#) section 50-11.1-07.5:

a. Upon receipt of written notice by the department, the daily fiscal sanction assessed for the violation must stop accruing.

b. The department shall reinspect or review the early childhood program or premises out of which the holder of the self-declaration is operating within three working days after receipt of the notification. If, upon reinspection or review, the department determines a violation has not been corrected, the department shall resume the daily assessment of fiscal sanction and add the amount of fiscal sanction that otherwise would have accrued during the period before resumption to the total assessment due from the licensee or holder of the self-declaration.

c. The department will notify the provider of the reinstatement of fiscal fines by mail or electronic mail. Recovery of the reinstated fiscal fines must stop if the provider makes a written request for an administrative hearing in the manner provided in [North Dakota Century Code chapters 28-32](#), only if a written request for the hearing is made to the department within fifteen days upon mailing or ten days upon electronic transmission of the notice of resumption.

7) If a child care center receives more than one correction order in a single year, the department may refer the owner for consulting services to assist the owner in maintaining compliance and avoiding future corrective action.

8) Refutation process for a correction order:

a. An owner may refute a correction order by submitting a refutation request in writing on the form provided by the department within five calendar days of receiving the correction order.

b. The department shall respond to written refutations within five business days of receipt.

Fiscal Sanctions

1. The department assesses a financial penalty of twenty-five dollars per day for each violation of [North Dakota Century Code chapter 50-11.1](#) or for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.
2. The department shall assess a financial penalty of fifteen dollars per day for each violation for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.
3. The department shall assess a financial penalty of five dollars per day for each violation of any other rules of this chapter for each day that the provider has not notified the department of the correction after the allowable time to make the correction has ended.

Appeals

1. An owner may appeal a decision to deny or cancel a license. A written appeal must be postmarked or received by the department within ten calendar days of the owner's receipt of the written notice of the decision to deny or cancel the license.
2. Upon receipt of a timely appeal, an administrative hearing will be conducted in the manner prescribed by [North Dakota Administrative Code Chapter 3 75-01-03](#).

Operator, Center Director, Center Supervisor, and Staffing

Duties of a Child Care Center Operator

1. Designate a qualified director and shall delegate appropriate duties to the director:

- a. The operator shall ensure that the director is present at the child care center at least sixty percent of the time when the child care center is open.
 - b. The operator shall ensure that the director meets the qualifications of a supervisor.
 - c. The operator shall ensure that when the director is not present at the center, an individual who meets the qualifications of a supervisor is on duty.
2. Provide an environment that is physically, emotionally, and socially adequate for children.
3. Notify the department of any major changes in the operation, ownership, or governing body of the child care center, including staff member changes.
4. Ensure that liability insurance is carried to insure against bodily injury and property damage for the child care center.
5. Formulate written policies and procedures for the operation of the child care center.
6. Policies must include:
 - a. Hiring practices and personnel policies for staff members.
 - b. Methods for obtaining references and employment histories of staff members.
 - c. Methods of conducting staff member performance evaluations.
 - d. Children's activities, care, and enrollment protocols.
 - e. The responsibilities and rights of staff members and parents.
 - f. An explanation of how accidents and illnesses will be handled.
 - g. The methods of developmentally appropriate discipline and guidance techniques that are to be used.
 - h. The process for a parent or staff member to report a complaint, a suspected licensing violation, and suspected child abuse or neglect.
 - i. The care and safeguarding of personal belongings brought to the child care center by a child or by another on a child's behalf.
 - j. Procedures for accountability when a child fails to arrive as expected at the child care center.
 - k. Transportation procedures, if the operator provides transportation.
7. Maintain records of enrollment, attendance, health, and other required records.
8. May select an emergency designee.
9. Maintain necessary information to verify staff members' qualifications and to ensure safe care for the children in the child care center.
10. Ensure that parents of enrolled children and other interested parties are informed of the goals, policies, procedures, and content of the child care center's program.
11. Ensure that the child care center is sufficiently staffed at all times to meet the child to staff ratios for children in attendance and that no more children than the licensed capacity are served at any one time.
12. Ensure that the child care center has sufficient qualified staff members available to substitute for regularly assigned staff who are sick, on leave, or otherwise unable to be on duty.
13. Report immediately, as a mandatory reporter, suspected child abuse or neglect as required by [North Dakota Century Code section 50-25.1-03](#).
14. Ensure that staff members under the age of 18 responsible for caring for or teaching children are supervised by an adult staff member.
15. If the operator is also the director, he or she must meet the qualifications of the director set forth in section 75-03-10-10.
16. Report to the department within twenty-four hours:
 - a. A death or a serious accident or illness requiring hospitalization of a child while in the care of the child care center or attributable to care received in the child care center.
 - b. An injury to any child which occurs while the child is in the care of the child care center and which requires medical treatment.
 - c. Poisonings or errors in the administering of medication.
 - d. Closures or relocations of the child care center due to emergencies.
 - e. Fire that occurs or explosions that occur in or on the premises of the child care center.

17. Ensure that children do not depart from the child care center premises unsupervised, except when the parent and provider consent that an unsupervised departure is safe and appropriate for the age and development of the child. The provider shall obtain written parental consent for the child to leave the child care center premises unsupervised, which must specify the activity, time the child is leaving and length of time the child will be gone, method of transportation, and parental responsibility for the child once the child leaves the child care center premises.
18. Ensure that each child is released only to the child's parent, legal custodian, guardian, or an individual who has been authorized by the child's parent, legal custodian, or guardian.
19. Ensure that parents of enrolled children:
 - a. Are advised of the child care center's service fees, operating policies and procedures, location, and the name, address, and telephone number of the operator and the director.
 - b. Receive written notice of the effective date, duration, scope, and impact of any significant changes in the child care center's services.
 - c. Receive notice that they may request written daily reports for their child, including details regarding eating, napping, and diapering.
 - d. Provide parents, upon request, with progress reports on their children. Ensure that there are signed written agreements with the parents of each child that specify the fees to be paid, methods of payment, and policies regarding the delinquency of fees.
 - e. Provide parents with unlimited access and opportunities for parents to observe their children while in care and provide parents with regular opportunities to meet with staff members responsible for caring for or teaching children before and during enrollment to discuss their children's needs.

Providing unlimited access does not prohibit a child care center from locking its doors while children are in care.

Duties of Child Care Center Director

The director, in collaboration with the operator, shall:

1. Plan, supervise, and conduct daily activities in the child care center.
2. Maintain required enrollment, attendance, health, and other required records.
3. Screen, schedule, supervise, and be responsible for the conduct of staff members while staff members are on duty.
4. Perform other duties as delegated by the operator.

Child Care Center Supervisor Minimum Qualifications

1. Be an adult of good physical, cognitive, social, and emotional health and shall use mature judgment when making decisions impacting the quality of child care.
2. Have a demonstrated ability in working with children.
3. Hold at least one of the following qualifications:
 - a. An associate degree in the field of early childhood development.
 - b. Current certification as a child development associate or successful completion of a department-approved diploma program with an emphasis in early childhood or child care.
 - c. Certification from a Montessori teacher training program.
 - d. A high school diploma or high school equivalency with at least one year of experience in a child care or similar setting.
4. Possess knowledge and experience in building and maintaining interpersonal relationships.
5. Successfully complete:
 - a. A department-approved basic child care course before working in the classroom and supervising staff.
 - b. Before working with infants and supervising others, the supervisor shall certify completion of one hour of department-approved safe sleep training must successfully be completed.
 - c. Before working in the classroom and supervising others, one hour of training on being a mandated reporter of suspected child abuse or neglect must be successfully completed.

- d. Successfully complete a minimum of thirteen hours of department-approved training related to child care each year and annually thereafter.

Important Training Note: The same training courses may be counted toward licensing annual requirements only if at least three years has passed since the last completion date of that training course, with the exception of safe sleep and mandated reporter annual training.

Duties of Child Care Center Supervisor

The supervisor, in collaboration with the director, shall:

1. Communicate with parents about the individual needs of their children, including any special concerns of parents.
2. Plan daily and weekly schedules of activities and make those plans available to parents.

Ensure that program policies are adhered to in the classes and groups assigned to the supervisor.

Minimum Qualifications Staff Member

1)The staff member must be at least 18 years of age.

2)The staff member shall be individuals of good physical, cognitive, social, and emotional health and shall use mature judgment when making decisions impacting the quality of child care.

- a. If the staff member's physical, cognitive, social, or emotional health capabilities appear questionable, the department may require the individual to present evidence of the individual's capability to provide the required care based on a formal evaluation. The department is not responsible for the costs of any required evaluation.
- b. A staff member may not use or be under the influence of any illegal drugs or alcoholic beverages while caring for children.

3)The staff member must complete a department-approved basic child care course and department-approved sudden infant death prevention training before beginning work.

4)The staff members must possess current certification in infant and pediatric cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator, and pediatric first aid prior to working with children.

- a. Acceptable certifying organizations include the American Heart Association, American Red Cross, or other department-approved programs.

5)The staff member will continue to complete department-approved training related to child care every licensing year, and annually thereafter, as set forth below:

- c. If working thirty or more hours per week, certify thirteen hours of department-approved training annually.
- d. If working fewer than thirty hours and more than twenty hours per week, certify eleven hours of department-approved training annually.
- e. If working fewer than twenty hours and at least ten hours per week, certify nine hours of department-approved training annually.
- f. If working fewer than ten hours per week, certify seven hours of department-approved training annually.
- g. Completion of one hour of department-approved safe sleep prior to the staff member providing care to infants.
- h. Completion of one hour of department-approved mandated reporter of suspected child abuse or neglect training.
- i. The same training courses may be counted toward licensing annual requirements only if at least three years has passed since the last completion date of that training course, with the exception of safe sleep and mandated reporter annual training.
- j. Substitute staff are exempt from the annual training requirement with the exception of one hour of department-approved safe sleep prior to the staff member providing care to infants and one hour of department-approved mandated reporter of suspected child abuse or neglect training.

6)Shall not place a child in an environment that would be harmful or dangerous to the child's physical, cognitive, social, or emotional health.

7) During the first week of employment, the staff member will receive orientation to the child care center.

8) The director shall document orientation by filling out an orientation certification form showing proof of reviewing the following information:

- k. Emergency health, fire, and safety procedures for the child care center.
- l. The importance of handwashing and sanitation procedures to reduce the spread of infection and disease among children and staff members.
- m. Any special health or nutrition instructions of the children assigned to the staff member.
- n. Any special needs of the children assigned to the staff member.
- o. The planned program of activities at the child care center.
- p. Rules and policies of the child care center.
- q. Child abuse and neglect reporting laws.

9) Ensure safe care for children under supervision. Supervision means a staff member responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler at all times so 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.

Effect of Conviction of the Operator or a Staff Member

1) An operator, director, supervisor may not plead guilty or employ a staff member who has been found guilty of, pled guilty to or pled no contest to any of the following offenses described in [North Dakota Century Code chapter 12.1-16](#):

- a. Homicide, kidnapping, sexual performances by children, Uniform Act on Prevention of and Remedies for Human Trafficking, simple assault, assault, domestic violence, aggravated assault, reckless endangerment, terrorizing, criminal coercion, harassment, stalking, assault or homicide while fleeing a police officer, gross sexual imposition, continuous sexual abuse of a child, sexual imposition, corruption or solicitation of minors, luring minors by computer or other electronic means, sexual abuse of wards, sexual assault, arson, robbery, burglary, if a class B felony under subdivision b of subsection 2 of that section, promoting prostitution, facilitating prostitution, child procurement, abuse of child or neglect of child;
- b. An offense under the laws of another jurisdiction that requires proof of substantially similar elements as required for conviction under any of the offenses identified in subdivision a; or 19 c. An offense, other than an offense identified in subdivision a or b, if the department in the case of an applicant, provider, or household member, or the provider in the case of a staff member or emergency designee, determines that the individual has not been sufficiently rehabilitated. An offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction, is prima facie evidence of sufficient rehabilitation. 2. The department has determined that the offenses enumerated in subdivision a or b of subsection 1 have a direct bearing on the applicant's, provider's, emergency designee's, or staff member's ability to serve the public in a capacity as a provider, emergency designee, or staff member.
- c. In the case of a misdemeanor offense described in [North Dakota Century Code](#) sections:
 - i. 12.1-17-01- simple assault
 - ii. 12.1-17-03, reckless endangerment
 - iii. 12.1-17-06, criminal coercion
 - iv. 12.1-17-07, harassment
 - v. 12.1-17-07.1, stalking
- d. In the case of a class B misdemeanor offense described in [North Dakota Century Code](#) section 12.1-17-01.2, domestic violence; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final

discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.

5) The operator shall establish written policies and engage in practices that conform to those policies to effectively implement this section before hiring any staff members.

6) Fingerprint-Based Criminal History Record Check:

- a. An owner shall submit an application for a fingerprint-based criminal history record check at the time of application and within five years from the date of initial approval and at least once every five years thereafter.
- b. The owner shall ensure that each staff member submits an application for a fingerprint-based criminal history record check upon hire, within five years from the date of initial approval, and at least once every five years thereafter.
- c. The department may excuse an individual from providing fingerprints if usable prints have not been obtained after two sets of prints have been submitted and rejected. If an individual is excused from providing fingerprints, the department shall submit a request to the Bureau of Criminal Investigation for a nationwide name-based criminal history record check.
- d. Review of the fingerprint-based criminal history record check results.
 - i. If an individual disputes the results of the criminal history record check required under this chapter, the individual may request a review of the results by submitting a written request for review to the department within thirty calendar days of the date of the department's memo outlining the results. The individual's request for review must include a statement of each disputed item and the reason for the dispute.
 - ii. The department shall assign the individual's request for review to a department review panel. An individual who has requested a review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
 - iii. The department shall notify the individual of the department's final decision in writing within sixty calendar days of receipt of the individual's request for review.

Child Abuse and Neglect

An owner and operator shall ensure safe care for the children receiving services in the child care center.

1. If a confirmed decision made under [North Dakota Century Code chapter 50-25.1](#) indicating that a child has been abused or neglected by an applicant, owner, operator, director, supervisor, staff members, that decision has a direct bearing on the applicant's, owner, or operator's ability to serve the public in a capacity involving the provisions of child care and the application or license may be denied or revoked.
2. If a confirmed determination under [North Dakota Century Code chapter 50-25.1](#) or a similar finding in another jurisdiction that requires proof of substantially similar elements exists indicating that any child has been abused or neglected by the applicant, owner, operator, director, supervisor, emergency designee, substitute staff member, or staff member, the applicant or operator shall furnish information satisfactory to the department, from which the department can determine the applicant's, owner, operator's, director's, supervisor's, emergency designee's, substitute staff member's, or staff member's ability to provide care that is free of abuse and neglect. The department shall furnish the determination of current ability to the applicant or operator.

Each applicant, owner, operator, director, supervisor, emergency designee, substitute staff member, and staff member shall complete, and the operator shall submit to the department, a department-approved authorization for background check form no later than the first day of employment.

Records

Records Kept at the Child Care Center

1. The operator shall keep a copy of Chapter 75-03-10 on the premises of the child care center and shall make it available to staff members at all times.
2. The operator shall maintain the following records:
 - b. The child's full name, birth date, and current home address.
 - c. Legal names of the child's parents and current business and personal telephone numbers where they can be reached.
 - d. Names and telephone numbers of individuals who may assume responsibility for the child if the individuals legally responsible for the child cannot be reached immediately in an emergency.
 - e. A written statement from the parents authorizing emergency medical care.
 - f. Names and telephone numbers of individuals authorized to take the child from the child care center.
 - g. Verification that the child has received all immunizations appropriate for the child's age, as prescribed by the public health division of the department or have on file a document stating that the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs.
 - h. A current health assessment or a health assessment statement completed by the parent, obtained at the time of initial enrollment of the child which must indicate any special precautions for diet, medication, or activity. This assessment must be completed annually.
3. The operator shall record and verify the identification of the child through official documentation such as a certified birth certificate, certified school records, passport, or any other documentary evidence the operator considers appropriate proof of identity and shall comply with [North Dakota Century Code section 12-60-26](#).
4. The operator shall ensure that all records, photographs, and information maintained with respect to children receiving child care services are kept confidential, and that access is limited to staff members, the parents of each child, and to the following, unless otherwise protected by law:
 - a. The department representatives.
 - b. Individuals having a definite interest in the well-being of the children concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary.

Individuals who possess a written authorization from the child's parent. The child care center shall have a release of information form available and shall have the form signed prior to the release of information.

Minimum Programming Requirements for Children

1. The child care center operator shall have a program of daily individual or small group activities appropriate to the ages and needs of the children in the child care center.
 - a. The program must include developmentally appropriate activities developed in consultation with guardians to support the children's social, cognitive, emotional, and physical growth.
 - b. The program must be developed with consideration of parental input.
 - c. A written daily routine that must be flexible enough to allow for spontaneous activity, as well as, including mealtimes, rest times, planned developmentally appropriate activities, free play, and outside time.
 - d. The daily routine must be available to parents.
3. The program must be flexible and subject to modification for individual child differences.
4. The program must be written and varied to promote the physical and emotional well-being of the children, to encourage the acquisition of information and knowledge, and to foster the development of language skills, concepts, self-discipline, and problem-solving activities.
 - a. The program must describe how the activities planned meet the children's developmental needs, including the special needs of children.

- b. The written program must be made available to parents.
 - c. The program must include firsthand experiences for children to learn about the world in which they live.
 - d. Learning experiences must be conducted in consultation with parents to ensure harmony with the lifestyle and cultural background of the children.
 - e. The program must provide a balance of quiet and active indoor and outdoor group and individual activities. A time for supervised child-initiated and self-selected activity must be established.
5. If children are allowed to assist in any food preparation, the activity must be limited to the use of equipment and appliances that do not present a safety hazard. Children may not be allowed in the kitchen or laundry area unsupervised.
 6. A variety of games, toys, books, crafts, and other activities and materials must be provided to enhance the child's intellectual and social development and to broaden the child's life experience. Each child care center must have enough play materials and equipment so, that at any one time, each child in attendance may be involved individually or as a group.
 7. The cultural diversity of the children must be reflected in the program through incorporation of their language, food, celebration, and lifestyles, if appropriate.
 8. Equipment and furniture must be durable and safe and must be appropriately adapted for children's use.
 9. Sufficient space accessible to children must be provided for each child's personal belongings.
 10. The child care center shall supplement, augment, and reinforce the child's activities at home and, where applicable, at school.
 11. At the time of enrollment, the director or supervisor shall discuss with the parents the children's habits, activities, and schedules while at home and in school and the parents' special concerns about their past and future behavior and development. The schedule and activities must be designed to complement and supplement the children's experiences at home and in school.
 12. Staff members responsible for caring for or teaching children shall encourage parents to visit the facility, observe, and participate in the care of their children.
 13. The director or supervisor shall contact parents to offer meaningful opportunities to participate in general program policymaking.
 14. The child care center shall stress personal hygiene practices appropriate for a child's age and development.
 15. The director or supervisor shall contact parents to exchange information concerning the child and any concerns about the health, development, or behavior of the child. These concerns must be communicated to the parent promptly and directly.
 16. Each child's cultural and ethnic background and primary language or dialect must be respected by the staff members.
 17. Each child care center shall have a designated area where a child can sit quietly or lie down to rest.
 - a. There must be sufficient cots or sleeping mats to allow each child in attendance an individual napping space.
 - b. The floor may be used only when the floor is carpeted or padded, warm, and free from drafts, and when individual blankets or coverings are used.
 - c. The child care center shall set napping schedules for children according to the children's ages and needs.
 - d. For children unable to sleep, the director or supervisor shall provide time and space for quiet play.

Minimum Requirements for Care of Children with Special Needs

An operator shall make appropriate accommodations, as required by the [Americans with Disabilities Act](#), to meet the needs of children with special needs.

The child care center shall receive documentation about the child's special needs from the guardian prior to a child's enrollment.

- 1)When children with special needs are being cared for, the provider shall consult with the child's parents and, with the parent's permission, the child's source of professional health care or, when appropriate, other health and professional consultants to gain an understanding of the child's individual needs, which could be developmental, physical, cognitive, and/or emotional.
- 2)The operator shall receive a written health care plan from the child's medical provider or parent with information related to the child's special needs, such as a description of the special needs, definition of the diagnosis, and general information for emergency and required care such as usual medications and procedures.
- 3)The child care center will receive a copy of the child's IFSP or IEP to clearly understand the child's strengths and goals.
- 4)The operator shall ensure staff members responsible for caring for or teaching children receive proper training on the child's special needs and potential for growth and development.

Minimum Requirements for Infant Care

Environment and interactions

- 1)A child care center serving children from birth to twelve months shall provide an environment that protects the children from physical harm.
- 2)The staff member shall ensure that each infant receives positive stimulation and verbal interaction with the provider responsible for caring for or teaching children. Interactions include being held, rocked, talked with, and snuggled.
- 3)The staff member responsible for caring for the infant will respond promptly to comfort their physical and emotional distress. Especially when:
 - d. indicated by crying or due to conditions such as hunger, fatigue, wet or soiled diapers, fear, teething, or illness.
 - e. Through positive actions such as feeding, diapering, holding, touching, smiling, talking, singing, or eye contact.
- 4)The staff member shall ensure that infants have frequent and extended opportunities during each day for freedom of movement, including creeping or crawling in a safe, clean, open, and uncluttered area.
- 5)The provider will take children outdoors or to other areas within the family child care for a part of each day to provide some change of physical surroundings and to interact with other children.
- 6)The owner shall ensure that staff members shall ensure that infants are not shaken or jostled.
- 7)The owner shall ensure that staff members ensure that low chairs and tables, highchairs with trays with a wide base and safety strap, or other age-appropriate seating systems are provided for mealtime for infants who are no longer being held for feeding.
- 8)The provider shall ensure that thermometers, pacifiers, teething toys, and similar objects are cleaned and sanitized between uses.
Pacifiers may not be shared.

Feeding Procedures

- 1)The owner shall ensure that infants are provided developmentally appropriate nutritious foods.
- 2)Only breast milk or iron-fortified infant formula may be fed to infants under six months of age unless otherwise instructed by the infant's guardian or medical provider in writing.
- 3)The owner shall ensure that infants are fed only the specific brand of iron-fortified infant formula requested by the parent. The Iron-fortified infant formula will use brand specific mixing instructions unless medical provider has given written directions about alternative mixing instructions.
- 4)The owner will ensure that the mixed formula that has been unrefrigerated for more than one hour is discarded.
- 5)The owner will ensure that frozen breast milk is thawed under cool running tap water or in the refrigerator in amounts needed. Unused, thawed breast milk must be discarded or given to the guardian within twenty-four hours.
- 6)The owner will ensure that an infant is not fed by propping a bottle.
- 7)The owner shall ensure that cereal and other nonliquids or suspensions are only fed to an infant through a bottle on the written orders of the child's medical provider.

The owner shall ensure that a staff member responsible for caring for or teaching children is within the sight and hearing range of an infant during the infant's feeding or eating process.

Diapering

The owner shall ensure that there is a designated cleanable diapering area located separately from food preparation and serving areas in the child care center requiring diapering are in care.

- 1)The owner shall ensure that diapers are changed promptly when needed and in a sanitary manner.
- 2)Diapers must be changed on a nonporous surface area and cleaned and disinfected after each diapering.
- 3)The operator shall ensure that soiled or wet diapers are stored in a sanitary, covered container separate from other garbage and waste until removed from the child care center.

Sleeping

1)The operator shall ensure that infants are placed on their back initially when sleeping to lower the risk of sudden infant death syndrome unless the infant's guardians have provided a note from the infant's medical provider specifying otherwise. The infant's face must remain uncovered when sleeping.

2)The operator shall ensure that infants sleep in a crib with a firm mattress or in a portable crib with the manufacturer's pad that meets Consumer Product Safety Commission standards.

3)The operator shall ensure that if an infant falls asleep while not in a crib or portable crib, the infant must be moved immediately to a crib or portable crib unless the infant's guardian has provided a note from the infant's medical provider specifying otherwise.

4)Water beds, adult beds, sofas, pillows, soft mattresses, and other soft surfaces are prohibited as infant sleeping surfaces.

5)The operator must ensure that all items are removed from the crib or portable crib when an infant is sleeping or preparing to sleep. No toys or objects should be hung over or attached to the crib.

6)With written parental permission, the provider may place one individual infant blanket or sleep sack, a pacifier, and a security item that does not pose a risk of suffocation to the infant in the crib or portable crib while the infant is sleeping or preparing to sleep.

7)The operator shall ensure that a staff member responsible for caring for or teaching children checks on sleeping infants regularly and that a monitor is in the room with the infants, unless a staff member is in the room with the infants while the infants are sleeping.

8)The operator shall ensure that parents of each infant receive a written daily report detailing the infant's sleeping and eating processes for the day, and the infant's diapering schedule for the day.

Minimum Requirements for Over Night Care

1)Any child care center offering night care shall modify its program to accommodate the needs of children and their parents during the night.

2)The staff member responsible for caring for or teaching children must consult with guardians and give special attention to providing a transition into this type of care appropriate to the child's needs.

3)The operator will encourage guardians to leave their children in care or pick them up before and after their normal sleeping period whenever practical. This approach ensures minimal disturbance to the child during sleep while also taking into account the guardian's work schedule.

4)The provider shall ensure that children under the age of six are supervised directly when bathing.

5)The provider shall ensure that comfortable beds, cots, or cribs, complete with a mattress or pad, are available.

6)The provider shall require each child in night care to have night clothing and a toothbrush marked for identification.

The operator shall ensure that during sleeping hours, staff members are awake and within hearing range to provide for the needs of children and to respond to an emergency.

Guidance Requirements

Disregarding any of the following disciplinary rules or any disciplinary measure resulting in physical or emotional injury or neglect or abuse to any child is grounds for denial or revocation of a provider's license.

- 1)The child care center must have a written policy regarding the guidance of children. The operator shall provide the policy to, and discuss the policy with, the staff members responsible for caring for or teaching children before the child care center begins operation or before staff members begin working with children.
- 2)Behavior Guidance must be constructive and educational in nature. It may include diversion, separation from the situation, talking with the child about the situation, praising appropriate behavior, or gentle physical restraint, such as holding.
- 3)A child may not be subjected to physical harm, fear, or humiliation.
- 4)Authority to discipline may not be delegated to or be administered by other children.
- 5)Separation, when used as behavior guidance, must be appropriate to the child's development and circumstances. The child must be in a safe, lighted, well-ventilated room within sight or hearing range of a staff member responsible for caring for or teaching children. A child may not be isolated in a locked room or closet.
- 6)A child may not be punished for lapses in toilet training.
- 7)A provider may not use verbal abuse or make derogatory remarks about the child, the child's family, race, or religion when addressing a child or when in the presence of a child.
- 8)Profane, threatening, unduly loud, or abusive language in the presence of a child cannot be used by the provider or staff members.
- 9)A provider may not force-feed a child or coerce a child to eat unless medically prescribed and administered under a medical provider's care.
- 10)A provider may not use deprivation of snacks or meals as a form of discipline or punishment.
- 11)The provider, staff member, household member, or any other adult in the family child care may not kick, punch, spank, shake, pinch, bite, roughly handle, strike, mechanically restrain, or physically maltreat a child.
- 12)The provider, staff member, household member, or any other adult in the family child care may not force a child to ingest substances that would cause pain or discomfort, for example, placing soap in a child's mouth to deter the child from biting other children.
- 13)The provider, staff member, household member, or any other adult in the family child care may not withhold active play from a child as a form of discipline or punishment beyond a brief period of separation to allow a child to regain their emotions.

Facilities

Minimum Requirements Regarding Space and Lighting

1. Each operator shall provide adequate indoor and outdoor space for the daily activities of all children within the licensed capacity of the child care center.
2. Adequate space must include a minimum of thirty-five square feet [3.25 square meters] of space per child indoors and a minimum of seventy-five square feet [6.97 square meters] of play space per child outdoors. Indoor space considered must exclude bathrooms, pantries, passageways leading to outdoor exits, areas occupied by furniture or appliances that children should not play on or under, and space children are not permitted to occupy. If available outdoor play space does not accommodate the licensed capacity of the child care center at one time, the total appropriate outdoor play space available must not be less than what is required for the number of children in the largest class or group of the center multiplied by seventy-five square feet [6.97 square meters]. Operators who provide seventy-five square feet [6.97 square meters] of separate indoor recreation space per child for the largest class or group are exempt from the outdoor space requirement. The child care center operator shall prepare a written schedule of outdoor or separate indoor recreation space playtime which limits use of the play area to its capacity, giving every child an opportunity to play daily.
3. The child care center must be properly lighted. If the lighting of the child care center appears questionable, the department may require the operator to obtain additional lights so that a minimum of sixty-five foot-candles of light is used in the areas generally used for children's activities.

Minimum sanitation and safety requirements

1. The operator shall ensure that in child care centers licensed for more than thirty children, where meals are prepared, comply with the public health division of the department child care food service establishment license requirements pursuant to [North Dakota Century Code chapter 23-09](#).

- a. If only snacks or occasional cooking projects are prepared, an inspection by the public health division of the department is not required.
 - b. The operator shall correct any code violations noted by the health inspector and shall file reports of the inspections and corrections made with the department.
2. The operator shall ensure that the child care center bathroom sinks, toilets, tables, chairs, and floors are cleaned daily.
3. The operator shall ensure that beds, cots, mats, or cribs, complete with a mattress or pad, are available and the operator shall ensure:
 - a. Pillows and mattresses have clean coverings.
 - b. Sheets and pillowcases are changed as often as necessary for cleanliness and hygiene, at least weekly.
 - c. If beds, cots, mats, or cribs are used by different children, sheets and pillowcases are laundered before use by other children.
 - d. Cots, mats, and cribs are cleaned as often as necessary for cleanliness and hygiene, at least weekly, and after each use if used by different children.
 - e. That cots, mats, and cribs are single occupancy.
 - f. Each bed, cot, or mat has sufficient blankets available.
 - g. That aisles between beds, cots, mats, cribs, and portable cribs are a minimum space of two feet [60.96 centimeters] and are kept free of all obstructions while beds, cots, mats, cribs, and portable cribs are occupied.
 - h. Provide separate storage for personal blankets or coverings.
 - i. That mattresses and sheets are properly fitted.
4. The operator shall ensure that the child care center's building, grounds, and equipment are located, cleaned, and maintained to protect the health and safety of children. The operator shall establish routine maintenance and cleaning procedures to protect the health of the children and the staff members.
5. 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, and after any other procedure that may involve contact with bodily fluids. Hand soap and sanitary hand-drying equipment, single-use or individually designated cloth towels, or paper towels must be available at each sink.
6. The operator shall ensure that indoor and outdoor equipment, toys, and supplies are safe, strong, nontoxic, and in good repair. The operator shall ensure that all toys and equipment are kept clean and in sanitary condition. Books and other toys are not readily cleanable must be sanitized as much as possible without damaging the integrity or educational value of the item.
7. The operator shall ensure that the child care center ground areas are free from accumulations of refuse, standing water, unprotected wells, debris, flammable material, and other health and safety hazards.
8. The operator shall ensure that the garbage stored outside is kept away from areas used by children and is kept in containers with lids. Open burning is not permitted. The operator shall keep indoor garbage in covered containers. The operator may allow paper waste to be kept in open waste containers.
9. The operator shall ensure that exterior play areas in close proximity to busy streets and other unsafe areas are contained or fenced, or have natural barriers to restrict children from those unsafe areas. Outdoor play areas must be inspected daily for hazards and necessary maintenance.
10. The operator shall ensure that potential hazards, such as noncovered electrical outlets, guns, household cleaning chemicals, uninsulated wires, medicines, and poisonous plants are not accessible to children. The operator shall keep guns and ammunition in locked storage, each separate from the other, or shall use trigger locks. The operator shall ensure other weapons and dangerous sporting equipment, such as bows and arrows, are not accessible to children.
11. The operator shall ensure that indoor floors and steps are not slippery and do not have splinters. The operator shall ensure that steps and walkways are kept free from accumulations of water, ice, snow, or debris.

12. The operator shall ensure that elevated areas, including stairs and porches, have railings and safety gates where necessary to prevent falls.
13. The operator shall take steps to keep the child care center free of insects and rodents. Chemicals for insect and rodent control may not be applied in areas accessible to children when children are present in the child care center. Insect repellent may be applied outdoors on children with written parental permission.
14. The operator shall ensure that exit doorways and pathways are not blocked.
15. If the child care center is providing care to children in wheelchairs, the operator shall ensure doors have sufficient width and construction to accommodate any children in wheelchairs who are receiving care at the child care center.
16. The operator shall ensure that light bulbs in areas used by children are properly shielded or shatterproof.
17. The operator shall ensure that combustible materials are kept away from light bulbs and other heat sources.
18. The operator shall ensure adequate heating, ventilation, humidity, and lighting for the comfort and protection of the health of the children. All heating devices must be approved by the local fire authorities. During the heating season when the child care center is occupied by children, the room temperature may not be less than sixty-five degrees Fahrenheit [18 degrees Celsius] and not more than seventy-five degrees Fahrenheit [24 degrees Celsius].
19. The operator shall ensure that all child care center buildings erected before January 1, 1970, which contain painted surfaces in a peeling, flaking, chipped, or chipped condition in any area where children may be present, have painted surfaces repainted or shall submit evidence that the paints or finishes do not contain hazardous levels of lead-bearing substances.
 - a. For purposes of this chapter, "hazardous levels of lead-bearing substances" means any paint, varnish, lacquer, putty, plaster, or similar coating of structural material which contains lead or its compounds in excess of seven-tenths of one milligram per square centimeter, or in excess of five-tenths of one percent in the dried film or coating, when measured by a lead-detecting instrument approved by the department of environmental quality.
20. The operator shall ensure that personal items including combs, pacifiers, and toothbrushes are individually identified and stored in a sanitary manner.
21. 21. Pets and animals:
 - a. The operator shall ensure that only small pets that are contained in an aquarium or other approved enclosed container, cats, and dogs are present in areas occupied by children. Wire cages are not approved containers. Other indoor pets and animals must be restricted by a solid barrier and must not be accessible to children. The department may restrict any pet or animal from the premises that may pose a risk to children or may approve additional pets that do not pose a health or safety risk to children.
 - b. The operator shall ensure that animals are maintained in good health and appropriately immunized. Pet immunizations must be documented with a current certificate from a veterinarian.
 - c. The operator shall ensure parents are aware of the presence of pets and animals in the child care center.
 - d. The operator shall notify parents immediately if a child is bitten or scratched and skin is broken.
 - e. A staff member responsible for caring for or teaching children shall supervise closely all contact between pets or animals and children. The staff member shall remove the pet or animal immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.
 - f. The operator shall ensure that pets, pet feeding dishes, cages, and litter boxes are not present in any food preparation, food storage, or serving areas. The operator shall ensure that pet and animal feeding dishes and litter boxes are not placed in areas accessible to children.
 - g. The operator shall ensure that indoor and outdoor areas accessible to children are free of animal excrement.

- h. The operator shall ensure that the child care center is in compliance with all applicable state and local ordinances regarding the number, type, and health status of pets or animals. Staff members responsible for caring for or teaching children shall strictly supervise wading pools used by the child care center and shall empty, clean, and sanitize wading pools daily.
- 22. All swimming pools used by children must be approved annually by the local health unit.
- 23. Aquatic activities:
 - a. The operator shall have policies that ensure the health and safety of children in care while participating in aquatic activities, including types of aquatic activities the child care center may participate in, staff-to-child ratios appropriate to the ages and swimming ability of children participating in aquatic activities, and additional safety precautions to be taken.
 - b. The operator 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.
- 24. Water supply:
 - a. The operator shall ensure that the child care center has a drinking supply from an approved community water system or from a source tested and approved annually by the department of environmental quality.
 - b. Drinking water must be easily accessible to the children and must be provided by either an angle-jet drinking fountain with mouthguard or by a running water supply with individual, single-serve drinking cups.
 - c. The child care center must have hot and cold running water. The water in the faucets used by children may not exceed one hundred twenty degrees Fahrenheit [49.2 degrees Celsius].
- 25. Toilet and sink facilities:
 - a. The operator shall provide toilet and sink facilities which are easily accessible to the areas used by the children and staff members.
 - b. Toilets must be located in rooms separated from those used for cooking, eating, and sleeping. A minimum of one flush toilet must be provided for each fifteen children, excluding those children who are not toilet trained.
 - c. The operator shall ensure that separate restrooms are provided for boys and girls six years of age and over, and partitions are installed to separate toilets in these restrooms.
 - d. The operator shall provide child-sized toilet adapters, training chairs, or potty chairs for use by children who require them. Training chairs must be emptied promptly and thoroughly cleaned and sanitized after each use.
 - e. The operator shall provide at least one handwashing sink per toilet room facility or diapering area.
 - f. The operator shall provide safe step stools to allow children to use standard-size toilets and sinks or the operator shall ensure the availability of child-size toilets and sinks.
- 26. The operator of a child care center not on a municipal or public water supply or wastewater disposal system shall ensure the child care center's sewage and wastewater system has been approved by the department of environmental quality.
- 27. Laundry:
 - a. If the child care center provides laundry service for common use linens, towels, or blankets, it shall have adequate space and equipment for safe and effective operation.
 - b. The operator shall ensure that soiled linens are placed in closed containers or hampers during storage and transportation.
 - c. The operator shall ensure that in all new or extensively remodeled child care centers, the handling, sorting, or washing of soiled linens or blankets takes place in a designated area that is separated by a permanent partition from food preparation, serving, and kitchen areas.
 - d. The operator shall ensure that in an existing child care center where physical separation of laundry and kitchen areas is impractical, procedures are developed that prohibit the washing or transportation of laundry while meals are being prepared or served.

- e. The operator shall ensure that sorting of laundry is not allowed in food preparation, serving, or kitchen areas.
- f. If the child care center provides laundry service for common use linens, towels, or blankets, or if different children's clothing, towels, or blankets are laundered together, the operator shall ensure that water temperature must be greater than one hundred forty degrees Fahrenheit [60 degrees Celsius].
- g. The operator shall ensure that if the water temperature is less than one hundred forty degrees Fahrenheit [60 degrees Celsius], bleach or sanitizer is used in the laundry process during the rinse cycle or the child care center shall use a clothes dryer that reaches a temperature of at least one hundred forty degrees Fahrenheit [60 degrees Celsius].

Fire inspections

The operator shall ensure that annual fire inspections are completed by local or state fire authorities. The operator shall correct or have corrected any code violations noted by the fire inspector and shall file reports of the inspections and any corrections with the department.

- 1. The operator shall ensure that the child care center is equipped with sufficient smoke detectors and fire extinguishers, as recommended by the local fire department or state fire marshal. 3. The operator shall provide:
 - a. The fire inspector's written statement of compliance with the local fire code, if there is one **Or**
 - b. The fire inspector's written statement that the child care center has been inspected and that the inspector is satisfied that the child care center meets minimum fire and safety standards.

Minimum Provisions Regarding Emergency Care for Children

The child care center shall have written plans to respond to illness and emergencies, including burns, serious injury, and ingestion of poison. The operator shall ensure that parents of enrollees are advised of these plans. Plans must:

- 1. Establish emergency response procedures.
- 2. Provide accessible posting of emergency response procedures and require training for all staff members concerning those emergency procedures.
- 3. Require the availability of at least one working flashlight.
- 4. Require at least one department-approved first-aid kit maintained and kept in a designated location, inaccessible to children, yet readily accessible to staff members at all times.
- 5. Provide a working telephone line immediately accessible to staff members with a list of emergency telephone numbers conspicuously posted.
- 6. Require a plan for responding to minor illnesses and minor accidents when children are in the care of the child care center.
- 7. Require written permission to dispense medication and proper instructions for the administration of medication obtained from the parent of a child in the child care center who requires medication:
 - a. Medication prescribed by a medical provider must be accompanied by the medical provider's written instructions as to dosage and storage and labeled with the child's name and date.
 - b. Medication must be stored in an area inaccessible to children, and medication stored in a refrigerator must be stored collectively in a spillproof container .
 - c. The operator shall keep a written record of the administration of medication, including over-the-counter medication, for each child.
 - i. Records must include the date and time of each administration, the dosage, the name of the staff member administering the medication, and the name of the child.
- 8. The operator shall include completed medication records in the child's record.
- 9. Require a supervised temporary isolation area designated for a child who is too ill to remain in the child care center or who has an infectious or contagious disease, with the following procedures being followed when those signs or symptoms are observed:
 - f. Parents are notified immediately and asked to pick up their child.
 - g. First aid is provided, and medical care is sought as necessary.

10. Ensure that your child care program follows guidance from local health unit authorities or the public health division of the department. This guidance should inform your practices related to excluding and allowing the return of children with infectious or communicable conditions. The operator may obtain this guidance directly or through current published materials regarding exclusion and return to the child care center.
11. Notify parents, legal custodians, or guardians of a child's exposure to a presumed or confirmed reportable infectious disease.
12. Identify a source of emergency health services readily available to the child care center, including:
 - a. A prearranged plan for emergency medical care in which parents of enrollees are advised of the arrangement.
 - b. Provisions for emergency transportation, specifically that when a child is to be brought to another place for emergency care, an adult staff member responsible for caring for or teaching children shall remain with the child until medical personnel assume responsibility for the child's care and until the parent is notified.
13. Require information be provided to parents, as needed, concerning child health and social services available in the community.
14. Require that the child care center inform parents in writing of any first aid administered to their child within twenty-four hours of the incident, immediately notify parents of any injury which requires emergency care beyond first aid, and require each injury report to be made a part of the child's record.

Food and Nutrition

A provider shall serve children nutritious meals or snacks according to the following requirements:

- 1)When the operator is responsible for providing food to children, the food supplied must meet United States Department of Agriculture standards and must be properly prepared, sufficient in amount, nutritious, varied according to the diets of the children enrolled, and served at appropriate hours in a sanitary manner.
- 2)When the operator is responsible for providing food to children, menus must be prepared on a weekly or daily basis and made available to the parents, the department, and other appropriate individuals.
- 3)When parents bring sack lunches for their children, the provider shall supplement lunches, as necessary, to provide nutritious and sufficient amounts of food for children and shall provide adequate and appropriate refrigeration and storage as required.
- 4)When a child is in care for more than three hours, that child shall receive either a snack or a meal, whichever is appropriate to that time of day.
- 5)Children in care during any normal mealtime hour must be served nutritious food appropriate to that time of day.
- 6)Children in care after school shall be provided with a snack.
- 7)Information provided by the children's guardians regarding special diets, allergies, or other dietary conditions shall be adhered to in the feeding schedule and menu planning.
- 8)The provider shall serve snacks and meals to children in a manner commensurate with their development, using appropriate foods, portions, dishes, and eating utensils.
- 9)The provider or staff member may encourage children to eat the food served, but they may not coerce or force-feed children.

Minimum Standards for Providing Transportation

- 1)Prior to licensure, the operator shall establish a written policy governing the transportation of children to and from the family child care, if the family child care provides transportation. This policy must specify who is to provide transportation and how parental permission is to be obtained for activities which occur outside the family child care. If the family child care provides transportation, the operator shall inform the parents of any vehicle insurance coverage. Any vehicle used for transporting children must be in safe operating condition and in compliance with state and local laws.
- 2)When transportation is provided by a child care center, children must be protected by adequate staff supervision, safety precautions, and liability insurance.
 - a. Staffing requirements must be maintained to assure the safety of children while being transported.

- b. A child may not be left unattended in a vehicle.
- 3) Children must be instructed in safe transportation conduct appropriate to their age and stage of development.
- 4) The driver shall be eighteen years of age or older and shall comply with all relevant federal, state, and local laws, including child restraint system laws.

Minimum Emergency Evacuation and Disaster Plan

- 1) The operator must create and post an emergency disaster plan for the safety of the children in care.
 - a. Written disaster plans must be developed in cooperation with local emergency management agencies.
 - b. The plan must include:
 - i. Emergency procedures, including the availability of emergency food, water, and first-aid supplies
 - ii. Procedures for evacuation, relocation, shelter-in-place, and lockdown.
 - iii. How to communicate and reunite with the families of the children.
 - iv. How the continuity of operations that supports all children including infants, toddlers, children with disabilities, and children with chronic medical conditions.
- 2) Fire and emergency evacuation drills must be performed monthly.

Resources: This is not an exhaustive list, but it is a place to start if you are looking for resources to support your work in early childhood.

- [North Dakota Early Childhood Services](#), this is a page that showcases what is available in the state of North Dakota and resources for support.
- [Child Care Aware](#) is an information hub for child care providers and offers parents customized referrals to licensed child care options. We work to build the capacity of child care in North Dakota and ensure that children can play and learn in a safe and healthy environment.
- [Bright & Early North Dakota](#) is North Dakota's Quality Rating and Improvement System (QRIS), which empowers early childhood professionals to enhance the quality of care they provide to children from birth to age five.
- [North Dakota Growing Futures](#) is the statewide system dedicated to growing a skilled and competent early childhood workforce.
- [North Dakota Early Learning Standards](#) provide a set of expectations for children's early learning and development from birth to kindergarten and guide the design and implementation of curriculum and instructional practices with young children.
- [North Dakota Core Competencies](#) The core competencies are designed to serve as a guide for improving early childhood professionals' work with children and families.
- [National Association of Young Children](#) (NAEYC) is an organization that promotes high-quality early learning for all young children, birth through age 8, by connecting early childhood practice, policy, and research.
- [Division of Early Childhood \(DEC\)](#) is an organization that works to promote and support individuals working with children diagnosed with a disability. Division of Early Childhood (DEC) is the early childhood section of the Council for Exceptional.

State Comparisons

Time was spent comparing North Dakota's early childhood licensing with Utah, Minnesota, and Colorado's programming and licensing. The details of similarities and differences are laid out in the [Standards Crosswalk Excel spreadsheet](#). One difference was how information was presented to individuals seeking answers or finding out how to apply for a license; ratios were clearer, and examples of these items are listed within the [Standards Crosswalk Excel spreadsheet](#). The number of licenses across states was

similar. Minnesota has three categories: Child Care Center, Family Child Care, and Exempt. These three categories seem to align with North Dakota's goal of narrowing down the number of license types.

Visual Layouts

Through the research completed for this project, there were several examples of how to create visuals to portray how to apply for a license and decipher ratios, training, and licensing expectations. Review the examples laid out in the [Standards Crosswalk Excel spreadsheet](#).

Suggestions to Consider

Age:

- The topic of professionalism is often discussed in the field of early childhood. As a part of the review process, the ages that are allowed to support and raise children within child care programming may need to be considered.
- For example,
 - Staff Member- Minimum of 14 Years of Age- Staff members under 16 need written parental consent.
 - An immediate family member can be a staff member if they are at least 12.
 - Also, children of the ages listed are part of the ratio in the same licensing documents. This does not make sense.

Training:

- Licenses allow an individual 90 days to complete the minimal training that is required after opening the licensed program.
 - Something to ponder, to work on the floor of the GAP clothing store an individual is not allowed until they complete training first. Our children are much more important than the purchase of a pair of jeans.
- All positions listed within licensing must complete the required training prior to opening as part of submitting the license. This would include providers, operators, directors, supervisors, teachers, and assistant teachers.
- The number of hours a person needs to complete in training each year according to number of hours a person works needs to be revisited.
 - All individuals working in a licensed program should be required to attain the same number of training hours. All children deserve an individual who has had at least 10 hours of training a year.
 - Looking at the number of hours required each year- is this enough? Does the training that must be repeated have to be included in the 10 hours?

Guidance:

- Throughout all licensing, the term punishment is used but never defined or described.
- Guidance should be replaced with punishment; this vocabulary would support what an individual should be doing versus what they should not do.
- Guidance training can be aligned with The Pyramid Model, which is a free resource.

Ratios

- Ratios are one of the most difficult items within all licenses to figure out and decipher. I
- Creating a clear document explaining the ratios and incorporating that as a part of the license.
- Create support documents that do not need to be searched for, but are a part of the licensing process.
- Ratios are all over the board, which is clearly laid out in the [Standards Crosswalk Excel spreadsheet](#).
- Review the examples within the [Standards Crosswalk Excel spreadsheet](#).

License Types

- There could be two types of licenses- Home and Center.
 - Combine In-home, Self-Declaration, and Family Child Care= Home License
 - Combine Group, Center, Preschool, and School-Age= Center License

Link to documents used for the report: [Standards Crosswalk](#)

Submitted by: Dr. Kelli Odden, June 2024, PDG Grant