Early Childhood Services
Policies and Procedures

Service Chapter 620-01

North Dakota Department of Human Services
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Table of Contents

Early Childhood Services Policies and Procedures 620-01

Definitions for Purpose of This Manual 620-01-05

Acronyms 620-01-10

Legal Reference 620-01-15

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

Program Responsibilities 620-01-20

Authorized Agent (Licenser) 620-01-20-01

Regional Human Service Center (Regional Office) 620-01-20-05

North Dakota Department of Human Services (Central Office) 620-01-20-10

Early Childhood Services State Team 620-01-20-15

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

Early Childhood Services Registration 620-01-25

Child Care Self-declaration 620-01-30

Self-declaration Process 620-01-30-01

Self-declaration Effective Date 620-01-30-05

Early Childhood Services Licensing 620-01-35

Application for Licensing 620-01-35-01

Licensing Fees 620-01-35-05

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

Procedures Following Completion of a Compliance Checklist for Licensing Study 620-01-35-15

Effective Date for Licensure 620-01-35-20

Renewal of License Policy 620-01-35-25

Background Check Procedures 620-01-40

Orientation 620-01-45

Assigning Provider Numbers 620-01-50
County Listing 620-01-50-01

Authorized Agent/Regional Office Maintenance and Retention of Records Policy 620-01-55
Maintenance of In-home Provider Records 620-01-55-01
Maintenance of Self-declared Provider Records 620-01-55-05
Maintenance of Licensing Records Policy 620-01-55-10
Retention of Records Policy 620-01-55-15

Lists of Child Care Providers 620-01-60

Child Care Registry/Add and Delete Notices 620-01-65
Process for Maintaining and Updating a Current Child Care Registry 620-01-65-01
Delete Notices 620-01-65-05
Delete Slip Process When Revocation is Issued 620-01-65-10

When a Program Closes 620-01-70

When Changes Occur in a Home, Facility, or Program 620-01-75
Name/Address Change of Provider 620-01-75-01

Special Licensing/Approvals 620-01-80
Provisional Licensing 620-01-80-01
Restricted License 620-01-80-05
Memorandum of Understanding (MOU) 620-01-80-10

Multiple Licensed Facility 620-01-80-15
School Age Child Care License 620-01-80-20
Public Approvals 620-01-80-25
Tribal and Military Approvals 620-01-80-30
Licensing Exemption: CACFP/CCAP 620-01-80-35
Group Provider Requesting an Increase from 18 to 30 620-01-80-40

Staffing Requirements 620-01-85
Number of Children in Program - How Determined 620-01-85-01
Maximum Group Size for a Center 620-01-85-10
Consideration of a Child's Developmental Age in Determining Appropriate Staff-to-Child Ratios for Licensed Child Care Facilities 620-01-85-15
Regional Substitute Staff Member Approval 620-01-85-20

Training 620-01-90
Basic Child Care 620-01-90-01
Growing Futures 620-01-90-05
First Aid and CPR Certification/training for Self-declared and Licensed Providers 620-01-90-10
First Aid 620-01-90-10-01
CPR Certification 620-01-90-10-05

Health and Safety 620-01-95
Supervision 620-01-95-01
Infant Sleep/Infant Equipment 620-01-95-05
Immunizations 620-01-95-10
Water Temperature 620-01-95-15
Playground Safety 620-01-95-20
Trampolines 620-01-95-35
Hand Hygiene 620-01-95-40

Program Requirements 620-01-100
Physical Activity/Outdoor Play 620-01-100-01

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

Serious Accident/Illness/Death of a Child/Sentinel Event 620-01-110

Child Care Concern/Investigating Concerns 620-01-115
Child Care Concern/Sentinel Event 620-01-115-01
Investigations 620-01-115-05
Child Care Licensing/Child Protection Joint Assessments 620-01-115-10
Notification of Parents 620-01-115-10-01

Early Childhood Services Corrective Action 620-01-120
Correction Orders 620-01-120-01
Policy and Procedure for Issuing Immediate Correction Orders (24 Hours) 620-01-120-01-01
Policy and Procedure for Issuing a 20-day or 60 day Correction Order 620-01-120-01-05
Reinspections After Correction Order is Issued 620-01-120-01-10
Fiscal Sanctions for Licensed or Self-declared Programs 620-01-120-05
Notice of Non-compliance 620-01-120-05-01
Second Reinspection 620-01-120-05-05
Notice of Resumption of Fiscal Sanctions 620-01-120-05-10
Recovery of Fiscal Sanctions 620-01-120-05-15
Notice of Intent to Deny 620-01-120-10
Procedure for Notice of Intent to Deny 620-01-120-10-01
Procedure for Reviewing Information Obtained by the Intent to Deny 620-01-120-10-05
Denial of a License, Self-declaration or Registration Application 620-01-120-15

Procedure for Denial of a License Application 620-01-120-15-01
Official Date of Denial 620-01-120-15-05
Applicant's Ability to Provide are During Denial Appeal Process 620-01-120-15-10
Notice to Intent to Revoke 620-01-120-20
Procedure for Issuing a Notice of Intent to Revoke 620-01-120-20-01
Revocation Notice 620-01-120-25
Procedure for Issuing a Revocation Notice 620-01-120-25-01
Operating During the Appeal Process 620-01-120-25-05
Official Date of Revocation 620-01-120-25-10
Revocation Amendment 620-01-120-25-15
Suspension 620-01-120-30
Injunction 620-01-120-35
Request for Injunction 620-01-120-35-01
Injunction Notification Notice Procedure 620-01-120-35-05
Information That May Be Used in Determining Corrective Action 620-01-120-40

Penalty Law 620-01-125

The Appeal Process 620-01-130

Public Nature of Licensing Records and Confidentiality 620-01-135
Information That May Not Be Disclosed to the Public 620-01-135-01
Sharing of Records 620-01-135-05

Unlicensed Providers 620-01-140

False Advertising 620-01-145

Child Care Assistance Program 620-01-150
Recipients 620-01-150-01

Eligibility 620-01-150-05
Setting Rates for Reimbursement 620-01-150-10
Child Care Service Billing Reports 620-01-150-15

Early Childhood Services Policies and Procedures 620-01

Definitions for Purpose of This Manual 620-01-05

(Revised 3/20/12 ML #3317)

View Archives

Authorized agent	Means the county social service board, unless another entity is designated by the department.
Authorized agent signature date	Date that all materials necessary for licensure are received by the authorized agent.
Central office	Office of early childhood services, housed at the State Capitol, Department of Human Services, Children and Family Services Division.
Child Development Associate	A Child Development Associate (CDA) is a credential which has demonstrated competence in caring for young children during an assessment conducted by the CDA national credentialing program.
Child protection social worker	A licensed social worker who completes assessments regarding suspected child abuse and neglect reports.
Child care concern	Any concern reported by anyone, including an anonymous reporter, which involves a suspected rule violation of early childhood services.

Corrective actions	Corrective actions consist of correction orders, fiscal sanctions, notices of intent to deny, denial notices, notices of intent to revoke, revocation notices, suspensions, and injunctions.
Department	The North Dakota Department of Human Services.
Department approved training	Training approved within the core competency areas and listed on the Growing Futures professional development registry.
Licensing study	The process of critically examining an applicant to determine compliance with the applicable statutes and rules prior to a decision of being issued or denied a license.
North Dakota Administrative code	(N.D.A.C.) Rules regarding operation of an early childhood services program.
North Dakota Century Code	(N.D.C.C.) Laws passed by the Legislature.
Provider orientation	An introduction for prospective providers into the early childhood services program.
Regional office	The Human Service Center which houses the early childhood services regional supervisor.
Unannounced review (Drop-in)	Nonscheduled review of an early childhood services program.
Child and Adult Care Food Program	A federal program operated in North Dakota within the Department of Public Instruction which provides partial reimbursement to eligible child care programs for meals and snacks served to children.

Acronyms 620-01-10

(Revised 3/20/12 ML #3317)

View Archives

CACFP	Child and Adult Care Food Program
CAN	Child Abuse and Neglect
CCAP	Child Care Assistance Program
CCR&R	Child Care Resource and Referral
CBCU	Criminal Background Check Unit
CDA	Child Development Associate
CFS	Children and Family Services
CPS	Child Protection Services
CPSC	U.S. Consumer Products Safety Commission
DHS	Department of Human Services
DPI	Department of Public Instruction
ECS	Early Childhood Services
N.D.A.C.	North Dakota Administrative Code
N.D.C.C.	North Dakota Century Code
MOU	Memorandum of Understanding

Legal Reference 620-01-15

(Revised 3/20/12 ML #3317)

View Archives

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

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

(Revised 3/20/12 ML #3317)

View Archives

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

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

Early Childhood Services Rules:

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

Program Responsibilities 620-01-20

(Revised 3/20/12 ML #3317)

View Archives

Early childhood services regulation is structured in three levels: the county social service agencies (authorized agent), the regional human service centers, and the state office of early childhood services.

Authorized Agent (Licenser) 620-01-20-01

(Revised 1/1/14 ML #3393)

View Archives

1. Have available, be knowledgeable and implement North Dakota Century Code Chapter 50-11.1, current early childhood services rules and policies and procedures.

2. Interpret and explain policies and rules to early childhood services providers and to the general public.

3. Conduct an orientation program for prospective applicants monthly or as needed. Collaborate with Child Care Aware and other agencies as appropriate.

4. Receive application and fees for early childhood services.

5. Conduct early childhood services licensing study and complete compliance checklist and other required forms. Receive all appropriate supporting documents and make a recommendation and submit materials to the regional office.

6. Work with regional supervisor and CBCU for completion of background checks.

7. Conduct at least one unannounced review per year on each licensed program. Maintain documentation and submit a copy of SFN 1276 to regional office.

8. Collect fees and forward application for registration of in-home provider to the regional office.

9. Review application of self-declaration and submit to the regional office.

10. Conduct an initial pre-approval visit for self-declared child care programs to verify compliance with rules. Maintain documentation and submit copy of SFN 1595 to regional office.

11. Conduct an unannounced visit annually, prior to renewal of self-declaration. Maintain documentation and submit copy of SFN 1595 to regional office.

12. Attend all required trainings relative to early childhood licensing.

13. Attend all scheduled meetings with the regional office.

14. Maintain licensing record of early childhood service providers and prepare licensing files for public viewing.

15. Staff all initial concern forms with the regional office and investigate all concerns or complaints regarding any suspected rule violation.

16. Testify as necessary in appeals and other legal proceedings.

17. Issue all correction order notices as appropriate.

18. Recommend to the regional office: approval, denial, revocation, injunction, or suspension of license.

19. Assist other appropriate local agencies and organizations in developing early childhood services and training activities.

20. Work in cooperation with the local CCR&R agency, CCAP, and CACFP.

21. Work in cooperation with local law enforcement, state's attorney, health and fire departments when appropriate.

22. Work in cooperation with child protection unit within county, region, and state as it relates to assessments of early childhood services programs.

Regional Human Service Center (Regional Office) 620-01-20-05

(Revised 3/20/12 ML #3317)

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1. Interpret, explain, and have knowledge of North Dakota Century Code Chapter 50-11.1, all current early childhood services rules and policies and procedures.

2. Review all recommendations on applications to provide early childhood services, issue appropriate licenses, self-declaration documents, in-home registrations, and maintain appropriate records.

3. Work with CBCU and authorized agent to complete necessary background checks for early childhood services. Initiate actions as deemed appropriate.

4. Complete add/delete slips and enter them on the state system.

5. Staff initial child care concern form with the authorized agent and when necessary the central office. Review the final outcome of the child care concern form and enter information on the state system.

6. Input both initial child care concern data and final outcome data into the computer.

7. Based upon information provided by authorized agent, prepare and issue revocation, denial, and suspension notices to early childhood facilities in cooperation with state administrator and DHS legal advisory unit and send appropriate parent notification letters.

8. Provide on-going quality assurance audits by examining documentation through the licensing and review process.

9. Attend scheduled meetings with Early Childhood Services State Team.

10. Plan and facilitate regular meetings with authorized agents for the regions assigned and submit a report of the meeting to the central office.

11. Attend meetings and participate in conference calls with the central office.

12. Work in cooperation with county social service agencies, CCR&R, central office, and other local and state agencies. Assist other appropriate agencies and organizations in developing early childhood services training activities.

13. Notify CCR&R, CCAP, and CACFP when corrective action other than correction order is in process.

14. Field and help resolve early childhood services concerns in the assigned regions of the state.

15. Provide orientation for new licensers.

16. Work in cooperation with Attorney General's office to prepare for and participate in all appeal hearings.

North Dakota Department of Human Services (Central Office) 620-01-20-10

(Revised 3/20/12 ML #3317)

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1. Establish policies and standards for the state regulatory system of the early childhood services program.
2. Provide assistance and support to county early childhood services licensing staff and the regional office.
3. Prior to issuance by regional office, review revocations, denials, and notices to early childhood service providers.
4. Distribute statewide list of registered, self-declared and licensed early childhood services providers.
5. Contract with other agencies to develop and implement training for early childhood service providers, county licensing staff, and regional office.
6. Contract with other agencies to develop and implement early childhood services programming, i.e. Resource and Referral, Tribal Programs.
7. Facilitate overall agency planning and inter-agency coordination regarding early childhood services.
8. Plan and facilitate meetings with the regional offices.
9. Respond to requests for statewide information.
10. Prepare early childhood services budget, goals, and objectives.
11. Represent the department at early childhood services events- state, regional, or national meetings.

12. Plan and facilitate regular meetings with Early Childhood Services State Team.

13. Serve as a liaison to other agencies relating to early childhood services Programs.

Early Childhood Services State Team 620-01-20-15

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The Early Childhood Services State Team membership consists of:

Administrator, Early Childhood Services

Regional Early Childhood Supervisors

County representation to include authorized agents from each region

CCR&R Directors

Representative from the health department

CCAP Administrator

CACFP Representative

The objectives for the Early Childhood Services State Team are:

1. To improve communication within the early childhood services delivery system.
2. To identify and address challenges and issues as it relates to early childhood services.
3. To enhance early childhood services delivery system.

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

(Revised 1/1/14 ML #3393)

View Archives

The Department of Human Services is committed to assuring quality throughout the licensing process.

The authorized agent is responsible for maintaining the licensing file, and for submitting copies of required documentation to the regional office.

The central office shall perform random file reviews on an annual basis in each region to assure that the regional office files contain necessary documentation.

1. The ECS Administrator shall randomly select at least one file for every fifty early childhood services files in the region.
2. The ECS Administrator will notify the regional supervisor of the date for the file review and of the files to be reviewed.
3. On the day of the file review, the ECS Administrator shall review each file with the Regional Supervisor, verifying documentation of compliance on the SFN 116.
4. File review documentation shall be kept as a record by the central office.

The regional office shall perform random provider reviews on an annual basis with the authorized agent. These reviews may take place during relicensing visits or drop-in visits.

1. The regional supervisor shall select at least one provider for every fifty providers in a region to review annually.
2. The regional supervisor shall notify the authorized agent of the selected provider and will schedule the unannounced visit or relicensing visit with the authorized agent.
3. Prior to the visit, the regional supervisor shall review the provider file and shall verify documentation of compliance on SFN 116 for the items that may be verified in the file. At the time of the visit, the

regional supervisor shall observe the licensing processes and shall document outcomes of remaining items on the SFN 116.

Required documentation for provider files:

1. Licensing checklists
2. SFN 1276 Early Childhood Services Review Forms
3. Map of indoor space and outdoor space
4. SFN 508 forms and documentation of appropriate completed background checks
5. Copies of CPR and First Aid certification cards
6. Training transcripts, certificates, or SFN 343
7. Pet vaccination records
8. Qualifications of provider and staff, if applicable
9. Fire and health inspections if applicable

Early Childhood Services Registration 620-01-25

(Revised 3/20/12 ML #3317)

View Archives

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

Child Care Self-declaration 620-01-30

(Revised 3/20/12 ML #3317)

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Self-declaration packets shall be made available at the county agency and should include the following:

1. N.D.A.C. §75-03-07.1
2. N.D.C.C ch. 50-11.1
3. SFN 865 -- Application for Self-declaration
4. Instructions and forms for fingerprint background check
5. SFN 845 Child Information Sheet
6. SFN 847 Parent's Statement on the Health of a Child
7. SFN 987 Self-declaration/Parent Health and Safety Self-declaration Application
8. Cover Letter/Instructions from the authorized agent, including instructions for CPR and First Aid certification
9. W-9 form and instructions
10. SFN 508 for each emergency designee
11. CCAP brochure
12. CACFP Information
13. CCR&R brochure
14. Other appropriate brochures or information

Self-declaration Process 620-01-30-01

(Revised 1/1/14 ML #3393)

View Archives

1. The applicant completes SFN 865 and signs before a notary.
2. Applicant obtains certification in CPR and First Aid from an approved source
3. Applicant returns completed SFN 865, SFN 508 for emergency designee, copies of CPR and First Aid certification, and copies of pet vaccinations, if applicable, to their local authorized agent with the application fee.
4. Authorized agent will work with regional office and CBCU to complete background check.
5. Authorized agent completes pre-approval visit to the location where care is to be provided. Authorized agent documents visit on SFN 1595.
6. Authorized agent submits the SFN 865, SFN 508, SFN 1595, copies of required training certificate, copies of pet vaccinations, if applicable, and copies of CPR and First Aid certification to the regional office.
7. Authorized agent shall keep copies of these documents for their files.
8. Regional office approves or denies application.
9. If approved, regional office sends self-declaration certificate to authorized agent, who keeps copy and forwards original to provider.
10. There shall be only one self-declaration per residence. In other words, two self-declared individuals cannot provide child care at the same residence/address.
11. If there are new household members twelve years of age and older after the application, the provider must submit an SFN 508 for that household member.

Self-declaration Effective Date 620-01-30-05

(Revised 1/1/14 ML #3393)

View Archives

The earliest effective date for a new self-declaration will be the date that both the fingerprint background check memo and the authorized agent signature have been received. All required materials must be received by the authorized agent by this date.

The date the regional office signs the self-declaration document may then be different than the effective date of the self-declaration.

Example:

Provider signs/notarization	June 2nd
Stamped in at the county	June 3rd
Authorized agent signs	June 8th
Pre-approval visit	June 8th
Fingerprint memorandum dated	July 1st
Regional office signs	July 7th
Effective date	July 1st

The regional office should contact the central office if there appears to be a problem with timely issuance of SFN 865.

The regional office should contact the central office if special circumstances apply that would require a different effective date.

Early Childhood Services Licensing 620-01-35

(Revised 3/20/12 ML #3317)

View Archives

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

Application for Licensing 620-01-35-01

(Revised 3/20/12 ML #3317)

View Archives

1. All persons/groups wishing to be licensed to provide Early Childhood Services shall make application on SFN 832, Application to Provide Early Childhood Services).

2. Application shall be made for a one year or two year license.

3. The application form must be accompanied by the licensing fee to begin the licensing study. The license is not transferable from one residence to another or one provider to another.

4. The authorized agent shall inform the applicant when there are additional local or regional requirements which must be met, for example fire inspections and city ordinances.

5. Authorized agent will work with regional office and CBCU to complete background check.

6. Authorization for background check must be submitted whenever a name change occurs.

7. Upon completion of licensing study, there may be deficiencies identified and in need of correction prior to issuing a license.

8. A new application and licensing study must be submitted whenever a provider changes type of license (i.e., family to group). The authorized agent may waive the application fee at their discretion.

9. A new application and licensing study must be submitted whenever a program relocates to a new facility or changes owner/operator. The authorized agent may waive the application fee at their discretion.

10. If the applicant chooses to withdraw their application, the request to the authorized agent should be in writing. If the applicant makes a request by phone, the authorized agent shall withdraw the application; document the call with date and time. The call must be followed up with a letter reiterating their request. Application fee is non-refundable

Licensing Fees 620-01-35-05

(Revised 3/20/12 ML #3317)

View Archives

According to N.D.C.C. § 50-11.1-03(3), an applicant for a license shall submit the following non-refundable fees with the application:

LICENSE TYPE	FEE/1 YR.	FEE/2 YR.
In-home registration	N/A	N/A
Self-declaration	$15	N/A
Family	$20	$35
Group	$25	$45
Preschool	$30	$55
Center	$40	$75
School Age Child Care Center	$40	$75
Multiple	$50*	$95*

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

According to N.D.C.C. § 50-11.1-03(5), all fees collected under subsection 3 must be paid to the authorized agent and must be used to defray the cost to that board investigating, inspecting, and evaluating the applications.

*Fee was established by policy.

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

(Revised 3/20/12 ML #3317)

View Archives

Upon receipt of the application of licensure, the following time frames shall be followed after the provider initiates the process by contacting the authorized agent:

1. A licensing visit must be completed within 30 calendar days depending upon the provider's ability and readiness to be licensed. Once the authorized agent has received all required materials for licensing, the authorized agent must submit the licensing study to the regional office within 15 calendar days.

2. The regional office must respond to the licensing study within 15 calendar days upon receipt of all the licensing studies materials.

3. The authorized agent shall contact the regional office if it appears time frames are unable to be met.

Procedures Following Completion of a Compliance Checklist for Licensing Study 620-01-35-15

(Revised 3/20/12 ML #3317)

View Archives

The following items must be forwarded by the authorized agent to the regional office for review prior to license issuance:

1. Application to be Licensed, SFN 832
2. Fire Inspection Report
3. Health/Sanitation Report
4. Documentation of CPR Cards
5. Documentation of First Aid Cards
6. Background Check Form, SFN 508, for all staff members/volunteers
7. Copy of Policies and Procedures upon initial licensure or change in policies/procedures
8. Documentation to verify qualifications of staff members
9. Programming schedule upon initial licensure or change of hours
10. Floor Plan upon initial licensure of residence/facility or expansion of facility
11. SFN 517, Child Care Evacuation Disaster Plan

When applicable, the following additional items may be requested:

1. Documentation of department approved training to meet training requirements for each provider and staff member
2. Copy of pet immunizations
3. Copy of water test
4. Copy of all county forms

The provider should not be told that they are receiving a license until the required items are completed and the regional office approves the application.

The licensing study is an important key in determining if the provider should be given a license to operate a program as requested. The initial licensing study should be comprehensive; however, it is somewhat limited as some rules cannot be applied until after the program is operating. In order to adequately complete this study, the authorized agent should anticipate 2 – 2½ hours on site for a family child care licensing study and longer for a group license. The amount of time required for a center license will vary but a minimum of 5 – 6 hours is common. A large center or school age program may take up to 8 hours on site.

Note: When the license is a 2-year license, the annual requirements must be submitted to the authorized agent prior to the one year anniversary of the license. The 2-year license annual review requirement is a scheduled review for the purpose of checking the annual requirements. This is not an unannounced review.

Effective Date for Licensure 620-01-35-20

(Revised 3/20/12 ML #3317)

View Archives

The earliest effective date of an early childhood license will be the date that both the fingerprint background check memo and the authorized agent signature have been received. All required materials must be submitted to the authorized agent by this day.

The date the regional office signs the license may be different than the effective date of the license.

Example for **New** Application

Provider contacts county	May 1st
County returns call	May 2nd
Orientation**	May 8th
Application and fee received	May 10th
Authorized agent calls to make appointment for licensing study	May 12th
Appointment for licensing study by authorized agent	May 17th
Fingerprint memorandum dated	May 19th
Final documentation arrives at county office*	May 20th

Date of authorized agency signature	May 20th
Authorized agent sends all required documentation to regional office	May 22nd
Regional office reviews, completes background checks, dates, and signs	May 28th
EFFECTIVE DATE	May 20th

NOTE: Regional office shall contact the central office if special circumstances arise regarding issuance of license.

Example for **Renewal** of license, Expiration June 30

License expires	June 30th
Provider contacts county	May 1st
County returns call	May 5th
Application and fee received	May 15th
Appointment for licensing study	June 10th
*Final documentation received at county	June 17th
Date of authorized agent signature	June 17th
County sends all required documentation to Regional office	June 19th

Regional office reviews, completes background checks, signs, and dates	June 27th
LICENSE EXPIRES JUNE 30TH - EFFECTIVE DATE	July 1st

Renewal of License Policy 620-01-35-25

(Revised 3/20/12 ML #3317)

View Archives

Authorized agent should notify provider to begin the renewal process two months prior to expiration of their license.

A license will not be backdated if a provider fails to submit all required licensing documentation prior to the expiration date. The regional office should contact the central office if special circumstances apply that would require a different effective date.

All required documentation as identified on check list must be received at this time.

Background Check Procedures 620-01-40

(Revised 9/20/13 ML #3387)

View Archives

The fingerprint background check shall be completed for:

1. new directors,
2. new supervisors,
3. new providers, and
4. new staff members who are eighteen years of age or older and who have lived outside North Dakota in the last 10 years. This does not include volunteers such as foster grandparents and practicum students who will be under direct supervision at all times.

Only these individuals should have their fingerprints taken for a full fingerprint based criminal background check. If an individual is required to have a FBI fingerprint background check completed through another agency for the same program, such as a school, and that agency is able to provide the Department with a clear fingerprint memo for the individual, the Department may accept that memo as an alternate method of completing the fingerprint background check requirements.

Regional child care licensing offices will be responsible for completing:

1. North Dakota court searches on directors, supervisors, providers, emergency designees for self-declared providers and household members annually;
2. Sex offender registry checks on directors, supervisors, providers, emergency designees for self-declared providers, household members and staff members annually; and

3. Child Abuse/Neglect Index checks on directors, supervisors, providers, emergency designees for self-declared providers, household members and staff members annually.

The authorized agent will be responsible for ensuring that operators comply with the background check requirements for their staff:

1. Operators of child care programs will be responsible for completing the North Dakota court searches on their individual staff members upon initial hire, unless the employee has the full fingerprint check completed, and annually for all employees.

2. Operators will be required to keep documentation of the court searches they do.

3. Operators will also be required to maintain a written policy on how they will determine who can be employed in their program and what offenses will disqualify an individual from employment.

4. Annual background checks for current staff members will require the SFN 508 (Authorization for Background Check) be submitted for child abuse/neglect and sex offender checks by regional office and North Dakota court searches by the operator of the child care program.

Orientation 620-01-45

(Revised 3/20/12 ML #3317)

View Archives

The orientation session held for possible future licensed child care providers is a time to begin the process of introduction and adjustment into early childhood services in an environment that offers support and assistance to prospective providers. The expectations of being a licensed provider and licensing process will be discussed.

1. The authorized agent shall schedule an individual, group, or regional orientation based on the number of people inquiring. This orientation shall be separate and in addition to the licensing study.

2. The authorized agent shall facilitate the session. Most sessions will last approximately two hours. Other guests that may be invited to participate in the orientation session include Child Care Resource and Referral representatives, representatives from all CACFP sponsors in the area, and association presidents.

3. The orientation PowerPoint presentation, which is located on the county intranet, must be used during each orientation session. The orientation DVD located at each county office must also be used. This will assist with the goal of providing consistency across the state.

Assigning Provider Numbers 620-01-50

(Revised 3/20/12 ML #3317)

View Archives

Provider numbers are assigned by the regional office. The numbering system is as follows:

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Section Six Code	County Number	Area Number	Sequence	Type

PROVIDER NUMBER

Section six codes are:	
01	Out-of-State
02	State
03	Public Approval
04	Reservation/Tribal
05	Air Force Base
06	Exempt
07	Relative

The codes for areas are:	
81	Williston
82	Minot
83	Devils Lake
84	Grand Forks
85	Fargo

86	Jamestown
91	Minnesota
92	South Dakota
93	Montana
94	Trenton
95	Three Affiliated/Fort Berthold
96	Turtle Mountain
97	Spirit lake
98	Standing Rock
99	N.D. Air Force Bases

The codes for program type are:	
F	Family Child Care
G	Group Child Care Home
H	Group Child Care Facility
C	Child Care Center
E	Preschool Education Facility
M	Multiple Licensed Facility
K	School Age Child Care
S	Self-declaration
R	Tribal Registration
Q	Approved Relative

Inspection Code	
H	Health & Sanitation Inspections
F	Fire Inspections
B	Both

County Listing 620-01-50-01

(Revised 3/20/12 ML #3317)

View Archives

1	Adams	28	McLean
2	Barnes	29	Mercer
3	Benson	30	Morton
4	Billings	31	Mountrail
5	Bottineau	32	Nelson
6	Bowman	33	Oliver
7	Burke	34	Pembina
8	Burleigh	35	Pierce
9	Cass	36	Ramsey
10	Cavalier	37	Ransom
11	Dickey	38	Renville
12	Divide	39	Richland
13	Dunn	40	Rolette
14	Eddy	41	Sargent
15	Emmons	42	Sheridan
16	foster	43	Sioux
17	Golden Valley	44	Slope
18	Grand Forks	45	Stark
19	Grant	46	Steele
20	Griggs	47	Stutsman
21	Hettinger	48	Towner
22	Kidder	49	Traill
23	LaMoure	50	Walsh
24	Logan	51	Ward
25	McHenry	52	Wells
26	McIntosh	53	Williams
27	McKenzie		

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

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

(Revised 3/20/12 ML #3317)

View Archives

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

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

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

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

(Revised 3/20/12 ML #3317)

View Archives

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Maintenance of Self-declared Provider Records 620-01-55-05

(Revised 1/1/14 ML #3393)

View Archives

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

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

Maintenance of Licensing Records Policy 620-01-55-10

(Revised 3/20/12 ML #3317)

View Archives

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

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

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

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

Retention of Records Policy 620-01-55-15

(Revised 3/20/12 ML #3317)

View Archives

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

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

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

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

Lists of Child Care Providers 620-01-60

(Revised 3/20/12 ML #3317)

View Archives

A statewide Child Care Resource and Referral (CCR&R) program was created by the North Dakota legislature in 1991. As a result, contracts to provide the services identified in the N.D.C.C § 50-11.1-11.1 were developed in 1992.

CCR&R, as mandated by law, are to provide referral services to parents looking for child care. The provider database consists of information on licensed child care program such as:

- Where they are located
- Hours they are open
- How many children they can take
- What ages they will accept
- Special qualifications they have
- Any current vacancies they may have
- If there are pets in the home
- Rate information
- Activities offered to the children in their child care

The authorized agent should refer requests for child care lists to the local Child Care Resource and Referral Office. If an individual requests the child care list after being referred to Child Resource and Referral, the authorized agent shall release the child care list to the individual. The list must be the most current list.

- The list must include self-declared and licensed providers
- The authorized agent may not recommend specific providers
- The authorized agent shall inform the individual that a provider's regulatory history is public record and that the individual may request the history of concerns and corrective action on any potential provider they choose.

Child Care Registry/Add and Delete Notices 620-01-65

(Revised 3/20/12 ML #3317)

View Archives

The central office maintains a listing of all child care providers that have been registered, self-declared, or licensed.

This information is generated for the purpose of:

1. Mailing list
2. Data collection
3. Ensuring timely CCAP payments for eligible providers

Process for Maintaining and Updating a Current Child Care Registry 620-01-65-01

(Revised 3/20/12 ML #3317)

View Archives

The authorized agent shall submit the following information to the regional office:

1. New telephone number for a provider.
2. New address for a provider.
3. Provider name change.
4. Change in the number of children licensed.

The regional office shall input the appropriate licensing information by submitting an electronic Add/Delete Notice.

Delete Notices 620-01-65-05

(Revised 3/20/12 ML #3317)

View Archives

When a license or self-declaration has expired and a new application has not been completed:

1. The authorized agent must inform the regional office of provider's closing.

2. The regional office must complete a delete slip via data entry and submit to the central office for the removal from the child care registry.

Delete Slip Process When Revocation is Issued 620-01-65-10

(Revised 3/20/12 ML #3317)

View Archives

The regional office shall immediately enter delete notice data after time period expires for an appeal and no appeal is filed by the provider. If a revocation appeal is filed by the provider, the regional office shall enter the delete slip notice at the time the revocation is final. The revocation is final the date that the final order is signed by the executive office.

When a Program Closes 620-01-70

(Revised 3/20/12 ML #3317)

View Archives

When an early childhood program, self-declared child care, or in-home registered child care voluntarily closes, the provider is responsible for notifying the authorized agent. The authorized agent shall:

1. Document closure in provider's file.
2. Instruct the operator to return the license to authorized agent.
3. Notify regional office to have the provider's number deleted from central office computer registry.
4. Instruct CCR&R to delete them from the provider database.

When Changes Occur in a Home, Facility, or Program 620-01-75

(Revised 3/20/12 ML #3317)

View Archives

When a provider wishes to change the number of children they are licensed to provide child care for, the provider must notify the authorized agent and request an issuance of a new license. Documentation must be submitted if applicable, for example, a new floor plan.

Changes may require the provider to complete a new W-9 form and submit the form to the State CCAP Office. The following circumstances will require a new W-9 form:

1. New CCAP provider
2. Lapse between certification or relicensure of more than three months
3. Change in name
4. Change in provider number
5. Change in social security number or employer identification number

Name/Address Change of Provider 620-01-75-01

(Revised 3/20/12 ML #3317)

View Archives

1. The current provider who is requesting a name change must complete a new application and submit documentation verifying the name change.

2. A current provider who is relocating to a new address must complete a new application, and a new licensing study or self-declaration will be completed.

3. Fees and fee adjustments during a licensing, self-declaration, or registration period falls under the discretion of the authorized agent.

Special Licensing/Approvals 620-01-80

(Revised 3/20/12 ML #3317)

View Archives

If a special license or approval is required the authorized agent shall contact the regional office.

Provisional Licensing 620-01-80-01

(Revised 3/20/12 ML #3317)

View Archives

1. If the authorized agent feels the request is warranted, the authorized agent shall request that a provisional license be issued by the regional office.

2. Regional office shall contact central office to discuss request on a case-by-case basis.

3. If the decision is made to issue a provisional license, a written agreement with the provider must be signed by the provider, authorized agent, and regional office.

    a. The word "provisional" and the explanation for the provisional license must be written on the face of the license.

Restricted License 620-01-80-05

(Revised 3/15/12 ML #3317)

View Archives

1. The authorized agent shall request that a restricted license be issued by the regional office, if the authorized agent feels a restricted license is warranted.

2. The regional office may consult with the central office before a restricted license is issued.

3. When a restricted license is issued for reasons other than usable space, the restriction must be noted in an MOU signed by the provider, authorized agent, and regional supervisor.

4. The restriction must be written on the face of the license.

Memorandum of Understanding (MOU) 620-01-80-10

(Revised 3/20/12 ML #3317)

View Archives

A memorandum of understanding is an agreement between the child care providers and the department. MOUs may be used to support restricted licenses, to enter into agreement on a method of correction of violations, or for other assurances. MOUs must be approved by the central office prior to issuance.

Multiple Licensed Facility 620-01-80-15

(Revised 3/20/12 ML #3317)

View Archives

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

Example:

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

School Age Child Care License 620-01-80-20

(Revised 3/20/12 ML #3317)

View Archives

School age child care rules are exclusively for programs which care only for school age children. Multiple licenses are not issued to include a school age child care program because the definition states the school age child care center rules are for centers that exclusively provide services to school age children. However, a center can provide services to children ages birth to age twelve years with a center license.

A school age child care center may have a main location with satellite programs. The license is issued to the main location. Satellite sites with capacity are listed on the license. Copies of the license must be displayed at all sites.

When licensing a school age child care center that has satellite sites, the satellite site must be part of the licensing study. A school age child care center satellite site checklist must be completed for each satellite site.

Public Approvals 620-01-80-25

(Revised 3/20/12 ML #3317)

View Archives

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

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

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

A licensing visit is not required for public approvals.

Tribal and Military Approvals 620-01-80-30

(Revised 3/20/12 ML #3317)

View Archives

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

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

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

Licensing Exemption: CACFP/CCAP 620-01-80-35

(Revised 3/20/12 ML #3317)

View Archives

School age child care programs, child care centers, and preschools operated by a public or parochial school system can be coded by the exempt category for the purposes of CACFP and CCAP. No licensing study is required. The code would be 06/Exempt. If the program requests that a licensing study be completed, the code would be 02/State.

Head Start programs can be coded by the exempt category for the purposes of CACFP and CCAP. No licensing study is required. The code would be 06/Exempt. If the program requests that a licensing study be completed, the code would be 02/State.

Other programs exempt from licensure such as identified under N.D.C.C. §50-11.1-02(7)(a-j), may be given an exempt status on an individual basis in consultation with the state administrator of CCAP and the state administrator of early childhood services.

Group Provider Requesting an Increase from 18 to 30 620-01-80-40

(Revised 7/1/13 ML #3371)

View Archives

Effective July 1, 2013, based on legislative action, the definition of a group child care was revised to include a license capacity of 30, instead of 18. Group providers who request an increase in their license capacity must first confirm compliance with any local ordinances. The following steps shall then be followed.

1. Provider submits request, in writing, for increase in capacity.
2. Licenser informs the provider that it is the provider's responsibility to make sure all applicable city ordinances are met.
3. Licenser re-measures indoor and outdoor space to determine capacity, ensuring that only usable space is counted in measurement, and that space is arranged in a way that ensures proper supervision.
4. Licenser verifies that there is at least 1 toilet per fifteen children, excluding those not toilet trained.
5. Licenser completes inspection, checking to make sure that staffing and equipment are adequate to support the increase in capacity.
6. If new space is being added, the provider will need a new fire inspection and health inspection if applicable.
7. Licenser sends documentation to regional office:

    - Request for capacity increase, provided by the operator.
    - Written narrative of visit
    - Updated floor plan and map of outdoor space
    - Copies of inspections if applicable
    - SFN 508s for additional staff

8. Regional Office reviews request and approves license increase if complete and in compliance.

Staffing Requirements 620-01-85

(Revised 8/1/12 ML #3342)

View Archives

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

Number of Children in Program - How Determined 620-01-85-01

(Revised 3/20/12 ML #3317)

View Archives

N.D.C.C. § 50-11.1-02.1

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

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

REPEALED

Same Age Group Population/Mixed Age Group/Staffing and Child Ratio in Group Programs and Centers 620-01-85-05

(Repealed 8/1/12 ML #3342)

View Archives

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

(Revised 8/1/12 ML #3342)

View Archives

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

Areas occupied by groups must be defined by permanent walls, movable walls, or other partitions approved by the licenser and early childhood regional supervisor. Effective January 1, 2015, all programs will have to comply with this policy.

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

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

(Revised 3/20/12 ML #3317)

View Archives

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

1. Request written documentation supplied by an official health care provider or school IEP stating the current developmental age and needs of the child.

2. When a child’s physical and developmental age differ, the developmental age is an appropriate consideration in determining the staffing requirements which are necessary.

Training 620-01-90

(Revised 3/20/12 ML #3317)

View Archives

The department recognizes the importance of highly qualified and well trained early childhood services providers and has set forth training requirements for each type of license and early childhood position.

Basic Child Care 620-01-90-01

(Revised 3/20/12 ML #3317)

View Archives

All family, group and center operators and staff members, with the exception of substitute caregivers and the child care center directors, are required to complete a department-approved basic child care course within the first three months of employment or licensing. Basic child care consists of the following courses:

- Healthy Practices and Policies
- Safe Practices and Policies
- Food and Nutrition
- Illness Prevention
- Getting in Tune
- Elements of an Effective Environment
- Mandated Reporter

Growing Futures 620-01-90-05

(Revised 3/20/12 ML #3317)

View Archives

North Dakota's professional development system is Growing Futures. All training for licensing requirements must be Growing Futures approved. Providers and employees may access Growing Futures at www.ndgrowingfutures.org.

It is highly recommended that the training hours be diverse and encompass a variety of the ND Core Competencies:

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

First Aid and CPR Certification/training for Self-declared and Licensed Providers 620-01-90-10

(Revised 3/20/12 ML #3317)

View Archives

Licensed and self-declared providers must maintain certification in CPR and first aid from an approved source.

First Aid 620-01-90-10-01

(Revised 3/20/12 ML #3317)

View Archives

First aid training may be received by the American Heart Association, American Red Cross, American Safety & Health Institute, ND Safety Council, MEDIC or other First Aid Program approved by the department.

The following online courses have been approved for First Aid only:

1. Pro First Aid, www.profirstaid.com
2. International CPR Institute, www.icpri.com
3. American Health Care Academy: http://cpraedcourse.com

Local/community-based first aid trainings may be submitted to the central office for review and potential approval.

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

CPR Certification 620-01-90-10-05

(Revised 3/20/12 ML #3317)

View Archives

CPR training must be from a department approved source. This must be documented by a current participation card which meets the standards of that individual program. Online CPR training courses are not approved.

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

1. Successfully complete a written examination and performance on infant, child, or adult mannequin (it is highly recommended that the provider have all three), resulting in certification. The rule does not specify infant, child, or adult so we need to accept any of the three but again highly encourage performance on all three mannequins.

2. Approved programs for CPR certification are American Red Cross, American Heart Association, American Safety & Health Institute, ND Safety Council, MEDIC or individual programs upon approval by the department.

3. Documentation of completion of the course must be by current participation which meets the requirements of the approved program.

   Note: A CNA, medical degree, EMS or First Responder certification may not be substituted for CPR certification.

Health and Safety 620-01-95

(Revised 3/20/12 ML #3317)

View Archives

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

Supervision 620-01-95-01

(Revised 3/20/12 ML #3317)

View Archives

1. "Supervision" means a staff member responsible for caring for or teaching children being within sight or hearing range of an infant, toddler, or preschooler 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 that the child's health and safety is protected.

2. To determine if supervision is adequate, consideration must be given to:

   a. Child's age;

   b. Individual needs of child;

   c. Potential safety issues; and

   d. Proximity of child to staff member

3. Staff members must directly and strictly supervise children around water at all times to ensure their safety.

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

(Revised 3/20/12 ML #3317)

View Archives

All cribs must be approved by the Consumer Product Safety Commission. All cribs are required to have a date of manufacture on the crib, usually under the mattress. If the crib was manufactured before June 28, 2011 the crib may not be in compliance and the provider must show proof of compliance with 16CFR 1219 or 1220. Proof of compliance must come from the manufacturer of the crib. Any crib manufactured after June 28, 2011 will meet compliance standards.

Providers and staff members shall always initially place infants on their backs to sleep. The crib may not contain soft bedding or other suffocation hazards.

An infant may not sleep in any equipment other than an approved crib or portable crib, unless the parent has supplied the provider with a note from a medical provider instructing otherwise.

A child may not be placed on a waterbed unless the child has attained both a developmental and chronological age of thirty-six months.

Children may not be confined to car seats, swings, bouncy chairs, or other equipment for extended periods of time. It is recommended that infants spend no more than 20 minutes at a time confined to infant equipment. Research indicates that when an infant is not allowed adequate time to crawl, stretch, roll, or move freely, the infant's brain development and motor skills may be delayed.

Immunizations 620-01-95-10

(Revised 3/20/12 ML #3317)

View Archives

N.D.C.C. § 23-07-17.1

N.D.A.C. §§ 33-06-05 and 33-06-05-01

Providers are required to verify that each child in their care has received all immunizations appropriate for the child's age, as prescribed by the state department of health, or have on file a document stating that the child is medically exempt or exempt from immunizations based on religious, philosophical, or moral beliefs, unless the child is school age or drop-in.

If a child has a valid exemption, a provider may not exclude them from care on this basis unless there has been a determination made by the State Health Officer that a danger of an epidemic exists.

A provider may not disclose the identity of children who are exempt from immunizations.

Water Temperature 620-01-95-15

(Revised 8/1/12 ML #3342)

View Archives

Hot water heaters must be turned down or there must be a tempering valve or an anti-scalding device on the faucets used by children so that the temperature of hot water supplied to sinks does not exceed one hundred twenty degrees Fahrenheit (94.2 degrees Celsius). Authorized agents shall take into consideration that slight variations in water temperature will be expected, as water heaters fluctuate throughout the day and thermometers used to measure water temperature may also result in slightly different readings. Verbal warnings should be issued rather than written correction orders when temperatures are between 120 and 125 degrees Fahrenheit.

Length of Exposure Required to Receive a Third-Degree Burn

68° C	156° F	1 second
65.6° C	149° F	2 seconds
60° C	140° F	5 seconds
56.6° C	133° F	15 seconds
53° C	127° F	60 seconds

Playground Safety 620-01-95-20

(Revised 3/20/12 ML #3317)

View Archives

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

1. Surfaces around playground equipment should be safe. It is recommended that areas around playground equipment have at least 6 inches of wood chips, mulch, sand or pea gravel, or there are mats made of safety-tested rubber or rubber-like materials.

2. Protective surfacing should extend at least six feet in all directions around play equipment. For swings, the surfacing should extend in the back and front, twice the height of the suspending bar.

3. Play structures more than 30 inches high should be spaced at least nine feet apart.

4. Dangerous hardware, like open 'S' hooks or protruding bolt ends, must be removed.

5. Spaces that could trap children, such as openings in guardrails or between ladder rungs should measure less than 3.5 inches or more than nine inches.

6. Equipment must not have any sharp points or edges.

7. Tripping hazards, such as exposed concrete footings, tree stumps, and rocks shall be removed from the playground.

8. Elevated surfaces, like platforms and ramps must have guardrails to prevent falls.

9. Providers shall inspect playgrounds regularly to see that equipment and surfacing are in good condition.

Swimming Pools 620-01-95-25

(Revised 8/1/12 ML #3342)

View Archives

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

1. Pools that do not receive an annual health inspection by the health department may not be used by child care children during childcare hours.

2. An adult shall directly supervise the children while the pool is in use. Children may not be left alone in the pool or surrounding area without adult supervision.

3. Additional adult supervision during the time the pool is in use may be of benefit to the provider and the children.

4. The provider shall get permission in writing from the parents of the children to use the pool.

5. The provider shall make sure that their liability insurance covers the use of the swimming pool for child care purposes.

6. The pool must be inaccessible to children when not in use (fenced area, secure cover, or constant direct supervision to ensure children will not enter the pool).

7. The pool needs to be cleaned as recommended by the manufacturer. The provider may check with the local or state health department for information.

8. Provider and staff members shall know where the switch for the drain is located.

9. The provider shall follow all applicable local and state ordinances regarding swimming pools.

Hot Tubs 620-01-95-30

(Revised 3/20/12 ML #3317)

View Archives

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

Trampolines 620-01-95-35

(Revised 3/20/12 ML #3317)

View Archives

The state health department and Consumer Product Safety Commission warn against the risk for potential serious injury to children using trampolines. Both the American Academy of Pediatrics and the American Academy of Orthopedic Surgeons oppose the use of trampolines for children under the age of 6 years old. The following guidelines must be adhered to:

1. Only one child is allowed on the trampoline at a time.
2. A safety net must be properly installed and maintained around the trampoline.
3. The trampoline must not be used without shock-absorbing pads that completely cover the springs, hooks, and frame.
4. Trampoline use must be directly supervised by a staff member.
5. The provider shall get permission in writing from the parent of the children.
6. The provider shall make sure that their liability insurance covers the use of the trampoline for child care purposes.
7. The provider shall follow trampoline manufacturer recommendations.

Program Requirements 620-01-100

(Revised 3/20/12 ML #3317)

View Archives

Operators are required to provide a program that is developmentally appropriate and includes activities which foster the social, cognitive, emotional and physical growth of children.

1. A variety of educational toys and books must be accessible to children in care. The toys and materials should be culturally rich and shall address several domains: language and literacy, mathematics, dramatic play, art, science, motor development. Providers looking for information on low-cost materials and activities for their program should contact CCR&R.

2. Television and other screen time must be limited for preschoolers and should be avoided for children who are under the age of two. No more than thirty minutes of screen time per week is recommended.

3. The department has developed multiple trainings and Early Learning Guidelines to assist in program planning. Providers may access the Early Learning Guidelines at http://www.nd.gov/dhs/services/childcare/ or may contact the central office for hard copies. Providers may access information on training at www.ndgrowingfutures.org.

Physical Activity/Outdoor Play 620-01-100-01

(Revised 3/20/12 ML #3317)

View Archives

1. Daily outdoor play is a required part of the daily schedule. It is recommended that, weather permitting; children receive outdoor play time twice per day, totaling 60-90 minutes. The outdoor play area should encourage physical activity with a variety of safe equipment, open grassy areas, wheeled toys, and balls and other sport equipment.

2. If weather does not permit outdoor play, the provider must schedule adequate time for active physical movement indoors. For ideas on physical games and activities that are appropriate for indoors, providers may contact CCR&R.

3. Providers and staff should encourage children to be active by joining in physical activity with the children.

Indoor/Outdoor Space 620-01-105

(Revised 3/20/12 ML #3317)

View Archives

The authorized agent shall:

1. Submit an initial floor plan to the regional office. Floor plan will not need to be resubmitted unless there is facility change in the floor plan.

2. Utilize a tape measure when determining a minimum of 35 square feet per child for indoor activity.

3. Count usable space only. Usable space must not include bathrooms, pantries, passage ways leading to outdoor exits, areas occupied by furniture or appliances that children should not play on or under, and space that children are not permitted to occupy. Crib space may not be counted in the usable space unless they are portable cribs or pack-and-plays that are folded away when not used for sleeping.

Outdoor Space Requirements 620-01-105-01

(Revised 3/20/12 ML #3317)

View Archives

The authorized agent shall submit a plan of outdoor space to the regional office. There must be a minimum of at least 75 square feet of outdoor space per child in child care.

1. If available play space does not accommodate the licensed capacity of the child care at one time, the total appropriate outdoor play space available must be no less than what would be required for the largest number of children in the class or group.

2. It is expected that outdoor space will be located on the child care grounds. If an operator wishes to use outdoor play space located off site, such as a near-by park as the program's outdoor space, that space must be preapproved by the central office.

Serious Accident/Illness/Death of a Child/Sentinel Event 620-01-110

(Revised 3/20/12 ML #3317)

View Archives

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

Upon receipt of the report, the authorized agent shall:

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

The regional office staff shall:

1. Determine if further investigation is needed. If further investigation is not needed, the information is entered on the Q Drive files. If further investigation is needed, the regional office forwards a copy of the SFN 383 to the central office. The central office will consult with the regional office to provide guidance to the authorized agent.

2. Determine whether incident is a sentinel event:

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

   a. Incidents that involve law enforcement

   b. Deaths

   c. Injuries that require medical attention and are suspected to be the result of a licensing violation

   If the regional supervisor is unsure of whether or not an incident is a sentinel event, the central office should be consulted with.

   If the incident is determined to be a sentinel event, the regional office shall:

   a. Complete SFN 50508 and submit to Risk Management,

   b. Immediately send email with "sentinel event" in the subject line to DHS Executive Director, DHS Public Relations, Director of CFS, ECS Administrator, Director of Legal Advisory Unit, DHS Risk Manager, and the Risk Manager at the regional

office. The email should contain as much information as you have at the time about the incident.

The central office shall:

1. Provide guidance to regional office and authorized agent in addressing serious incidents.

2. Review Q Drive files periodically.

3. Maintain an electronic file of all the SFN 383 reports submitted to the central office.

4. Report quarterly to the DHS Risk Manager, numbers of reports categorized by type of incident.

Child Care Concern/Investigating Concerns 620-01-115

(Revised 3/20/12 ML #3317)

View Archives

N.D.C.C. § 50-11.1-07 gives the department and the authorized agent the right to, at any time, investigate and inspect the conditions of any facility and the qualifications of the provider of early childhood services, whether licensed, self-declared, or in-home provider.

Investigating concerns must be a top priority for the authorized agent. If a concern is received, the authorized agent shall investigate the child care as soon as possible. In some situations, it is advisable for staff to go as a team in order to have a back-up witness.

Child Care Concern/Sentinel Event 620-01-115-01

(Revised 3/20/12 ML #3317)

View Archives

All concerns received regarding an early childhood services program must be documented on an SFN 1269 form and investigated.

Upon receipt of a report of a concern, the authorized agent shall:

1. Complete an SFN 1269 and immediately send a copy of the SFN 1269 to the regional office.

   a. This report must be typed, not handwritten, and sent electronically to the regional office. If the regional supervisor is not available, and there is a potential for the report to be a sentinel event, then the authorized agent shall also send the report to the ECS Administrator at the central office.

2. Complete an SFN 960, Report of Suspected Child Abuse and Neglect if the authorized agent suspects that the incident is a result of child abuse or neglect. The authorized agent may consult with the regional office if there are questions.

3. Investigate the concern, staff investigative information with the regional office, and issue appropriate corrective action.

4. Work collaboratively with CPS and law enforcement, if those agencies are involved in the investigation. CPS or law enforcement will take the lead on joint investigations.

5. Complete Part II of the SFN 1269 and submit electronically to regional office upon completion of the investigation of the concern. Send any supporting documentation (narrative correction order, follow-up letter).

The regional office shall:

1. Forward the electronic version of the reports to the central office, if the concern has resulted in a CPS assessment.

2. Provide guidance to the authorized agent conducting the investigation of the concern.

3. Determine whether incident is a sentinel event:

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

   a. Incidents that involve law enforcement

   b. Deaths

   c. Injuries that require medical attention and are suspected to be the result of a licensing violation

   If the regional supervisor is unsure of whether or not an incident is a sentinel event, the central office should be consulted.

   If the incident is determined to be a sentinel event, the regional office shall:

   a. Complete SFN 50508 and submit to Risk Management,

   b. Immediately send email with "sentinel event" in the subject line to DHS Executive Director, DHS Public Relations, Director of CFS, ECS Administrator, Director of Legal Advisory Unit, DHS Risk Manager, and the Risk Manager at the regional office. The

email should contain as much information as you have at the time about the incident.

4. Enter the concern information on the Q Drive files.

The central office shall:

1. Provide guidance to regional office and authorized agent in addressing serious concerns.

2. Review Q Drive files periodically.

3. Maintain an electronic file of all the SFN 1269 reports submitted to the central office, and submit reports to DHS Risk Manager if requested.

Investigations 620-01-115-05

(Revised 3/20/12 ML #3317)

View Archives

When the authorized agent becomes aware of a concern that a rule may have been violated in a licensed, self-declared, or registered in-home program, the authorized agent shall investigate the validity of the concern.

1. Procedure for Investigation

   a. To begin an investigation, the authorized agent will need the name of the facility or provider and the nature of the concern.

   b. If the identity of the witness or source of the information is known, the authorized agent shall contact the witness to obtain more information about the concern and as many details as possible.

   c. The identity of the reporting witness is only confidential if the initial report was to child protection,

   d. Although anonymous reports may be accepted. The authorized agent shall ask the witness if they would be willing to testify about what they saw at a hearing.

   e. After contacting the reporter, the authorized agent shall complete an unannounced visit to the home or facility. When questioning the provider or staff members about the allegations, the authorized agent shall be careful to include as many details as possible, including specific times.

   f. If the authorized agent observes evidence of the alleged violation first hand or the provider admits to the violation, the authorized agent shall issue a correction order, or if a more serious or repetitive violation, contact the regional office for further action.

g. If the authorized agent does not observe violations first hand and the provider does not admit to the violation, more investigation may be necessary. The authorized agent shall consult with the regional office.

- Potential Witnesses

  The following individuals should be considered as potential witnesses in the investigation:

  - Workers at the facility
  - Parents of children in the facility
  - Children in the facility
  - Neighbors of facility
  - Law enforcement.

- Children as Witnesses

  The authorized agent may talk to children at the facility during a drop-in visit.

  If the authorized agent is unable to speak with children during the visit, the authorized agent may contact the parents at home and ask to speak to their children.

  If the parents refuse, the authorized agent does not have authority to go to the school to talk with the children.

- Documentation

  Document what you are told; also, document evidence that the child is, or is not credible i.e. changes in story, seems exaggerated, eye contact, etc.

- Interview Don’ts

  Do not do interviews over the telephone.

Don’t make statements to collateral witnesses that suggest an incident did or didn’t happen, merely advise them you are investigating a concern.

Don’t identify the reporting witness unless the provider asks who it is. While it’s not confidential, it is unnecessary to volunteer that information.

Child Care Licensing/Child Protection Joint Assessments 620-01-115-10

(Revised 3/20/12 ML #3317)

View Archives

At times there may be an incident in child care that is also a child protection concern. In these incidents the licenser and the child protection worker shall work collaboratively.

1. Child care licenser notifies regional office regarding SFN 960 immediately.

2. Regional office enters concern on the Q Drive, and notifies central office if the concern is a possible sentinel event.

3. Licenser completes a SFN 1269 for the licensing record as it relates to an alleged or suspected rule violation if the CPS worker has not already done so.

4. If law enforcement needs to be involved, the licenser will be kept informed of the status of the case. If law enforcement is not involved, the CPS worker and licenser will work collaboratively regarding the agenda/interviews and setting a time for the assessment.

5. Licenser will keep the regional office informed of case status.

6. Children are interviewed as well as collaborating sources, and documentation must be completed. The licenser must complete his/her own separate documentation for the licensing file.

7. Child care provider/staff are interviewed, and documentation is completed.

8. Issues are discussed jointly between the CPS worker and licenser.

9. Case staffed with licenser, regional office, CPS worker.

10. Authorized agent determines rule violations and staffs concern with regional office. Licensing actions are separate from CPS actions. Regional office will consult with central office if necessary and will provide direction on whether licensing action will take place before the CPS assessment is completed.

11. Upon conclusion of the CPS assessment, the CPS worker shall communicate the decision to the licenser.

12. The licenser shall inform the regional office of the decision.

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

Revised 3/20/12 ML #3317)

View Archives

When a provider or staff member of a licensed, self-declared, or registered program is the subject of a child protection services assessment, the department shall make a good faith effort to notify all parents of children receiving care in the child care of the results of the assessment. Parents may also receive the name of the subject and a summary of the facts of the assessment.

1. The CPS worker shall prepare the notice that parents will receive. A copy of the notice will be placed in the licensing file for licensers to reference.

2. The licenser will email a copy of this notice to the central office.

3. The licenser shall ensure that the notification is properly distributed to parents who are enrolled at the child care at the time the notice is distributed.

4. Distribution may occur by:

   a. mailing the notice to parents or,

   b. delivering the notice to the operator and requiring the operator to distribute the notices to parents either in person, or by a sealed envelope with the parent's name on the envelope. The operator shall then return documentation of notification to the licenser. The licenser may require the operator to obtain parental signatures upon receipt of the notice.

5. The licenser may need to obtain a written authorization of release (SFN 1059) from the subject, allowing the licenser to disclose the information to the director or supervisor of the early childhood services program if the operator of the program is a board of directors.

6. The protocol for answering telephone calls regarding the notice will be decided locally based on county resources.

Early Childhood Services Corrective Action 620-01-120

Revised 3/20/12 ML #3317)

View Archives

When a provider or applicant is not in compliance with statute or rule, corrective action may be necessary. These actions consist of correction orders, fiscal sanctions, notices of intent to deny, denial notices, notices of intent to revoke, revocation notices, suspensions, and injunctions.

Correction Orders 620-01-120-01

Revised 3/20/12 ML #3317)

View Archives

Correction orders may be issued to licensed or self-declared providers for violations of law or rules.

Policy and Procedure for Issuing Immediate Correction Orders (24 Hours) 620-01-120-01-01

Revised 3/20/12 ML #3317)

View Archives

"By immediately," the provider must comply within 24 hours. All time periods commence with the date of receipt by the provider of the correction orders.

The immediate correction order should be issued even if:

1. The date of incident is not the same day as the date of knowledge.
2. There are other infractions that warrant a regular correction order.

The immediate correction order should be issued even if:

1. Use SFN 379 to issue an immediate correction order.
2. Leave a completed copy of the SFN 379 with the provider, or inform the provider of the necessary correction and send a copy of the SFN 379 by certified mail immediately upon returning to the office.
3. Send copies of all correction order notices to regional office.
4. A copy of the correction order will be maintained in the county office, provider's file, and the regional office.
5. The authorized agent shall notify the Child Care Resource and Referral agency of the immediate correction order.

Policy and Procedure for Issuing a 20-day or 60 day Correction Order 620-01-120-01-05

Revised 3/20/12 ML #3317)

View Archives

1. Documentation

    a. Document the conduct that violates the rules.

    b. Document the names of witnesses present at the time the conduct is observed.

2. Include the following information in the order:

    - Specific rule or code section violated
    - Facts that back up the violation
    - Suggested method of correction
    - Time allowed for correction (calculate date it should be completed using calendar days)
    - Amount of fiscal sanction
    - Notice that this information will be provided to CCR&R

        a. If multiple violations exist, contact the regional office.

        b. Send the correction order to the provider by certified mail, with a copy of SFN 312, Correction Order Notification and Child Care Provider Confirmation.

        c. Send a copy of the correction order to the regional office.

        d. Notify Child Care Resource and Referral of the correction order.

3. If the provider refuses certified mail, the authorized agent should place the correction order in a plain white envelope with a return address and re-mail. If the envelope does not come back, the correction order is considered delivered.

4. The provider shall provide a written response to all correction orders detailing the action taken to correct the violation. The written response must be provided to the authorized agent within the time allowed for the correction. The provider shall also send the signed SFN 312 to the authorized agent.

Reinspections After Correction Order is Issued 620-01-120-01-10

Revised 3/20/12 ML #3317)

View Archives

N.D.C.C. § 50-11.1-07.3

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

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

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

1. If violation is corrected:

    a. Documenting correction completed, including date of reinspection.

    b. The provider must submit written documentation of the correction to be placed in the provider's file.

    c. The authorized agent shall send a copy of the signed SFN 312 and verification of corrections made to the regional office, and shall send an email to CCR&R, notifying them of the correction.

2. If violation is not corrected:

    a. The authorized agent shall staff the case with the regional office to decide whether to start revocation proceedings or send a notice of non-compliance.

b. If a revocation is warranted, the regional office will begin the process. No other contact shall be made to the provider by the authorized agent, unless directed by the regional office.

c. If revocation is not warranted, the authorized agent shall work with the regional office to prepare a notice of non-compliance and begin assessing fiscal sanctions.

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

Revised 3/20/12 ML #3317)

View Archives

1. Fiscal sanctions are assessed each day of non-compliance starting after the time period for correction.

2. The regional office shall notify the central office that fiscal sanctions must be assessed and shall provide the human service center with a copy of the notice of non-compliance.

3. Fiscal sanctions are billed by central office and when collected, are sent to the State General Fund minus costs involved in recovering the fiscal sanctions. (See N.D.C.C. § 50-11.1-07.7 and Manual 09-11-47.)

4. Fiscal sanctions are payable 15 days after receipt of notice of non-compliance and at 15 day intervals.

5. When corrections have been verified by the authorized agent, the regional office shall notify the central office of the date that fiscal sanctions must cease.

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

Revised 3/20/12 ML #3317)

View Archives

When the department determines that fiscal sanctions are appropriate, the authorized agent shall send a notice of non-compliance to the provider. The notice must explain the violations that were not corrected and the fiscal sanctions that will be assessed each day of non-compliance after the time period for correction. The notice must also include:

1. The provider shall notify the authorized agent in writing that the violations have been corrected. Fiscal sanctions will continue to accumulate until the authorized agent receives this notification.

2. The fiscal sanctions will be billed by Department of Human Services and are due 15 days after receipt of the notice of non-compliance and every 15 days, thereafter, if they continue.

3. The provider has the right to appeal the fiscal sanctions by requesting an administrative hearing as outlined in N.D.C.C. § 28-32 within ten days of receiving the notice of non-compliance. The notice of non-compliance must contain the address for which a provider may send a request for an appeal.

Second Reinspection 620-01-120-05-05

Revised 3/20/12 ML #3317)

View Archives

1. A second reinspection must be completed within three working days after receiving notice that corrections were made.

2. If violations are corrected, sanctions cease from the date the authorized agent was notified.

3. If the same violations still exist, fiscal sanctions continue without a break and the authorized agent shall send a notice of resumption of fiscal sanctions.

NOTE: Revocation of license or self-declaration should also be considered at this point.

Notice of Resumption of Fiscal Sanctions 620-01-120-05-10

Revised 3/20/12 ML #3317)

View Archives

If fiscal sanctions are resumed after the second reinspection, the authorized agent shall send the provider a notice of resumption of fiscal sanctions.

1. Notice is mailed by certified mail, containing an explanation of the violations that still exist, the billing and the appeal information that was included in the notice of non-compliance.

2. Recovery of fiscal sanctions is stayed if the provider makes written requests for an administrative hearing as outlined in N.D.C.C. § 28-32 within ten days of receiving the notice of resumption of fiscal sanctions.

3. Fiscal sanctions continue accruing until the license or self-declaration is no longer valid or an administrative hearing ceases or dismisses the fiscal sanctions.

4. If revocation takes place or a provider voluntarily gives up a license or self-declaration, fiscal sanctions accrued to that point are still collectable.

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

Revised 3/20/12 ML #3317)

View Archives

1. Appeal from Notice of Non-compliance -- Hearing

   a. A provider may submit a request for a hearing to the Appeals Supervisor within ten days after receiving the Notice of Non-compliance.

   b. The hearing will be held under N.D.C.C. chapter 28-32.

   c. If a hearing is requested, fiscal sanctions cannot be collected until after the decision is issued.

   d. The issues at the hearing will be whether the rules were violated as set out in the correction order, whether the provider corrected the deficiency prior to the reinspection or sent written notice of correction and was in compliance upon the subsequent reinspection.

   e. If, after the hearing, the department determines the fiscal sanctions were appropriate, the provider shall pay, within 15 days, fiscal sanctions accrued through the time the provider provided written notice of the correction to the authorized agent or their license expired.

2. Collection of Fiscal Sanctions

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

Notice of Intent to Deny 620-01-120-10

Revised 3/20/12 ML #3317)

View Archives

The Notice of Intent to Deny is utilized when the department needs more information to determine an individual's ability to provide safe care in compliance with the department's statute and rules.

Procedure for Notice of Intent to Deny 620-01-120-10-01

Revised 3/20/12 ML #3317)

View Archives

1. Regional office reviews application.

2. Regional office staffs application with authorized, central office, prepares notice for review by central office, and DHS legal advisory unit.

3. The regional office issues a notice of intent to deny which requests of the applicant (via certified mail) information which will allow the department to determine the applicant's current ability to provide safe care. This notice must include:

   a. Legal authority for request

   b. Factual basis for request

   c. Specific information requested may include, but is not limited, to the following:

      - Child Abuse Potential Inventory Test
      - Milmar/Child Care Criteria
      - Adult Adolescent Parenting Inventory
      - Pre-inventory Tool
      - MMPI Minnesota Multiphasic Personality Inventory
      - Drug/Alcohol Testing or Evaluation
      - Or further testing or documents as deemed appropriate.

   d. Deadline for information.

Procedure for Reviewing Information Obtained by the Intent to Deny 620-01-120-10-05

Revised 3/20/12 ML #3317)

View Archives

1. Information provided by the applicant and any other information requested by the regional office is reviewed/staffed with the authorized agent, regional office, central office, and the DHS legal advisory unit. They shall determine (within 15 working days after all the applicant's information has been received) whether the current ability of the caregiver is affected in a way that the environment would be harmful or dangerous to a child's/children's physical or emotional health.

2. Actions following review of information:

   - If the determination is favorable: The application will be granted. This assumes that no other rule violation requires adverse action on the applicant.

   - If the determination is unfavorable: A denial notice will be sent via certified mail to the applicant by the regional office. The notice must include the applicant's right to appeal this decision within 10 days of the date the notice was mailed. Use SFN 1172, Request for an Administrative Hearing form.

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

Revised 3/20/12 ML #3317)

View Archives

If an applicant fails to meet necessary standards and it is not appropriate to issue a provisional license or restricted license, a denial notice should be issued.

Procedure for Denial of a License Application 620-01-120-15-01

Revised 3/20/12 ML #3317)

View Archives

1. Authorized agent provides factual basis for denial to regional office along with all documentation.

2. Regional office reviews information and determines:

   a. Whether documentation supports the factual basis for denial, and

   b. The legal authority that supports the denial using the statute and rules.

3. Regional office prepares the denial notice and emails denial notice to authorized agent, regional office and DHS legal advisory unit for review prior to issuance.

4. When the denial notice is approved by the central office and the DHS legal advisory unit, the regional office sends denial notice, with a copy of the appeal form, by certified mail with return receipt requested.

5. Central office will provide technical assistance to the regional office.

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

Revised 3/20/12 ML #3317)

View Archives

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

Applicant's Ability to Provide are During Denial Appeal Process 620-01-120-15-10

Revised 3/20/12 ML #3317)

View Archives

Applicant must not provide care for more than five children or three infants during appeal process.

Notice to Intent to Revoke 620-01-120-20

Revised 3/20/12 ML #3317)

View Archives

A notice of intent to revoke is a notice issued to providers when non-compliance is evident and when a revocation is likely if certain requirements are not met by the provider. The notice must include the allegations in support of the notice, the factual basis for the notice, information requested, and a timeline for completion of the requirements. These requirements may include evaluations, training, program consultation, or other action that would provide assurance that the provider is meeting compliance.

Procedure for Issuing a Notice of Intent to Revoke 620-01-120-20-01

Revised 3/20/12 ML #3317)

View Archives

This procedure may be requested by either the authorized agent or regional office.

1. The authorized agent shall provide factual basis for notice of intent to revoke to regional office along with all documentation.

2. Regional office reviews information and prepares notice of intent to revoke.

3. Regional office emails notice to central office, DHS legal advisory unit and the authorized agent.

4. When the notice is approved by the central office and the DHS legal advisory unit, the regional office sends the notice by certified mail with return receipt requested.

5. The regional office emails the final copy of notice to the authorized agent and central office.

6. The regional office sends an alert notice to CCR&R when the notice is sent to the provider.

7. The regional office monitors the compliance with the notice to determine if the requirements set forth in the notice are met within the specified time frame. If the requirements are not met, the regional office shall contact the central office to discuss possible revocation. If the requirements are met, the regional office shall send a notice to the provider confirming that the provider is in compliance and has met the requirements of the notice of intent to revoke.

Revocation Notice 620-01-120-25

Revised 3/20/12 ML #3317)

View Archives

A revocation notice is issued when a provider's noncompliance puts the health and safety of the children at risk or when previous attempts at corrective action have not resulted in the provider maintaining compliance.

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

Revised 1/1/14 ML #3393)

View Archives

This procedure may be requested by either the authorized agent or regional office.

1. The authorized agent shall provide factual basis for revocation to regional office along with all documentation.
2. Regional office reviews information and determines the following:
   a. whether documentation supports the factual basis for revocation, and
   b. the legal authority that supports the revocation using the statute and rules.
3. Regional office prepares revocation notice.
4. Regional office emails revocation notice to central office, DHS legal advisory unit and the authorized agent.
5. When the notice is approved by the central office and the DHS legal advisory unit, the regional office sends the revocation notice, along with an appeal form, by certified mail with return receipt requested.
6. The regional office emails the final copy of revocation notice to the authorized agent and central office.
7. The regional office sends an alert notice to Child Care Aware and CACFP when the revocation is sent to the provider.
8. The regional office sends an alert notice to Child Care Aware, CCAP, and CACFP when the revocation is final.

9. Regional office sends letters to parents notifying them that a revocation notice has been issued and that the provider may appeal the revocation after the notice has been sent to the provider.

10. Regional office sends letters to parents when the revocation is final.

11. Central office provides technical assistance to the regional office.

Operating During the Appeal Process 620-01-120-25-05

Revised 3/20/12 ML #3317)

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1. The provider may continue to operate during appeal process unless the license expires.
2. If the license expires during the appeals process, the provider may reapply for a license. However, the license will be denied on the same grounds as the revocation.

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

Revised 3/20/12 ML #3317)

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1. If the provider does not appeal, official date of revocation is ten calendar days after receipt of the notice.

2. If the provider appeals the revocation, the official date of the revocation is the date that the final order is signed by the executive office.

Revocation Amendment 620-01-120-25-15

Revised 3/20/12 ML #3317)

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

Suspension 620-01-120-30

Revised 3/20/12 ML #3317)

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A suspension request must be made when the following are present:

1. A report of suspected child abuse or neglect at a licensed, self-declared or registered child care is reported.

2. Children are found to be at imminent danger or at risk of harm.

The suspension request must be made by the authorized agent or the regional office within 48 hours of the onset of the investigation.

The authorized agent shall:

1. Notify the regional office when a report of suspected child abuse and neglect has been filed in a licensed, self-declared or in-home registered program.

2. Notify the regional office of joint decision of CPS worker and authorized agent to request a suspension.

3. Present in person, along with CPS worker, the suspension notice prepared by the regional office to the provider. Request law enforcement to be present if necessary.

4. Notify the parent of any child receiving care when the license, self-declaration or registration is suspended. Consult with regional office to determine if notification will also include the name of the subject of the suspected abuse or neglect.

5. Upon the conclusion and disposition of the assessment, notify the parent of each child receiving early childhood services of the disposition.

6. Staff disposition with regional office to determine if further action on the license, self-declaration or registration is necessary.

The regional office shall:

1. Staff the suspension request with the central office.

2. If the decision is made to suspend, prepare the suspension notice and email the notice to the authorized agent, central office and DHS legal advisory unit for review prior to issuance.

3. Notify CCR&R, Child Care Assistance, and CACFP of the suspension.

Injunction 620-01-120-35

Revised 3/20/12 ML #3317)

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N.D.C.C. § 50-11.1-12

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

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

Revised 3/20/12 ML #3317)

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

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

Revised 3/20/12 ML #3317)

View Archives

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

Information That May Be Used in Determining Corrective Action 620-01-120-40

Revised 3/20/12 ML #3317)

View Archives

MAY BE USED	MAY NOT BE USED
May use facts from services required decision ten years from the date of decision if the facts indicate the potential inability to provide safe care.	May not use services required decision after a ten-year period following the date of decision. (Even if worker remembers its existence.)
May use facts from no services required (with or without recommendations) decisions three years from the date of decision if the facts indicate the potential inability to provide safe care.	May not use facts from no services required (with or without recommendations) decisions after a three-year period following the date of decisions or if the facts do not indicate the potential inability to provide safe care.
May use current sexual offender list.	
May use counseling records if they indicate an inability to provide safe care. A release of information must be obtained; otherwise counseling records are confidential.	May not use knowledge that an applicant once obtained or is obtaining counseling services.
May use prior conviction of non-direct bearing offenses within five years from the date of final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent charge or conviction.	May not use prior conviction of non- direct bearing offenses more than five years after the date of conviction or final release of probation.

MAY BE USED	MAY NOT BE USED
	May not use prior conviction of an offense that occurred less five years ago if determined applicant is sufficiently rehabilitated, or if offense does not impact the person's ability to practice trade.
May use an applicant's prior early childhood services history.	

Penalty Law 620-01-125

Revised 3/20/12 ML #3317)

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N.D.C.C. § 50-11.1-13.1

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

The Appeal Process 620-01-130

Revised 3/20/12 ML #3317)

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1. When an applicant/provider appeals a decision to have a license revoked or denied, the appeal is received by DHS legal advisory unit. The appeals supervisor from legal advisory unit will request a written report from the regional office giving a summary of the case along with a copy of the notice and a copy of the certified mail receipt which was issued to the applicant or provider. A hearing will result with the revocation or denial either being affirmed or reversed.

2. The applicant or provider has the right to appeal the case to the district court and eventually to the North Dakota Supreme Court.

3. The administrative law judge from the Office of Administrative Hearings will hear the appeal and announce the purpose of the hearing.

4. The hearing date will be set by the Office of Administrative Hearings. An administrative law judge assigned the case will establish the time and place of the hearing.

5. If a rule or violation is not stated in the factual basis of the notice, it cannot be brought up at an administrative hearing.

6. Guidance will be provided to the authorized agent and the regional office by the Attorney General's office.

Public Nature of Licensing Records and Confidentiality 620-01-135

Revised 3/20/12 ML #3317)

View Archives

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

Information That May Not Be Disclosed to the Public 620-01-135-01

Revised 1/1/14 ML #3393)

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1. Child abuse and neglect information including assessment report and supporting documentation, unless the information is provided to the parent of a child in the child care program in accordance with N.D.C.C. § 50-25.1-11(2).

2. Information identifying children receiving care in an early childhood services setting, pursuant to N.D.C.C. § 50-11.1-07(4).

3. Personal information described in N.D.C.C. § 44-04-18.1 (2), including photographs, medical information, motor vehicle operator's identification number, payroll deduction information, name, address, telephone number and date of birth of any dependent or emergency contact, and financial information. The name, address, telephone number, and email address of the provider are not considered confidential personal information, pursuant to N.D.C.C. § 50-11.1-07(6).

4. The identity of a reporter of a concern, and any collateral reporters, unless the information is needed for use in an administrative or legal proceeding arising out of the report.

    a. Descriptive information about the reporter as well as any other information obtained, without identifying the reporter's name, may be supplied in correction orders and notices of denial, revocation or suspension if necessary for the administration of the program, in accordance with N.D.C.C. §50-06-15.

5. Criminal history record information, contained in an individual's FBI criminal history report.

Sharing of Records 620-01-135-05

(Revised 3/20/12 ML #3317)

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1. Licensing records may be shared between the county and regional office and the central office for the purpose of program administration.

2. The authorized agent may access CCAP records if information is necessary to determine compliance with licensing rules.

3. The authorized agent may contact CCR&R and CACFP for information which would verify compliance with licensing rules.

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

Unlicensed Providers 620-01-140

(Revised 3/20/12 ML #3317)

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When a person is providing child care and no application has been initiated, the authorized agent has no authority to do an inspection. The provider may allow the authorized agent into their home.

The authorized agent may telephone the person to explain the potential need for a license and ask for permission to enter the home. The authorized agent shall explain to the person providing care that the provider's own children under age 12 are included in the total count when present in the home.

When the authorized agent becomes aware of a person who is providing care for more than 5 children or 3 infants without a license, the authorized agent shall:

1. Telephone or visit the person and explain the situation and ask for permission to enter the home.
2. Contact the regional office to staff situation.
3. Complete SFN 382, Child Care Licensing Letter, attach the SFN 380, Unlicensed Child Care Provider Affidavit, and send to person by certified mail.
4. Send a copy of the SFN 382 to the regional office and to the local State's Attorney or law enforcement office.
5. Gather appropriate documentation, including witnesses that have observed the conduct themselves. Hearsay is not appropriate documentation.
6. Send a copy of the signed SFN 380 to the regional office, if the authorized agent receives it.

7. Consult with the regional office if the provider continues to provide unlicensed care for more children than allowed by law.

The regional office shall consult with the central office for a referral to the local State's Attorney's office or law enforcement agency for legal action or referral to the Attorney General's office for civil penalties if the actions of the unlicensed provider continue.

False Advertising 620-01-145

(Revised 3/20/12 ML #3317)

View Archives

According to North Dakota Century Code § 50-12-08. False Advertising -- Generally, it is unlawful for any person within intent, directly or indirectly, to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause be made or disseminated before the public in this State, in any newspaper or publication or any other advertising device, or by public outcry or proclamation, or any other manner or means whatever, any statement, concerning such real or personal property or services, professional or otherwise or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading and which is known or which by the exercise of reasonable care should be known, to be untrue or misleading. North Dakota Century Code § 50-12-13 addresses the penalty that is a Class B misdemeanor.

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

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

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

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

Child Care Assistance Program 620-01-150

(Revised 3/20/12 ML #3317)

View Archives

The Child Care Assistance Program is a federally funded program designed to help low-income parents afford child care while they are working or going to school.

Recipients 620-01-150-01

(Revised 3/20/12 ML #3317)

View Archives

Recipients of child care services will include children of all ages without regard to race, color, creed, national origin, religion or sex of a child, or marital status or age of the parents.

Eligibility 620-01-150-05

(Revised 3/20/12 ML #3317)

View Archives

Eligibility for the CCAP is determined according to policies set forth by the Child Care Assistance Program in the Economic Assistance Policy Division of the Department of Human Services. Child care providers shall be licensed, self-declared, or registered with the Tribe, licensed in another state but caring for children who are ND residents, an approved relative, or must have some other public approval.

Providers are eligible for payment in the month that their license, self-declaration or approval becomes effective. For example, a provider who becomes licensed on October 15, will receive payment for care provided for the month of October, but will not receive payment for care provided earlier than October 1.

A W-9 must be completed by all providers who receive state reimbursement for child care services. The W-9 is given to the provider in their application packet. The provider shall send the W-9 to Economic Assistance Division, Department of Human Services, 600 East Boulevard Dept 325, Bismarck, ND 58505-0250.

Federal law requires that a 1099 Miscellaneous Tax Form be sent to each provider who has received payment directly from the State. This will be done at the end of each year by the Economic Assistance Policy Division office. Additionally, a report will be sent to the IRS at the end of each year.

Setting Rates for Reimbursement 620-01-150-10

(Revised 3/20/12 ML #3317)

View Archives

CCAP establishes the maximum rates for reimbursement of child care.

A market rate survey is conducted at least every two years to determine the child care rates for CCAP.

Child Care Service Billing Reports 620-01-150-15

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View Archives

The billing form used for CCAP is SFN 616, Child Care Billing Report.

The provider and parent complete an SFN 616 together. At the end of each month, the completed form is signed and dated by both the provider and the parent.

The parent is responsible for returning the form to the county social service eligibility worker.

The eligibility worker processes the form. Questions regarding this form should be referred to the county social service eligibility worker for each family.