

**Testimony**  
**Senate Bill 2080-Department of Human Services**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
**January 13, 2015**

Chairman Lee, members of the Senate Human Services Committee, I am Jennifer Barry, the Early Childhood Services Administrator with the Department of Human Services (Department). I am here today in support of Senate Bill 2080, which was introduced at the request of the Department.

This bill will revise seven sections of North Dakota Century Code chapter 50-11.1.

Section 1 revises the definition of "self-declaration" to clarify the number of children a self-declared provider may care for and to ensure that self-declared providers are able to care for the same number of children that unlicensed providers may legally care for.

Section 2 provides necessary updates based on the changes made to the definition of "group child care" by 2013 House Bill 1422.

Section 3 will allow the Department to deny an application for license if an operator has unpaid fiscal sanctions resulting from violations that are not corrected within the allowable timeframe.

Section 4 is required as a result of the recent passage of the federal Child Care and Development Block Grant Act of 2014 which expands the requirements for early childhood background checks. This law requires states to complete a full fingerprint background check for all providers

and staff members. Federal law allows an exemption from a background check for providers who only care for relatives, but that exemption must be within a category of care that is specific to relative care. The changes in Section 4 will align North Dakota's requirements with federal law and will still allow for providers who only care for relatives to be exempt from the fingerprint background check as a registered in-home provider or an approved relative provider.

The change proposed in Section 5 decriminalizes a situation when the Department makes a determination that an individual who previously has had his or her license, self-declaration, or in-home registration denied or revoked following a finding of services required is able to provide care free of abuse or neglect as a provider or staff member. Currently, when an individual who has been the subject of a services required finding pursues licensing, self-declaration, in-home registration, or employment with a program, the Department allows the individual to submit information from which the Department may make a determination that the individual is able to provide care free of abuse or neglect. The change in Section 5 will ensure the same process if an individual has had his or her application denied or license, self-declaration, or in-home registration revoked following a finding of services required. There have been many cases where the Department has reviewed information related to the facts surrounding a services required finding, the current early childhood setting in which the individual is pursuing licensure, self-declaration, in-home registration, or employment, the level of supervision the individual will have, and any measures the individual has taken to prepare themselves for early childhood services licensure, self-declaration, in-home registration, or employment. In a number of cases, the Department has been able to make a determination that an individual

is able to provide care that is free of abuse or neglect. This revision would allow the Department to offer the same process for individuals who have had a license, self-declaration, or in-home registration revoked following a finding of services required.

Section 6 would allow the Department to deny an application for self-declaration if a provider has unpaid fiscal sanctions resulting from violations that were not corrected within the allowable timeframe.

Finally, the changes in Section 7 are recommended based on the Department's administration of the inclusion grant program funded by 2013 Senate Bill 2018. The proposed changes will allow the Department to provide grants to early childhood service providers, and applicants for licensure who indicate they will provide care for children with disabilities or developmental delays, will address some of the needs that arose in administering the program, and will result in a more streamlined grant process.

This concludes my testimony. I am happy to answer any questions you might have.