

Par.1. **Material Transmitted and Purpose** – Transmitted with this Manual Letter are changes to Service Chapter 620-01, Early Childhood Services. Revisions are in **red**, new language is underlined and old language is struck through. If the section is new the description below will add to the online manual.

Par. 2. **Effective Date** – Changes included in this manual letter are effective on or after 4/28/2023 unless otherwise indicated. This manual letter also manualizes changes effective with PI 22-12.

Authorized Agent (~~Licensing Specialist~~Licenser**) 620-01-20-01**

1. Have available, be knowledgeable and implement North Dakota Century Code Chapter 50-11.1, current early childhood services rules and policies and procedures.
2. Interpret and explain policies and rules to early childhood services providers and to the general public.
3. Assure prospective applicants successfully complete Orientation.
~~Conduct an orientation program for prospective applicants monthly or as needed. Collaborate with Child Care Aware and other agencies as appropriate.~~
4. Receive and review applications, all appropriate supporting documents, and fees for early childhood services within the Child Care Licensing System (CCL).
5. Conduct early childhood services licensing visit study and complete licensing compliance checklist/provider review and other required forms. ~~Receive all appropriate supporting documents and make a recommendation~~ Complete licensing/self-declaration summary and submit materials within CCL to the regional office.
- ~~6. Work with regional supervisor and CBCU for completion of background checks.~~
- ~~7.6.~~ Conduct at least one unannounced visit review per license/self-declaration year on each ~~licensed~~ program. Refer to Policy 620-01-

- ~~116 for Unannounced Visit Policy details. Maintain and submit the licensing checklist/provider review in CCL for the Early Childhood Supervisor's review. Maintain documentation and submit a copy of SFN 1276 to regional office.~~
- ~~8.7. Review and submit completed checklists. Collect fees and forward application for registration of in-home provider and submit to the Early Childhood Licensing Supervisor within CCL 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.~~
- ~~12.8. New Licensing Specialists child care licensers will attend orientation provided by the Early Childhood Licensing Supervisor regional office.~~
- ~~13.9. New Licensing Specialists child care licensers will set up a Growing Futures account and will complete Getting Started, Basic Child Care, the Understanding rules for Center Child Care, Group Child Care, and Family Child Care courses offered through Child Care Aware of ND.~~
- ~~14.10. Attend all required meetings and trainings relative to early childhood licensing and Early Childhood Section.~~
- ~~15. Attend all scheduled meetings with the regional office.~~
11. Use the Child Care Licensing System to review applications, all documents and processes, including concerns, corrective actions

and inspections as they pertain to licensing and self-declaration.

~~16.12.~~ Maintain licensing records of early childhood service providers within CCL and SharePoint.~~and prepare licensing files for public viewing.~~

~~17.13.~~ Complete SFN1269 within CCL and sStaff all initial concerns ~~forms~~ with the Early Childhood Supervisor regional office and investigate all concerns or complaints regarding any suspected rule violation.

~~18.14.~~ Testify as necessary in appeals and other legal proceedings.

~~19.15.~~ Issue all correction order notices as appropriate.

~~20.16.~~ Recommend to the Early Childhood Supervisor regional office: approval, denial, revocation, injunction, or suspension of license.

17. Send parent notification letters as needed and as they pertain to CPS investigations.

~~21.18.~~ Assist other appropriate local agencies and organizations in developing early childhood services and training activities.

~~22.19.~~ Collaborate with Child Care Assistance Program, Child Care Aware, Growing Futures and QRIS program and other agencies as appropriate.~~Work in cooperation with the local CCA agency, CCAP, and CACFP.~~

~~23.20.~~ Work in cooperation with local law enforcement, state's attorney, health and fire departments when appropriate.

~~24.21.~~ Work in cooperation with child protection unit within county, region, and state as it relates to assessments of early childhood services programs.

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

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

policies and procedures.

2. Review all recommendations on applications to provide early childhood services, issue appropriate licenses, self-declaration documents, in-home registrations, and maintain appropriate provider records within CCL and SharePoint.
3. Maintain provider information in the state licensing systems (CCL).
- ~~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.~~
- ~~5.4. Provide guidance and recommendations to Licensing Specialists regarding Staff initial child care concerns and corrective actions form with the authorized agent and when necessary, consult with the Licensing Administrator central office. Review the final outcome of the child care concern or corrective action in CCL form and enter information on the state system.~~
- ~~6. Input both initial child care concern data and final outcome data into the computer.~~
- ~~7.5. Based upon information provided by Licensing Specialist authorized agent, prepare, and issue all corrective actions within 5 business days of decision to issue a corrective action. Corrective actions which may include revocation, denial, and suspension notices to early childhood facilities in cooperation with Licensing Administrator and HHS legal advisory unit 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.~~
- ~~8.6. Provide on-going quality assurance audits by examining documentation within CCL and follow QA processes within CCL which include conducting on-site visits through the licensing and review process.~~
- ~~9.7. Attend scheduled meetings with Early Childhood Licensing Services State Team and Early Childhood Section.~~

- ~~10.8.~~ Provide leadership to respective team, pPlan and facilitate regular meetings with Licensing Specialists ~~authorized agents~~ for the regions assigned ~~and submit a report of the meeting to the central office.~~
- ~~11.9.~~ Attend meetings and participate in conference calls with the Licensing Administrator ~~central office and Early Childhood Section~~. All supervisors will attend Correction Order Refutation Committee meetings.
- ~~12.10.~~ Work in cooperation with county social service agencies, CCA, the Licensing Administrator ~~central office~~, and other local and state agencies. Assist other appropriate agencies and organizations in developing early childhood services training activities.
- ~~13.11.~~ Notify ~~CCA~~, 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.~~
12. Assist CCL Administrators resolve CCL tasks and issues as they pertain to licensing and self-declaration processes.
- ~~15.13.~~ Work with Human Resources to post open Licensing Specialist positions, interview and hire Licensing Specialist positions, and pProvide orientation for new Licensing Specialists ~~icensers.~~
- ~~16.14.~~ Work in cooperation with Attorney General's office to prepare for and participate in all appeal hearings.

Early Childhood Licensing Administrator North Dakota Department of Human Services (Central Office) 620-01-20-10

1. Establish policies and rules ~~standards~~ for the state regulatory system of the early childhood services program.
2. Manage ~~Provide assistance~~ and support to ~~county~~ Early Childhood services ~~Licensing staff and the regional office.~~
3. Prior to issuance by Licensing Supervisor ~~regional office~~, review

- revocations, denials, and notices within 5 days alongside HHS Legal Services to early childhood service providers.
- ~~4. Distribute statewide list of registered, self-declared and licensed early childhood services providers.~~
- ~~5.4. Collaborate Contract~~ with other agencies to develop and implement training for early childhood service providers, ~~county L~~ Licensing Specialists staff, and Licensing Supervisors regional office.
- ~~6.5. Collaborate Contract~~ with other Early Childhood units and agencies to develop and implement early childhood licensing standards services programming, i.e. Child Care Aware of North Dakota, Tribal Programs.
- ~~7. Facilitate overall agency planning and inter-agency coordination regarding early childhood services.~~
- ~~8.6.~~ Plan and facilitate meetings with the Licensing Supervisors regional offices.
- ~~9.7.~~ Respond to requests for statewide information.
- ~~10.8.~~ Prepare early childhood licensing services budget, goals, and objectives.
- ~~11.9.~~ Represent the department at early childhood services events- state, regional, or national meetings.
- ~~12.10.~~ Plan and facilitate regular meetings with eEarly cChildhood licensing Services sState tTeam.
- ~~11.~~ Serve as a liaison to other agencies relating to early childhood licensing services Programs.
- ~~12.~~ Coordinate Background Check Appeals Committee and Correction Order Refutation Committee meetings.
13. Hire, orientate, and train Licensing Supervisors.

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

The Early Childhood ~~Licensing Services~~ State Team membership consists of:

~~Licensing~~ Administrator, ~~Early Childhood Services~~
~~Regional~~ Early Childhood ~~Licensing~~ Supervisors
~~Early Childhood Licensing Specialists~~
~~Resource and Referral Specialist~~
~~County representation to include authorized agents from each region~~
~~CCA Representatives~~
~~Representative from the health department~~
~~Representative from the state fire marshal office~~
~~CCAP Administrator~~
~~CACFP Representative~~

The objectives for the Early Childhood ~~Licensing Services~~ State Team are:

1. ~~To assist potential Child Care Providers and current Child Care Providers obtain and maintain a license/certificate to provide child care within the minimum health and safety standards adopted by HHS.~~
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 ~~licensing services~~.
3. ~~Monitor child care programs to ensure health and safety standards are followed using the Child Care Licensing System.~~
3. ~~To enhance early childhood services delivery system.~~

Unannounced Reviews 620-01-116

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

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

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

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

Revocation Notice 620-01-120-25

A revocation notice is issued when:

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

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

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

1. The Licensing Specialist authorized agent shall and Licensing Supervisor work together to gather all documentation and provide factual basis for revocation ~~to regional office along with all documentation.~~
2. Licensing SupervisorRegional office reviews the factual basis and documentation information with Licensing Administrator to 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. Licensing Supervisor Regional office prepares Revocation Notice within 5 business days of the decision to issue a Revocation. The Revocation Notice is prepared outside of CCL. Once the Revocation

Notice is approved by the Licensing Administrator and the Legal Advisory Unit the Revocation Process can be completed within CCL.

4. Licensing Supervisor Regional office emails sends Rrevocation Notice to Licensing Administratorcentral office, DHS legal advisory unit and the authorized agent. The Licensing Administrator reviews the draft notice and may return the draft notice to the supervisor for edits. Once the edits are complete the Licensing Administrator sends the notice to the Legal Advisory Unit for further review. Once the Legal Advisory Unit completes their review the revocation is approved and can be sent to the child care owner.
5. Prior to the notice being sent to the owner and operator the Licensing Supervisor must:
 - a. Assure that all licensing checklists, correction orders that pertain to the provider are posted on the consumer ed website.
 - b. Prepare and send the completed Talking Points document pertaining to the Revocation Notice to the Licensing Administrator.
 - c. Alert CCA and CACFP that the Revocation Notice will be sent.
6. When the notice is approved by the Licensing Administrator and the HHS legal advisory unit, the Licensing Supervisor assures the Revocation Notice is on HHS letterhead and is dated correctly. The Licensing Supervisor will email a copy of the approved Revocation Notice to the Licensing Administrator and Licensing Specialist. The Licensing Specialist and Licensing Supervisor will complete the revocation process in CCL.
- ~~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.~~

~~9.7. The Licensing Specialist Regional office~~ sends letters to parents once it is confirmed the provider has received the Revocation Notice notifying them that a revocation notice has been issued and that the provider may appeal the revocation after the notice has been sent to the provider.

~~10.8. The Licensing Specialist Regional office~~ sends letters to parents when the Revocation is final.

~~9. The Licensing Supervisor alerts CCA and CACFP once the Revocation is final.~~

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

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

- ~~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

1. If the provider does not appeal, official date of revocation is at the end of business on the tenth 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

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