Early Childhood Services in North Dakota

Background, Challenges, and Current Efforts

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Overview

I. Background Information: licensing and requirements
II. The need for licensing to support quality
III. Challenges
IV. Past regulatory responses
V. Current DHS Efforts

Background

I. Definitions

II. Licensing Requirements
   a. Who is required to be licensed
   b. What licensing involves

Self-declaration

395 Providers

- Voluntary documentation of an individual providing early childhood services in a private residence for up to three children below the age of twenty-four months or for no more than five children through the age of eleven.

License

- To be licensed means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services. A license is required when early childhood services are provided for three or more children under the age of twenty four months or more than five children through the age of eleven.

- The department has five licensed programs:
  - Family child care,
  - Group child care,
  - Child care center,
  - Preschool, and
  - School-age child care.
  - The department also licenses programs as a "multiple license." Usually these programs hold both a center and a preschool license.

Family Child Care

325 Family Providers

- Private residence licensed to provide early childhood services for no more than seven children at any one time of which up to three children may be under the age of twenty four months, or no more than four children if all the children are under the age of twenty four months, except that the term allows for two additional school-age children.

Group Child Care

792 homes

- Group child care programs are licensed to provide early childhood services for 30 or fewer children. There are two types of group child care to include:
  - Private residences (homes)
  - Facilities

85 facilities

Child Care Center

- An early childhood program licensed to provide early childhood services to nineteen or more children.

115 Centers

Preschool

- A program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.

68 Preschools

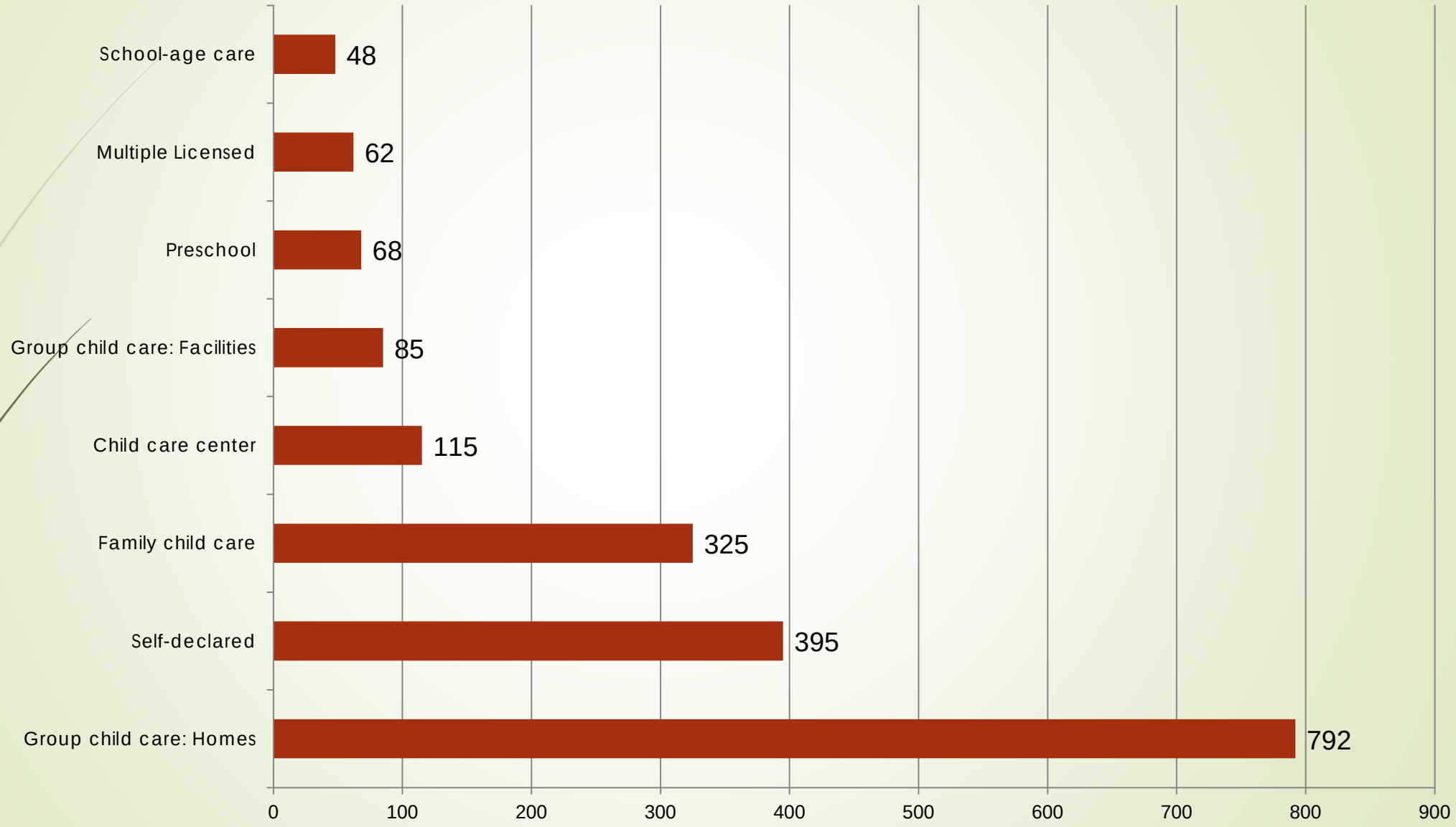
School-Age Child Care

48 School-Age Programs

- A child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.

Multiple Licenses

62 Programs


School-age care
48
Multiple Licensed
62
Preschool
68
Group child care: Facilities
85
Child care center
115
Family child care
325
Self-declared
395
Group child care: Homes
792
0
100
200
300
400
500
600
700
800
900

Self-Declared Programs

Under 24 months

Through 11years

Family Child Care

7 children,
no more than 3 under
the age of 24 months

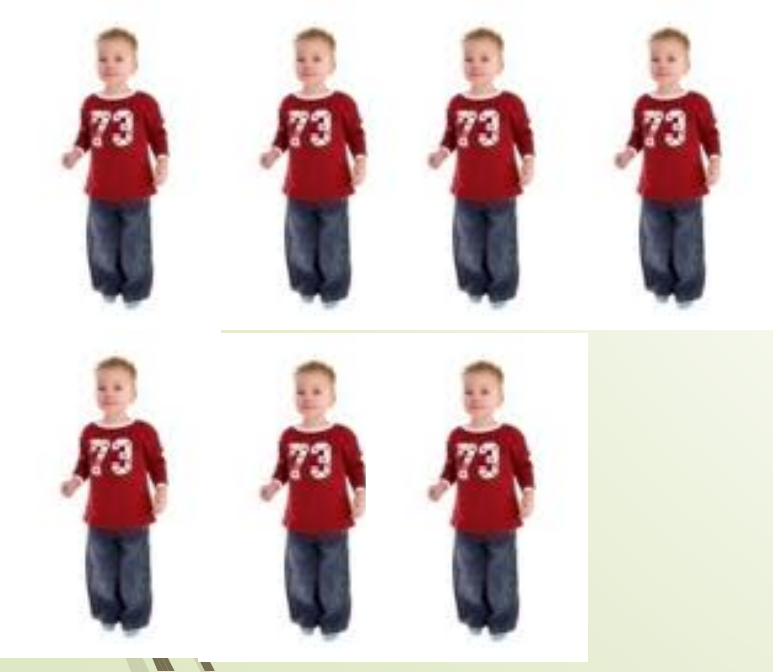
OR
Up to 4 if all are less than 24 months

+ two school-age children

Ratios for Same-age Groups

1 staff: 4 children under 18 months of age

1 staff:5 children 18-36 months



1 staff: 7 three year olds

1 staff: 10 four year olds,
1 staff:12 five year olds,
1staff:20 children age 6-11.

Group Child Care

30 or fewer

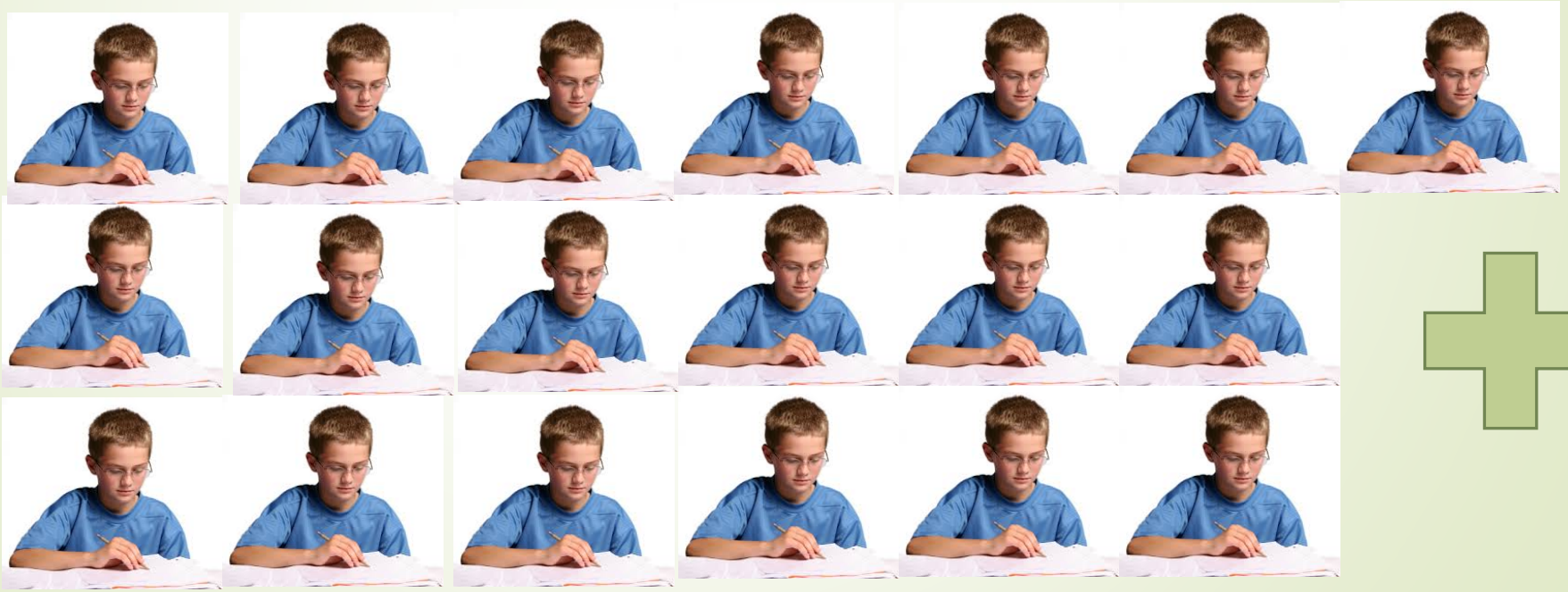
Maintaining Ratios

Child Care Center

19 or more

School-Age Child Care

19 or more 5-11 year olds



Ratio of 1 staff to 14 children in a school-age child care

Licensing

- Who is required:

Anyone providing early childhood services for at more than five children (including their own) is required to have a license.

- Exception:

If services are provided for less than two hours per day or less than three days per week, the services don't meet the definition of "early childhood program" and a license is not required.

< 2 hrs/day

OR

< 3 days/week

Exempt from licensing (per N.D.C.C. 50-11.1)

- Substitute parental child care provided pursuant to chapter 50-11.
- Child care provided in any educational facility, whether public or private, in grade one or above.
- Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to subsection 1 of section 15.1-06-06.
- Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the superintendent of public instruction.
- Child care provided in facilities operated in connection with a church, business, or organization where children are cared for during periods of time not exceeding four continuous hours while the child's parent is attending church services or is engaged in other activities, on the premises.

Exempt from licensing (per N.D.C.C. 50-11.1)

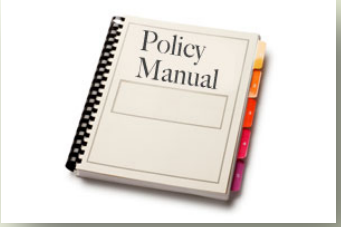
- Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.
- Summer resident or day camps for children which serve no children under six years of age for more than two weeks.
- Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
- Head start and early head start programs that are federally funded and meet federal head start performance standards.
- Child care provided in a medical facility by medical personnel to children who are ill.
- Onsite child care provided by an employer for the children of employees for no more than 10 children.

Self-declaration Requirements

- Application and fee ($15)
- Background checks for provider and emergency designee (no cost to provider or emergency designee)
- First Aid and CPR certification (costs paid by provider)
- Completion of a 4.5 hour basic training (offered free online or in DVD format)
- No visits conducted unless a concern exists

Licensing: Prior to approval

- Application and fee (fee is between $20 and $50 per year, depending on the type of license)
- Background checks for provider and staff (no cost to provider)
- First Aid and CPR certification (costs paid by provider)
- Development of a policy manual to be shared with parents, written daily routine



Licensing: Prior to approval

- Usually a fire inspection (cost paid by provider, usually $35 to $50)
- Health inspection for centers and group facilities (cost paid by provider, fee varies according to local health unit)
- Licensing study to confirm compliance with rules and safe environment

Licensing: Ongoing

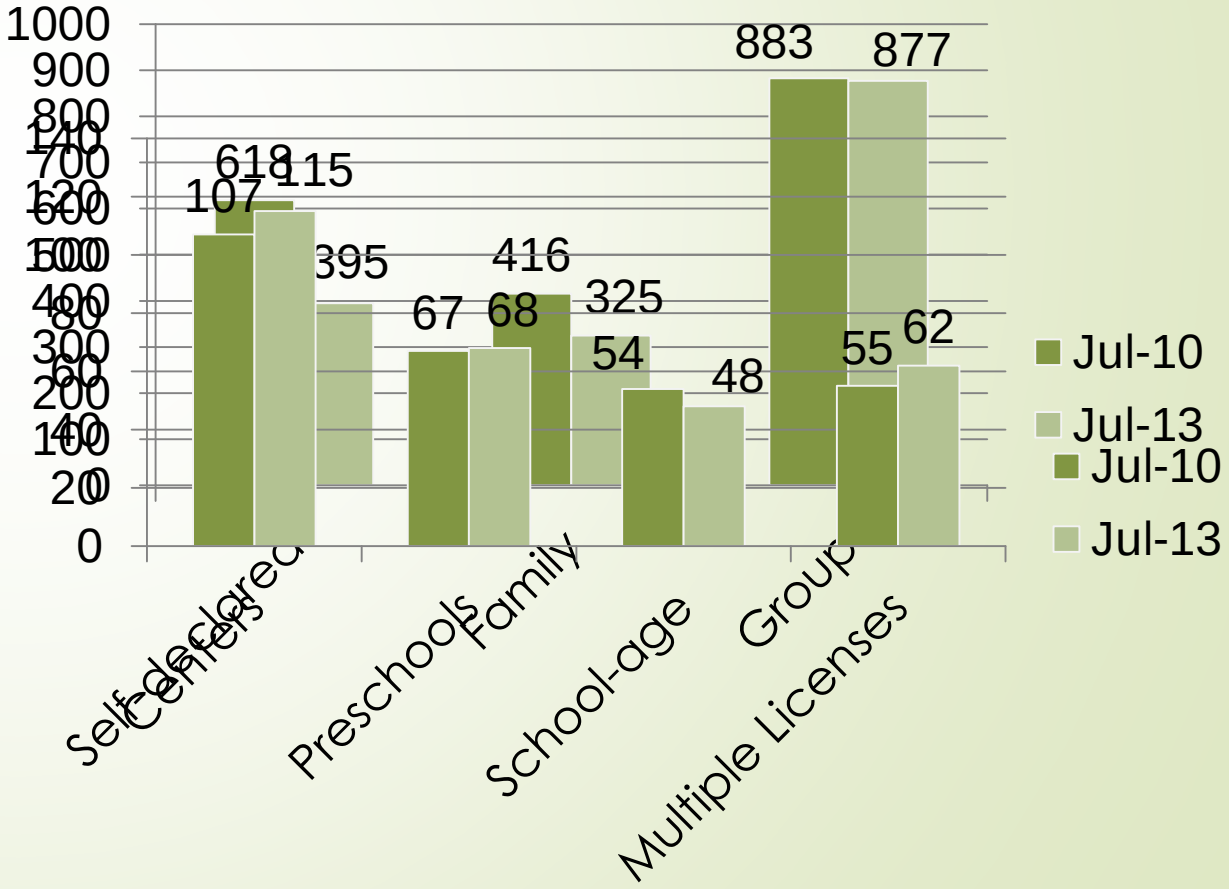
- 12 hours of basic training during the first three months of licensure or employment (offered free online or in DVD format)
- Ongoing annual approved training requirements (between 9-13 hours, depending on license type and position.)
- Ongoing compliance with rules, enforced by county social service offices. Providers are subject to one announced visit and one unannounced visit per year, unless concerns exist, and then the county will conduct more frequent inspections.

Why Licensing Must Support Quality

- In ND, about 78% of mothers with young children work outside the home.*
- It is common for young children in ND to spend 65% of their waking hours with a caregiver other than a parent.
- 90% of a child's brain is developed by age 5.
  - Rich early childhood experiences are necessary for development of language and literacy skills, thinking skills, self-confidence and self-control.
  - Children need, at a minimum:
    - stable, nurturing caregivers who interact positively with them,
    - the ability to explore and discover their environment safely and with proper supervision,
    - good nutrition and appropriate times for rest,
    - plentiful time for active movement and play,
    - an environment which includes plenty of toys, books and materials that support learning.
- * Data from ND Kids Count, www.ndkidscount.org.

Challenges

- Efforts to recruit new child care providers and programs are not keeping up with the increase in population and the potential demand for new programs



Challenges

- **Severe shortages in the early childhood workforce-** Operators of early childhood programs report great difficulty in finding staff. Most staff have no formal education in early childhood and many start with no experience with early childhood. Low wages lead to high turnover.
- **Inconsistency in local ordinances** create frustration for providers, as they are often more restrictive than state law and rules.

Challenges

- **Low profit margins for childcare centers**, as operators face increasing operating costs for food, wages, rents, and other expenses.
- **Federal proposed rules may create additional challenges for the state.** Proposed requirements include online posting of provider licensing history, mandatory inspections for all providers (including self-declared), and increased pre-service training requirements.

Regulatory responses to challenges

- 2010 Administrative Rules (effective January 1, 2010)
- 2012 Administrative Rules (effective July 1, 2012)
- 2013 Legislative Session

2010 Administrative Rules

- Change in ratio for child care groups and centers. The highest ratio of 1:4 previously was for children age 0-24 months. DHS changed it to be the ratio for children 0-18 months and moved the 18-24 month children into the 1:5 ratio group.
- Removal of a requirement for providers to be tested for Tuberculosis every two years as part of licensing requirements.

2012 Administrative Rules

- Change which allows group providers to choose to staff according to the regular ratio or to follow the numbers allowed for family providers, affording group programs greater flexibility.
- Removal of the "maximum number of children per age per staff member" from the group rules, with the exception of children 0-18 months.
- Increase in options for people to qualify for director and supervisor roles.
- Authority given to the Department to issue a waiver of ratio to eligible group and center providers for up to .25 "extra" points per group. To date, we have issued **105** waivers, creating a total of **132** additional emergency slots for children who would not have other access to care.

2013 Legislative Session

- Family providers were previously allowed to care for two additional school age children before and after school and all day when school is not in session during the regular school year. SB 2085 removed the restriction on when family child care providers may care for the two school age children, allowing the family provider to continue caring for them throughout the summer months.

2013 Legislative Session: HB 1422

- Expanded eligibility for child care assistance to 85% of the State Median Income, and provided a $2.5 million contingent appropriation to fund the increase, allowing more families to access assistance with paying for childcare.
- Increased maximum group sizes for child care centers.
- Provided an additional $1,000,000 for childcare recruitment and quality enhancement activities.
- Provided $300,000 for technical assistance for childcare providers who care for children with special needs.
- Allows onsite childcare provided by an employer for the children of employees to be exempt from licensing, if the program has no more than 10 children.
- Requires an exemption of the outdoor space requirement if the program has sufficient indoor play space (75 sq. feet per child).

2013 Legislative Session

- SB 2018 provided an appropriation of $400,000 for grants to providers who care for children with special needs.
- SB 2014 provided $2.6 million in grants for child care facilities to be administered through the Dept. of Commerce.

Current DHS Efforts

Strong partnerships with the Department of Commerce, Department of Public Instruction, and Department of Human Services are promising.

North Dakota DEPARTMENT OF COMMERCE live. work. play.

north dakota department of human services

DPI

ND Department of Public Instruction

- System of recognizing levels of program quality and providing child care providers with a road map to achieving and maintaining a quality program.
- Providers achieving a star rating are awarded a quality incentive payment to help offset costs of maintaining a quality program.
- System helps parents make informed choices about childcare.
- System has been piloted in Cass County for four years, with positive feedback being received from the providers.
- First two levels of quality will be implemented statewide, as funding permits, with providers who volunteer for the program in this biennium.

DHS increasing provider recognition

Growing Futures

- ND's early childhood professional development system
- Tracks professional development of the early childhood workforce, and provides recognition for providers for placement on the career pathway
- Provides a consistent means of training and trainer approval
- Engages providers in planning for meaningful professional development

Growing FUTURES

North Dakota Professional Development

The North Dakota Department of Human Services is pleased to work cooperatively with the Economic Impact Committee through the remainder of this study. Please contact us with any questions you might have.