



NOV 07 2013

Jack Dalrymple, Governor  
Maggie D. Anderson, Interim Executive Director

November 7, 2013

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, 75-03-11.1  
Early Childhood Services

Dear Mr. Walstad:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on December 12, 2013, beginning at 10:00 a.m. and continuing until 11:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer  
Legal Advisory Unit

JL/rs

Cc: Jennifer Barry, ECS

Enclosures



Jack Dalrymple, Governor  
Maggie D. Anderson, Interim Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTERS 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10,  
75-03-11 AND 75-03-11.1  
EARLY CHILDHOOD SERVICES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1 at 10:00 a.m. on Thursday, December 12, 2013, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11 and 75-03-11.1, Early Childhood Services, are necessary to comply with 2013 House Bill No. 1422, relating to the definition of group child care, play area regulation, and maximum group size requirements of child care centers and are the result of continued work with the Early Childhood Services Advisory Board.

The proposed changes are as follows:

**Sections 75-03-07-06, 75-03-07.1-06, 75-03-08-27, 75-03-09-27, 75-03-10-27, 75-03-11-27, and 75-03-11.1-27** are amended to remove some misdemeanor offenses from the "direct bearing" offense category, and add "human trafficking" as a direct bearing offense.

**Sections 75-03-07.1-06, 75-03-08-28, 75-03-09-28, 75-03-10-28, 75-03-11-28, and 75-03-11.1-28** are amended to clarify that the completed background check forms are submitted to the department's authorized agent.

**Section 75-03-07.1-10** is amended to address the renumbering of the subsections in section 50-11.1-02 of the North Dakota Century Code.

**Sections 75-03-08-14, 75-03-09-19, 73-03-10-19, and 75-03-11.1-19** are amended to address changes made in 2013 House Bill No. 1422 to outdoor space requirements if the facility has sufficient indoor recreation space.

**Sections 75-03-08-29, 75-03-09-29, 73-03-10-29, 75-03-11-29, and 75-03-11.1-29** are amended to require an immediate correction for violations of supervision and unsafe environments.

**Section 75-03-09-03** is amended to address a change to the definition of group made in 2013 House Bill No. 1422.

**Section 75-03-09-09** is amended to create consistency with family child care providers regarding the care of school age children by group child care providers.

**Section 75-03-09-14** is amended to remove language that is redundant.

**Section 75-03-09-18** is amended to address a change to the definition of group made in 2013 House Bill No. 1422.

**Section 75-03-10-08** is amended to address a change to the maximum group size made in 2013 House Bill No. 1422.

**Section 75-03-10-24** is amended to remove language that is redundant.

**Section 75-03-11.1-08.3** is amended to address minimum qualifications for school-age child care supervisors.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, December 23, 2013.

**ATTENTION PERSONS WITH DISABILITIES:** If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 7th day of November, 2013.



Jack Dalrymple, Governor  
Maggie D. Anderson, Interim Executive Director

November 7, 2013

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1  
Early Childhood Services

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-07, 75-03-07.1, 75-03-08, 75-03-09, 75-03-10, 75-03-11, and 75-03-11.1, Early Childhood Services. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on December 23, 2013.

The department has scheduled an oral hearing for December 12, 2013. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

  
Maggie D. Anderson,  
Executive Director

MDA/rs

Attachments

Cc: John Walstad, Legislative Council  
Jennifer Barry, ECS