

**CHAPTER 15.1-37**  
**EARLY CHILDHOOD EDUCATION PROGRAM**

**15.1-37-01. Early childhood education program - Approval.**

1. Any person or school district operating an early childhood education program may request approval of the program from the superintendent of public instruction. The superintendent shall approve an early childhood education program if the program:
  - a. Is taught by individuals who are licensed to teach in early childhood education by the education standards and practices board or approved to teach in early childhood education by the education standards and practices board;
  - b. Follows educational standards approved by the superintendent of public instruction;
  - c. Is in compliance with all municipal and state health, fire, and safety requirements; and
  - d. Limits its enrollment to children who have reached the age of four before August first in the year of enrollment.
2. In determining the state aid payments to which a school district is entitled, the superintendent of public instruction may not count any student enrolled in a regular early childhood education program.

**15.1-37-02. North Dakota early childhood education council - Membership - Terms.**

1. The North Dakota early childhood education council consists of:
  - a. A chairman appointed by the governor;
  - b. The superintendent of public instruction, or the superintendent's designee;
  - c. The state health officer, or the officer's designee;
  - d. The director of the department of human services, or the director's designee;
  - e. The North Dakota head start - state collaboration administrator, or the administrator's designee;
  - f. The commissioner of higher education, or the commissioner's designee;
  - g. The commissioner of commerce, or the commissioner's designee;
  - h. The chairman of the senate education committee, or the chairman's designee;
  - i. The chairman of the house of representatives education committee, or the chairman's designee; and
  - j. The following gubernatorial appointees:
    - (1) The superintendent of a school district having at least one thousand students in average daily membership;
    - (2) The superintendent of a school district having fewer than one thousand students in average daily membership;
    - (3) The superintendent of a school district headquartered on a reservation or including reservation land within its boundaries;
    - (4) An individual representing a non-religious-based provider of early childhood education;
    - (5) An individual representing a religious-based provider of early childhood education;
    - (6) An individual representing a center-based licensed child care provider;
    - (7) An individual representing a home-based licensed child care provider;
    - (8) An individual representing a reservation-based head start program;
    - (9) An elected member of a school board;
    - (10) The parent of a child not yet enrolled in elementary school;
    - (11) The parent of a child with disabilities not yet enrolled in elementary school; and
    - (12) An individual representing children with disabilities.
2. a. The term of each member enumerated in subdivision j of subsection 1 is three years and begins on July first. The terms must be staggered by lot so that four of the terms expire each year.

- b. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's seat is deemed vacant and the governor shall appoint another qualified individual to serve for the remainder of the term.
  - c. A member may not serve more than two consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.
3. The council shall meet at least twice each year, at the call of the chairman.

**15.1-37-03. Council - Duties.**

The council shall:

- 1. Review the availability and provision of early childhood education, care, and services in this state;
- 2. Identify opportunities for public and private sector collaboration in the provision of early childhood education, care, and services in this state;
- 3. Identify ways to assist with the recruitment and retention of individuals interested in working as providers of early childhood education, care, and services, including training and continuing education or professional development opportunities;
- 4. Seek the advice and guidance of individuals who are uniquely familiar with the nature, scope, and associated challenges of providing early childhood education, care, and services in geographically and socioeconomically diverse settings, and develop recommendations pertaining to the short-term and longer-term improvement and expansion of early childhood education, care, and services in this state; and
- 5. Provide a biennial report regarding its findings and recommendations to the governor and the legislative assembly.

**15.1-37-04. Council members - Reimbursement for expenses.**

Each member of the council is entitled to receive reimbursement for expenses as provided by law for state officers if the member is attending meetings or performing duties directed by the council. In addition, each member of the legislative assembly who serves on the council is entitled to receive compensation in the amount provided per day for members of the legislative management under section 54-35-10 for attending meetings or performing duties as directed by the council.

**15.1-37-05. Early childhood education providers - Coalition - Eligibility.**

- 1. The superintendent of a school district shall invite all public and private providers of early childhood education services within the district to meet, in order to:
  - a. Initiate the identification of all available options for cost-effectively maximizing the provision of early childhood education services within the district;
  - b. Address the coordinated utilization of facilities, personnel, and transportation, for the provision of early childhood education services within the district; and
  - c. (1) Form a coalition of early childhood education service providers; and  
(2) Provide for the selection of a coalition governing board.
- 2. The board of the school district in which the coalition of service providers is located shall provide advice and guidance to the coalition in all matters pertaining to this section through section 15.1-37-08.
- 3. Any early childhood service provider who agrees to participate in the coalition or on its governing board may submit an application to the department of commerce for a grant under this section, provided the governing board certifies to the department that the provider:
  - a. Is a participating member in the coalition or on the governing board.
  - b. Operates an early childhood education program that:
    - (1) Is approved in accordance with section 15.1-37-01; and
    - (2) Incorporates within its curriculum at least ten hours of research-based parental involvement.

- c. Has documented the provider's willingness to admit children of all learning abilities into the early childhood education program.

**15.1-37-06. Receipt and distribution of grants - Notification.**

1. a. The department of commerce shall receive applications for and distribute grants under this section to eligible members, including governing board members, of a consortium formed in accordance with section 15.1-37-05, in the amount of two thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for free lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.], and one thousand dollars for each child enrolled in a program of early childhood education, if the child is eligible for reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751, et seq.], provided:
  - (1) The child is a resident of this state;
  - (2) The child has reached four years of age before August first in the year of enrollment; and
  - (3) The program has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks.
- b. A child enrolled in a federally funded head start program may not be counted for the purpose of determining grant eligibility under this section.
2. a. Once each calendar quarter, at the time and in the manner required by the department of commerce, any provider receiving a grant under this section shall forward to the parent of each child receiving services a notice indicating the total amount of the grant that was awarded to the provider for the quarter, the pro rata amount attributable to the parent's child, and the source of the grant. The department of commerce shall standardize the notification required by this subdivision.
- b. If a provider fails to meet the notification requirements of this subsection, the department of commerce shall reduce the amount of the provider's next grant payment by fifty percent. If a provider fails to meet the notification requirements of this section a second time, the department of commerce shall determine that the provider is ineligible to participate in the grant program for a period of one year.

**15.1-37-07. Acceptance of children into program - Requirements - Limitations.**

1. If a provider is unable to accommodate all children seeking placement in the provider's program, the provider shall accept children in accordance with a chronologically-based application process or a lottery-based application process, under which children of all learning abilities are equally eligible.
2. The number of children accepted into a program may be limited by considerations regarding space, safety, and availability of personnel.

**15.1-37-08. Data collection - Requirements.**

The superintendent of public instruction, with the advice and consent of the department of commerce, shall implement a uniform system for the accounting, budgeting, and reporting of data by any early childhood education provider to whom or to which grants are distributed in accordance with section 15.1-37-06. Grants may be withheld or forfeited, in whole or in part, if information required in accordance with this section is not submitted at the time or in the manner requested by the superintendent.