

Child Care Regulations in North Dakota

Overview

A summary of child care regulations in North Dakota.

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- Age-group definitions
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- Group child care homes
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Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In North Dakota, the Department of Human Services, Children and Family Services, licenses child care centers, group child care homes, and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required for child care regulations in North Dakota. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The North Dakota Department of Human Services, Children and Family Services, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In North Dakota, the following forms of child care must be licensed:

- *Child care centers.* Full- or part-time care in a nonresidential setting for 19 or more children. In North Dakota, this includes religiously-affiliated centers.
- *Group child care homes.* Full- or part-time care in a residence for between eight and 18 children.
- *Family child care homes.* Full- or part-time care in a residence for between six and seven children or no more than four infants under 24 months old.

- *Preschools*. Part-time educational and socialization program for children under 2 years old to kindergarten.
- *School-age programs*. Before- and after-school and holiday or summer programs.

More detailed information about child care centers, group child care homes, and family child care homes can be found later in this guide.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In North Dakota, the following forms of child care are exempt from licensing:

- Registered providers (providers generally registered by tribal entities who are eligible to participate in the Child Care Assistance Program)
- Care by approved relatives (related by marriage, blood, or court order)
- Self-certified family child care homes that provide full- or part-time care in a residence for five or fewer children, or three infants (These providers are not licensed or monitored, but they are eligible to participate in the Child Care Assistance Program.)

Age-group definitions

- *Infant*: child between birth and 2 years
- *Toddler*: child between 2 and 3 years
- *Preschooler*: child between 3 and 5 years
- *School-age child*: child 5 years and older

Subsidized child care

The North Dakota Child Care Assistance Program assists parents with child care payments. In addition, the Crossroad Program provides assistance to adolescent parents who need to place their child in care in order to continue their education, and the Prime Time Program assists families at risk. The amount of the payments depends on family size and income. Recipients of these funds must be working or in training for employment to qualify. Families who are eligible may receive assistance whether their child is in a family child care home or a child care center, as long as the type of care complies with state regulations.

For further information about program availability and how to qualify, call your local Social Services Office or the Office of Economic Assistance of the North

Dakota Department of Human Services at 701-328-2332 or go to www.state.nd.us/humanservices/services/financialhelp/childcare.html.

Whom to contact

For more detailed information regarding child care regulations in North Dakota, to obtain a copy of the state standards, or to report licensing violations, contact:

North Dakota Department of Human Services

Early Childhood Services
600 East Boulevard
State Capitol Building
Department 325
Bismarck, ND 58505-0250
701-328-4809
www.ndchildcare.org

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or the police. To report suspected child abuse, call 800-245-3736, your county social services office, or the main North Dakota Department of Human Services office listed above.

Child care centers

Licenses

- Must be licensed with the option to renew annually or every two years.
- License must be posted and specify the greatest number of children that may be cared for by the center.
- General liability insurance is required.
- Professional liability insurance is not required.

State inspection

- Inspection is required prior to licensing.
- Unannounced inspection is made annually and after a complaint.

Staff:child ratios

Center

- Birth to 2 years: one staff for up to four children (1:4)
- 2 to 3 years: one staff for up to five children (1:5)

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- 3 to 4 years: one staff for up to seven children (1:7)
- 4 to 5 years: one staff for up to 10 children (1:10)
- 5 to 6 years: one staff for up to 12 children (1:12)
- 6 to 12 years: one staff for up to 18 children (1:18)

Preschool

- 2 to 3 years: one staff for up to six children (1:6)
- 3 to 4 years: one staff for up to 11 children (1:11)
- 4 to 5 years: one staff for up to 13 children (1:13)
- 5 to 6 years: one staff for up to 16 children (1:16)

Maximum group size

- Birth to 2 years: 8
- 2 to 3 years: 10
- 3 to 4 years: 14
- 4 to 5 years: 20
- 5 to 6 years: 24
- 6 to 12 years: 36

Staff qualifications

Director

- Must be at least 21 years old
- Must have one of the following:
 - Bachelor's degree in a child-related area, plus eight weeks of experience
 - Bachelor's degree (with 24 hours of training in a child-related area), plus six months of experience
 - Bachelor's degree (with 12 hours of training in a child-related area), plus one year of experience
 - Associate's degree in a child-related area, plus six months of experience
 - Child Development Associate (CDA) credential, plus one year of experience

Teacher

- Must be at least 18 years old to supervise
- May be 14 years old if supervised
- Must have one of the following:

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- Associate's degree in a child-related area
- CDA credential
- One year of experience, plus a high school diploma
- Must attend a two-day orientation

Preschool teacher

- Must have one of the following:
 - Associate's degree in early childhood education
 - Teaching degree
 - Bachelor's degree in any field, with eight semester hours in a child-related field

Substitute

- Must meet same requirements as regular staff

Staff training

- Staff working 30 to 40 hours per week must have 13 hours annually.
- Staff working 20 to 30 hours per week must have 11 hours annually.
- Staff working 10 to 20 hours per week must have nine hours annually.
- Staff working fewer than 10 hours per week must have seven hours annually.

CPR and first aid

- One person trained in CPR and first aid must be present at all times.

Staff medical requirements

- Medical exam is not required.
- TB test is required.
- Immunizations are not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required.
- Fingerprinting is optional.
- Criminal background checks are not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must be notified immediately of any accident, injury, or illness
- Must be encouraged to visit the center and participate in the program
- Must receive a copy of the operating policies
- May visit at any time

Health and safety requirements

- Must have written authorization from the parent to release the child to an adult other than the parent.
- Must post an emergency plan.
- Must have a first-aid kit.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must practice fire drills regularly.
- Must have transportation available in case of emergency.
- Must contain, fence, or have natural barriers around outdoor play areas close to the street and other unsafe areas.
- Must ensure that paint does not contain lead.
- Stairs must have handrails and safety gates.
- Must keep hazardous or toxic materials in an area inaccessible to children.
- Pets must be domesticated, restricted, and vaccinated.
- Must ensure that swimming pools are approved by the local health unit.
- Smoking is prohibited.

Child medical requirements

- Must have all age-appropriate immunizations, including hepatitis B
- Must have written permission from parents to administer medications

Care for sick children

- Children who become ill must be isolated and supervised, and parents notified immediately to pick up the child.

Group child care homes

Licenses

- Must be licensed with the option to renew annually or every two years.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspection is required prior to licensing.
- Unannounced inspection is made annually and after a complaint.

Staff:child ratios

- Birth to 2 years: one staff for up to four children (1:4)
- 2 to 3 years: one staff for up to five children (1:5)
- 3 to 4 years: one staff for up to seven children (1:7)
- 4 to 5 years: one staff for up to 10 children (1:10)
- 5 to 6 years: one staff for up to 12 children (1:12)
- 6 to 12 years: one staff for up to 18 children (1:18)

Maximum group size

- May care for up to 18 children
- May care for up to four children under 2 years old

Staff qualifications

Provider

- Must be at least 18 years old
- Must be certified in CPR
- Must have one of the following:
 - Bachelor's degree in a child-related area
 - Bachelor's degree (with 12 hours of training in a child-related area)
 - Associate's degree in a child-related area
 - CDA credential
 - High school diploma, plus one year of experience
 - Certification from a Montessori teacher training program
 - Certification as a child development associate

- Must be present 60 percent of the hours of operation

Assistant

- Must be at least 18 years old to supervise
- May be 14 years old if supervised

Substitute

- Must meet same requirements as regular staff

Staff training

- Six hours of basic child care training are required within the first year of licensure.
- Provider must have 10 hours annually.
- Staff working 30 to 40 hours per week must have eight hours annually.
- Staff working 20 to 30 hours per week must have six hours annually.
- Staff working 10 to 20 hours per week must have four hours annually.
- Staff working fewer than 10 hours per week must have two hours annually.

CPR and first aid

- Training is required for all providers.
- One person trained in CPR and first aid must be present at all times.

Staff medical requirements

- Medical exam is not required.
- TB test is required.
- Immunizations are not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required for all staff and household members over 12 years old.
- Criminal background checks and fingerprinting are not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must be notified immediately of any accident, injury, or illness.
- Must receive a copy of the operating policies.
- May visit at any time.

Health and safety requirements

- Must have written authorization from the parent to release the child to an adult other than the parent.
- Must post an emergency plan.
- Must have a first-aid kit.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must practice fire drills regularly.
- Must have transportation available in case of emergency.
- Must contain, fence, or have natural barriers around outdoor play areas close to the street and other unsafe areas.
- Must ensure that paint does not contain lead.
- Stairs must have handrails and safety gates.
- Must keep hazardous or toxic materials in an area inaccessible to children.
- Guns must be kept in a locked storage and separate from ammunition.
- Pets must be domesticated, restricted, and vaccinated.
- Must ensure that swimming pools are approved by the local health unit.
- Must comply with local ordinances.
- Must have a flashlight.
- Must have a smoke detector.
- Must have a fire extinguisher.
- Smoking is prohibited when children are present.

Child medical requirements

- Must have an annual physical exam.
- Must have all age-appropriate immunizations, including hepatitis B.
- Must have written permission from parents to administer medications.

Care for sick children

- Children who become ill must be isolated and supervised, and parents notified immediately to pick up the child.

Family child care homes

Licenses

- Must be licensed with option to renew annually or every two years.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspection is required prior to licensing.
- Unannounced inspection is made annually and after a complaint.

Staff:child ratios

- Birth to 24 months old: one staff for up to four children (1:4)

A provider caring for five or more children may provide care to no more than three children under 24 months old.

Maximum group size

- May care for up to seven children, or up to four children 2 years old and under, including provider's children under 12 years old
- May care for two additional school-age children before and after school

Staff qualifications

Provider

- Must be at least 18 years old.
- Must be present 60 percent of hours of operation.

Assistant

- Must be at least 18 years old to supervise.
- Assistants may be 14 years old if supervised.

Substitute

- Must meet same requirements as regular staff.

Staff training

- Must have six hours of basic child care training during first year of licensure
- Must have nine hours annually

CPR and first aid

- Training is required for all providers.
- One person trained in CPR and first aid must be present at all times.

Staff medical requirements

- Medical exam is not required.
- TB test is required.
- Immunizations are not required.
- AIDS test is not required.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required for all staff and household members over 12 years old.
- Criminal background checks and fingerprinting are not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Must be notified immediately of any accident, injury, or illness
- Must be informed about the program policies and procedures
- May visit at any time
- Should make a preadmission visit as requested by the provider

Health and safety requirements

- Must have written authorization from the parent to release the child to an adult.
- Must post an emergency plan.
- Must have a first-aid kit.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must practice fire drills regularly.

- Must have transportation available in case of emergency.
- Must contain, fence, or have natural barriers around outdoor play areas close to the street and other unsafe areas.
- Must ensure that paint does not contain lead.
- Stairs must have handrails and safety gates.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Pets must be domesticated, restricted, and vaccinated.
- Must ensure that swimming pools are approved by the local health unit.
- Must comply with local ordinances.
- Must have a smoke detector.
- Must have a fire extinguisher.
- Smoking is prohibited when children are present.

Child medical requirements

- Must have an annual physical exam.
- Must have all age-appropriate immunizations, including hepatitis B.
- Must have written permission from parents to administer medications.

Care for sick children

- Children with infectious or communicable conditions are excluded from care.