

- 20 3. The council shall have the following responsibilities and duties:
 21 a. Shall periodically monitor the operation of the child abuse infor-
 22 mation registry established by sections eleven (11) through twenty-
 23 three (23) of this Act.
 24 b. Shall review the implementation and effectiveness of legislation
 25 and administrative rules and regulations concerning the registry.
 26 c. May recommend changes in said legislation and administrative
 27 rules and regulations to the legislature and the appropriate adminis-
 28 trative officials.
 29 d. May require such reports from state agencies as may be neces-
 30 sary to perform its duties.
 31 e. May receive and review complaints from the public concerning
 32 the operation of the registry.

1 SEC. 24. Section two hundred thirty-two point eleven (232.11),
 2 Code 1973, is amended to read as follows:

3 **232.11 Parent or guardian to be present.** The hearing on the merit
 4 of the petition shall not take place without the presence of one or both
 5 of the parents or the guardian, or if none is present a guardian ad
 6 litem shall be appointed by the court to protect the interests of the
 7 child. The court ~~may~~ shall also appoint a guardian ad litem whenever
 8 necessary for the welfare of the child whether or not a parent or
 9 guardian is present.

Approved May 29, 1974

CHAPTER 1163

CHILD CARE CENTERS

S. F. 434

AN ACT to provide financial assistance for the establishment and operation of licensed child care centers and to make an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act unless
 2 the context otherwise requires:
 3 1. "Commissioner" means the commissioner of social services.
 4 2. "Department" means the department of social services.
 5 3. "Director" means the director of the division designated by the
 6 commissioner to administer this Act.
 7 4. "County board" means the county board of social welfare.
 8 5. "Child care center" or "center" means a facility providing care
 9 for six or more children for more than four hours, but less than
 10 twenty-four hours, per day.
 11 6. "Licensed center" means a center applying for or issued a license
 12 by the department under the provisions of this Act.
 13 7. "Low-income family" means a family whose total income, rela-
 14 tive to the number of persons dependent on the family's total income
 15 for support, is designated by the department as insufficient to provide
 16 an adequate standard of living. Adequate standard of living shall be

17 defined as at or below the minimum living standard budget deter-
18 mined by the bureau of labor statistics of the United States depart-
19 ment of labor, adjusted regionally and for family size.

20 8. "State day care advisory committee" means the state day care
21 advisory committee established by regulation two hundred twenty point
22 four (220.4) of the Social Security Act of 1967 whose membership
23 is no less than nine nor no more than fifteen members and is com-
24 prised of one-third providers of services, one-third interested citizens
25 from urban and rural areas across the state and one-third parents of
26 children served. If for any reason the federal government eliminates
27 this advisory committee, this advisory committee shall continue to
28 function as a state advisory group to the department.

1 SEC. 2. NEW SECTION. **License voluntary.** A center may request
2 to be licensed by the department but is not required to be licensed in
3 order to operate in this state. The department shall issue a license if
4 it determines that the following conditions have been met:

5 1. An application for a license or a renewal has been filed with the
6 director on forms provided by the department.

7 2. The center possesses adequate financial resources to perform the
8 services it undertakes.

9 3. The center is maintained so as to comply with state and local
10 health, fire, and zoning laws.

11 4. The facility is maintained so as to comply with rules promulgated
12 under section twelve (12) of this Act.

13 A person denied a license under the provisions of this section shall
14 receive written notice of the denial stating the reasons for denial and
15 may appeal the decision as provided in sections ten (10) and eleven
16 (11) of this Act.

17 The director may issue a provisional license for a period of time
18 not to exceed one year if the center does not meet standards required
19 under this section. If written plans to bring the center up to stand-
20 ards, giving specific dates for completion of work, are submitted to
21 and approved by the department promulgating the regulations, the
22 provisional license shall be renewable.

1 SEC. 3. NEW SECTION. **Scope of licenses.** Licenses granted under
2 this Act shall be valid for one year from the date of issuance unless
3 revoked or suspended in accordance with the provisions of this Act.
4 A record of the license shall be kept by the department. The license
5 shall be posted in a conspicuous place in the facility and shall state
6 the name of the licensee, the type of facility being licensed, the par-
7 ticular premises in which the services may be offered, and the number
8 of individuals who may be received for care at any one time.

1 SEC. 4. NEW SECTION. **Examinations.** The director may make
2 periodic inspections of licensed centers as necessary to carry out the
3 provisions of this Act. The director may inspect records maintained
4 by a licensed center and may inquire into matters concerning these
5 centers and the persons in charge. The director shall require that the
6 center be inspected by the commissioner of public health and the state
7 fire marshal or their designees, before a license is granted or renewed.

1 SEC. 5. NEW SECTION. **Personnel.** All personnel having direct
2 responsibility for individual children in licensed child care centers

3 shall have good physical and mental health as evidenced by a report
 4 following an examination by a licensed physician at the time of initial
 5 employment. A new report shall be required every year thereafter. No
 6 staff member of a licensed center with direct responsibility for child
 7 care shall have a conviction by any law of any state involving lascivi-
 8 ous acts with a child, child neglect or child abuse.

1 SEC. 6. NEW SECTION. **Consultative services.** The department
 2 may provide consultative services to a person applying for a license or
 3 licensed by the director under this Act.

1 SEC. 7. NEW SECTION. **Confidential information.** Anyone who
 2 acquires through the administration of this Act information relative
 3 to an individual in a center or to a relative of the individual shall not,
 4 directly or indirectly, disclose the information except upon inquiry
 5 before a court of law or with the written consent of the individual or,
 6 in the case of a child, the written consent of the parent or guardian.

7 This section shall not prohibit the director from disclosing facts
 8 when it is in the best interests of a child or in the interest of the child's
 9 parents, guardian, or foster parents and not harmful to the child, or
 10 when disclosure is necessary to protect the interests of the child's
 11 prospective foster parents.

12 This section shall not prohibit the director from disclosing informa-
 13 tion relative to the structure and operation of a licensed center nor
 14 shall it prohibit the statistical analysis by duly authorized persons of
 15 data collected by virtue of this Act, or the publication of the results
 16 of the analysis in a manner which does not disclose information identi-
 17 fying individual persons.

1 SEC. 8. NEW SECTION. **Suspension and revocation.** The director,
 2 after notice and hearing, may suspend or revoke a license issued under
 3 the provisions of this Act if the person to whom a license is issued
 4 violates any provision of this Act or if a person makes false reports
 5 regarding the operation of the center to the director or his designee.

1 SEC. 9. NEW SECTION. **Administrative procedures.** Written
 2 charges for suspension or revocation of a license shall be served upon
 3 the licensee not less than thirty days before a hearing, together with
 4 a notice of time and place for hearing in the manner prescribed for
 5 the service of original notice in civil actions.

1 SEC. 10. NEW SECTION. **Grievance procedure.** A licensee or appli-
 2 cant for a license who is aggrieved by a decision of the director fol-
 3 lowing such administrative hearing may appeal to the hearing officer
 4 of the department within twenty days of the notice of decision.

1 SEC. 11. NEW SECTION. **Judicial review.** A licensee or applicant
 2 who is aggrieved by a decision of the hearing officer may appeal
 3 to the district court by serving on the director and filing with the
 4 clerk of the district court in the county where his facility is situated
 5 a written notice of appeal specifying the grounds upon which appeal
 6 is taken. Such action must be taken within thirty days after notice
 7 of the decision of the hearing officer.

1 SEC. 12. NEW SECTION. **Rules.** Subject to the provisions of chap-
 2 ter seventeen A (17A) of the Code, the director shall promulgate

3 rules for operating and maintaining licensed child care centers relat-
4 ing to:

5 1. The number of qualified personnel necessary to assure the health,
6 safety, and welfare of children in the centers.

7 2. The minimum number of square feet available for use both in-
8 doors and outdoors, by each child received into the center. Outdoor
9 areas used by the children shall be enclosed either by fencing or some
10 other appropriate method.

11 3. The adequacy of activity programs and food services available to
12 the children.

13 4. Policies established by the center for parental participation.

14 Before a proposed rule, as defined in chapter seventeen A (17A) of
15 the Code, is submitted to the departmental rules review committee, a
16 public hearing shall be held in regard to the rule, and members of the
17 departmental rules review committee shall be notified of the hearings
18 as required in section seventeen A point sixteen (17A.16) of the Code.

19 Rules promulgated by the state fire marshal and the commissioner
20 of public health for buildings used as child care centers as an adjunct
21 to the primary purpose of the building shall take into consideration
22 that children are received for temporary care only and shall not differ
23 from rules promulgated for these buildings when they are used by
24 groups of persons congregating from time to time in the primary use
25 and occupancy of the buildings. Furthermore, such rules shall govern
26 only portions of the building utilized for child care centers.

27 All rules, regulations, and standards promulgated under this Act
28 with respect to child care centers shall be developed in consultation
29 with the state day care advisory committee.

1 SEC. 13. NEW SECTION. **Apportionment of funds.** Funds appro-
2 priated to the department to assist child care centers shall be appor-
3 tioned among the counties as follows:

4 1. Each county shall receive a share of one half of the total amount
5 available for allocation among the counties which share is equivalent
6 to a percentage of the total amount available determined by dividing
7 the state's total population of children under seven years of age into
8 the total number of children under seven years of age residing in the
9 county. Data on the number and places of residence of children under
10 seven years of age shall be derived from the most recent federal decen-
11 nial census unless the commissioner with approval of the council of
12 social services directs that some other specified source of data be used.

13 2. Each county shall receive a share of one half of the total amount
14 available for allocation among the counties which share is equivalent
15 to a percentage of the total amount available determined by dividing
16 the total number of low-income families residing in the state into the
17 total number of low-income families residing in the county. Data on
18 the number and the places of residence of low-income families shall
19 be derived from the most recent federal decennial census unless the
20 commissioner with approval of the council of social services directs
21 that some other specified source of data be used.

22 3. Notwithstanding subsections one (1) and two (2) of this sec-
23 tion, no county's initial allocation shall be less than one quarter of
24 one percent of the total amount available for allocation among the
25 counties.

26 4. Any portion of the amount initially allocated to any county pur-
 27 suant to subsections one (1), two (2) and three (3) of this section
 28 which remains unencumbered as of April 30 of any year shall be
 29 reclaimed from the county by the department and immediately reallo-
 30 cated in the manner provided by subsections one (1) and two (2) of
 31 this section among those counties from which funds have not been
 32 reclaimed under this subsection. Any portion of the amounts so allo-
 33 cated which remains unencumbered as of June 30 of any year shall
 34 revert to the general fund of the state.

1 SEC. 14. NEW SECTION. **Allocation by the county.** The county
 2 board shall determine how the funds received by that county under
 3 this Act shall be allocated among existing or planned child care cen-
 4 ters in the county on the basis of the following factors as applied to
 5 each child care center considered for financial assistance under this
 6 Act:

7 1. The demonstrated need for child care services in the community
 8 served by the center.

9 2. The proportion of low-income families among all families served
 10 by the center.

11 3. The demonstrated need of the center for additional equipment,
 12 and improvement, enlargement or relocation of the center's physical
 13 facilities designed to bring the center into compliance with local
 14 health, fire and zoning laws.

15 4. The manner in which the center derives its support, other than
 16 funds made available to it under this Act, and in particular the extent
 17 to which it is supported from sources other than tuition or fees paid
 18 by the parents or guardians of the children served by the center.

1 SEC. 15. NEW SECTION. **Application for funds.** The department
 2 shall:

3 1. Prescribe forms for use by licensed centers in applying to their
 4 respective county boards for funds appropriated by the general assem-
 5 bly.

6 2. Establish a procedure by which a licensed center aggrieved by a
 7 decision of a county board under section seventeen (17) of this Act
 8 may appeal the decision to the commissioner or his designee, how-
 9 ever, the judgment of the county board on the merits of any applica-
 10 tion shall not be overturned in the absence of a determination that the
 11 county board has misinterpreted any of the provisions of this Act, has
 12 acted arbitrarily or capriciously, or both.

13 3. Seek to obtain from the federal government any funds which
 14 may be available to this state to pay any part of the cost of imple-
 15 menting or administering this Act.

1 SEC. 16. NEW SECTION. **Use of funds.** A child care center may
 2 use funds received pursuant to this Act only for the following pur-
 3 poses:

4 1. To acquire or improve physical facilities to house the center.

5 2. To acquire recreational or educational equipment or supplies.

1 SEC. 17. NEW SECTION. **Distribution.** The county board shall con-
 2 sider all applications which are submitted by child care centers in the
 3 county for funds allocated to the county under this Act, and shall
 4 determine the distribution of the funds. Each child care center sub-

5 mitting an application shall indicate the amount of money requested
 6 and the intended use of the money. The county board may establish
 7 a deadline for submission of applications, which shall not be earlier
 8 than thirty days after it is notified by the department of the amount
 9 initially allocated to the county pursuant to section thirteen (13) of
 10 this Act.

1 SEC. 18. NEW SECTION. **Restrictions on funding.** Funds shall be
 2 distributed only to licensed centers which serve primarily low-income
 3 families and which do not prohibit admission of children on the basis
 4 of race, creed, religion, sex, or national origin.

1 SEC. 19. Acts of the Sixty-fifth General Assembly, 1973 Session,
 2 chapter eight (8), section one (1), is amended to read as follows:

3 Section 1. There is appropriated from the general fund of the
 4 state for the fiscal biennium beginning July 1, 1973 and ending June 30,
 5 1975 to the state comptroller the following ~~amounts~~ *amount*, or so
 6 much thereof as may be necessary, for the following ~~purposes~~ *purpose*:

7 1. For the governor's youth opportunity program:\$1,234,000
 8 2. For the day care facilities program:\$ 579,000

1 SEC. 20. Section two hundred thirty-four point eleven (234.11),
 2 Code 1973, as amended by Acts of the Sixty-fifth General Assembly,
 3 1973 Session, chapter one hundred eighty-six (186), section sixteen
 4 (16), is amended to read as follows:

5 234.11 **Duties of the county board—food stamp program.** The
 6 county board shall be vested with the authority to direct emergency
 7 relief with only such powers and duties as are prescribed in the laws
 8 relating thereto *and shall determine the allocation of funds to child*
 9 *care centers pursuant to sections fourteen (14) through eighteen (18)*
 10 *of this Act.* The board shall act in an advisory capacity on programs
 11 within the jurisdiction of the department of social services. The board
 12 shall review policies and procedures of the local departments of social
 13 services and make recommendations for changes to insure that effec-
 14 tive services are provided in their respective communities. The county
 15 board may also make recommendations for new programs which it is
 16 believed would meet needs in the community. The state department
 17 shall establish a procedure to insure that county board recommenda-
 18 tions receive appropriate review at the level of policy determination.

19 Each county shall participate in federal commodity or food stamp
 20 program.

1 SEC. 21. There is appropriated to the department of social ser-
 2 vices from the general fund of the state the sum of five hundred thou-
 3 sand (500,000) dollars, or so much thereof as may be necessary, for the
 4 fiscal year ending June 30, 1975 to be used for financial assistance to
 5 child care centers in the manner prescribed by sections thirteen (13)
 6 through eighteen (18) of this Act.

Approved June 3, 1974