

## CHAPTER 88

### LICENSURE OF CHILD CARE PROGRAMS PROVIDED BY SCHOOLS

H.F. 347

**AN ACT** relating to the licensure of child care programs operated or contracted for by a school district or accredited nonpublic school and including effective date provisions.

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

Section 1. Section 237A.1, subsection 3, paragraph b, Code 2015, is amended by striking the paragraph.

Sec. 2. Section 279.49, subsection 1, Code 2015, is amended by striking the subsection.

Sec. 3. Section 279.49, subsections 2 and 3, Code 2015, are amended to read as follows:

2. The board of directors of a school corporation may operate or contract for the operation of a program to provide child care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall ~~either meet standards for child care programs adopted by the state board of education or shall be licensed by the department of human services under chapter 237A as a child care center unless the program is exempt from licensure under chapter 237A.~~ A program operated by a board under contract which is not located on property owned or leased by the board must be licensed by the department of human services. Notwithstanding requirements of the department of human services regarding space allocated to child care centers licensed under chapter 237A, a program operated or contracted by a board which is located on school grounds may define alternative spaces, in policy and procedures, appropriate to meet the needs of children in the program if the primary space is required for another use.

3. a. The person employed to be responsible for a program operated or contracted by a board that is not licensed by the department of human services shall be an appropriately licensed teacher under chapter 272 or shall meet other standards adopted by the state board of education collaborate with that board in the operation of that program.

b. An employee of a program operated or contracted by a board shall be subject to a background investigation at least once every five years after the employee's initial date of hire.

Sec. 4. Section 280.3A, Code 2015, is amended to read as follows:

#### **280.3A Accredited nonpublic school child care programs.**

Authorities in charge of ~~an accredited nonpublic schools school~~ may operate or contract for the operation of ~~a child care programs, as defined program,~~ as described in [section 279.49, subsection 1](#). The provisions of [section 279.49](#) as they relate to child care programs of a school corporation and its board of directors apply to the child care programs of the accredited nonpublic school and the authority in charge.

Sec. 5. EFFECTIVE DATE AND IMPLEMENTATION. This Act takes effect January 1, 2016, except that the department of human services may begin implementation prior to January 1, 2016, to the extent necessary to transition to full implementation of the provisions of this Act.

Approved May 1, 2015