SENATE FILE 379 BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1048)

## A BILL FOR

- 1 An Act relating to the licensure of child care programs
- 2 operated or contracted for by a school district or
- 3 accredited nonpublic school and including effective date
- 4 provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 237A.1, subsection 3, paragraph b, Code
 2 2015, is amended by striking the paragraph.

3 Sec. 2. Section 279.49, subsection 1, Code 2015, is amended 4 by striking the subsection.

5 Sec. 3. Section 279.49, subsections 2 and 3, Code 2015, are 6 amended to read as follows:

2. The board of directors of a school corporation may 7 8 operate or contract for the operation of a program to provide 9 child care to children not enrolled in school or to students 10 enrolled in kindergarten through grade six before and after 11 school, or to both. Programs operated or contracted by a board 12 shall either meet standards for child care programs adopted 13 by the state board of education or shall be licensed by the 14 department of human services under chapter 237A as a child care 15 center. A program operated by a board under contract which is 16 not located on property owned or leased by the board must be 17 licensed by the department of human services. Notwithstanding 18 requirements of the department of human services regarding 19 space allocated to child care centers licensed under chapter 20 237A, a program operated or contracted by a board which is 21 located on school grounds may define alternative spaces, 22 in policy and procedures, appropriate to meet the needs of 23 children in the program if the primary space is required for 24 another use.

25 3. <u>a.</u> The person employed to be responsible for a program 26 operated or contracted by a board <del>that is not licensed by the</del> 27 <del>department of human services</del> shall be an appropriately licensed 28 teacher under chapter 272 or shall meet other standards adopted 29 by the state board of education.

30 <u>b.</u> An employee of a program operated or contracted by a 31 <u>board shall be subject to a background investigation at least</u> 32 <u>once every five years after the employee's initial date of</u> 33 <u>hire.</u> 24 <u>Cast to a background investigation at least</u>

34 Sec. 4. Section 280.3A, Code 2015, is amended to read as 35 follows:

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1 280.3A Accredited nonpublic school child care programs.
2 Authorities in charge of <u>an</u> accredited nonpublic schools
3 <u>school</u> may operate or contract for the operation of <u>a</u> child
4 care programs, as defined program, as described in section
5 279.49, subsection 1. The provisions of section 279.49 as
6 they relate to child care programs of a school corporation and
7 its board of directors apply to the child care programs of the
8 accredited nonpublic school and the authority in charge.

9 Sec. 5. EFFECTIVE DATE AND IMPLEMENTATION. This Act takes 10 effect January 1, 2016, except that the department of human 11 services may begin implementation prior to January 1, 2016, to 12 the extent necessary to transition to full implementation of 13 the provisions of this Act.

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## EXPLANATION

15The inclusion of this explanation does not constitute agreement with16the explanation's substance by the members of the general assembly.

Under current law, either the department of human services (DHS) or the department of education (DE) is required to license a child care program operated by or contracted for by a construct or accredited nonpublic school 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.

This bill provides that DHS shall be the only state agency responsible for the licensure of such child care programs and requires DHS to issue such licenses. The bill provides that a program operated or contracted by a board of directors of a school corporation that is located on school grounds may define alternative spaces appropriate to meet the needs of children in the child care program under certain circumstances. An employee of a child care program operated or contracted by a board shall be subject to a background investigation once every five years.

Conforming Code changes are made striking Code section 35 237A.1, subsection 3, paragraph "b", relating to the definition

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LSB 1119SV (3) 86 rh/nh 1 of "child care" for purposes of DHS licensure and DE child care 2 programs provided for under Code sections 279.49 and 280.3A, 3 striking references in Code section 279.49 relating to child 4 care programs not licensed or approved by DHS, and amending 5 Code section 280.3A relating to accredited nonpublic school 6 child care programs.

7 The bill takes effect January 1, 2016, except that DHS may 8 begin implementation prior to that date.

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