

Human Resources 2/27 - No Pass 5/2
Approp. (Rule 37) 5/2, Pass 4/9
The " 4-16, Pass per 3675 5/1

SENATE FILE 434

By MURRAY
(Hill)

FILED MAR 27 1973

Senate File 434
Den Herder, Chairman
Anderson
Caffrey
Cusack
Fisher of Greene
Husak
Kiser

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sources Resources

te, Date 4-11-74 (1317) Passed House, Date 5-2-74 (2334)

Vote: Ayes 37 Nays 7 Vote: Ayes 84 Nays 5

Approved 6-3-74

Passed Senate as amended by House
5-3-74 (1947)
42-3

A BILL FOR

1 An Act to provide financial assistance for the establishment
2 and operation of community day care centers and for train-
3 ing courses for employees of community day care centers,
4 and to make an appropriation.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. The general assembly finds that
2 it is often economically necessary as well as socially desir-
3 able in order to utilize previously acquired knowledge and
4 skills for mothers of young children to seek employment out-
5 side their homes, and that it is in the best interest of the
6 state and the community to make available to these mothers
7 proper facilities to care for their children during the
8 mothers' working hours. It is the intent of this Act to help
9 establish new day care centers and improve existing ones in
10 Iowa communities, to provide financial assistance to day care
11 centers meeting applicable standards for acquisition and
12 improvement of facilities and equipment, to assist day care
13 centers in obtaining and upgrading needed staff personnel,
14 and to encourage the expansion of day care center services
15 to low and middle income families.

16 Sec. 2. NEW SECTION. As used in this Act:

17 1. "Commissioner" means the commissioner of social ser-
18 vices.

19 2. "Department" means the department of social services.

20 3. "County board" means the county board of social wel-
21 fare.

22 4. "Day care center" means a facility providing care for
23 six or more children for more than four hours, but less than
24 twenty-four hours, per day.

25 5. "Low-income family" means a family whose total income,
26 relative to the number of persons dependent on the family's
27 total income for support, is designated by the department
28 as insufficient to provide an adequate standard of living,
29 however the amount of annual income so designated shall in
30 no case be more than six thousand dollars per year for a
31 family of five.

32 Sec. 3. NEW SECTION. Funds appropriated to the depart-
33 ment to assist community day care centers shall, except as
34 otherwise provided by section eleven (11) of this Act, be
35 apportioned among the counties as follows:

1 1. Each county shall receive a share of one-half of the
2 total amount available for allocation among the counties which
3 share is equivalent to a percentage of the total amount avail-
4 able determined by dividing the state's total population of
5 children under seven years of age, determined by the school
6 census, into the total number of children under seven years
7 of age residing in the county.

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

19 3. Notwithstanding subsections one (1) and two (2) of
20 this section, no county's initial allocation shall be less
21 than one-quarter of one percent of the total amount available
22 for allocation among the counties.

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

33 Sec. 4. NEW SECTION. The department shall establish
34 guidelines for use by each county board in determining how
35 the funds received by that county under this Act shall be

1 allocated among existing or planned day care centers in the
2 county. The guidelines shall include, but need not be limited
3 to, requirements that the county board give consideration
4 to each of the following factors as applied to each day care
5 center considered for financial assistance under this Act:

- 6 1. The demonstrated need for day care services in the
7 community served by the center.
- 8 2. The proportion of low-income families among all families
9 served by the center.
- 10 3. The demonstrated need of the center for:
 - 11 a. Additional staff personnel.
 - 12 b. Training of staff personnel.
 - 13 c. Additional equipment.
 - 14 d. Improvement, enlargement or relocation of the center's
15 physical facilities.
- 16 4. The manner in which the center derives its support,
17 other than funds made available to it under this Act, and
18 in particular the extent to which it is supported from sources
19 other than tuition or fees paid by the parents or guardians
20 of the children served by the center.

21 Sec. 5. NEW SECTION. The department shall establish
22 guidelines which shall be met by any day care center receiving
23 funds under this Act. The guidelines for day care centers
24 shall include, but need not be limited to:

- 25 1. The number and qualifications of personnel to be
26 employed by day care centers.
- 27 2. Minimum requirements for recreational and educational
28 equipment to be maintained and used by day care centers.
- 29 3. Minimum requirements relative to location, size and
30 condition of the physical facilities in which day care centers
31 are housed.
- 32 4. Compliance with any provisions of the laws of this
33 state requiring licensing of day care centers.

34 Sec. 6. NEW SECTION. The department shall:

- 35 1. Prescribe forms for use by day care centers in applying

1 to their respective county boards for funds available under
2 this Act.

3 2. Establish a procedure by which any day care center
4 aggrieved by a decision of a county board under section eight
5 (8) of this Act may appeal the decision to the commissioner
6 or his designee, however the judgment of the county board
7 on the merits of any application shall not be overturned in
8 the absence of a determination that the county board has
9 misinterpreted any of the provisions of this Act, has acted
10 arbitrarily or capriciously, or both.

11 3. Seek to obtain from the federal government any funds
12 which may be available to this state to pay any part of the
13 cost of implementing or administering this Act.

14 Sec. 7. NEW SECTION. A day care center may use funds
15 received pursuant to this Act only for the following purposes:

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

18 2. To acquire recreational or educational equipment or
19 supplies.

20 3. To pay salaries of personnel employed by the center.

21 4. To assist day care center employees to attend courses
22 for training of personnel for work in day care centers.

23 Sec. 8. NEW SECTION. The county board shall in each
24 fiscal year consider all applications which are submitted
25 by day care centers in the county for funds allocated to the
26 county under this Act, and shall determine the distribution
27 of the funds. Each day care center submitting an application
28 shall indicate the amount of money requested and the intended
29 use of the money. The county board may establish a deadline
30 for submission of applications, which shall not be earlier
31 than thirty days after it is notified by the department of
32 the amount initially allocated to the county pursuant to
33 section three (3) of this Act.

34 Sec. 9. NEW SECTION. The county board shall not approve
35 any application for funds received from a day care center

1 which restricts or prohibits admission of children on the
2 basis of race, creed, sex or national origin.

3 Sec. 10. NEW SECTION. The department may cooperate with
4 and financially assist any of the state universities, any
5 private college or university, the public area community
6 colleges or vocational schools, or other appropriate educa-
7 tional institutions which establish and operate short courses
8 for the training of personnel for work in day care centers.
9 The courses may be offered either on the campus of the insti-
10 tution sponsoring them or on an extension basis, but the
11 department shall in either case encourage the scheduling of
12 the courses so that persons already employed in day care
13 centers may enroll in the courses and attend them during
14 nonworking hours.

15 Sec. 11. NEW SECTION. The department may use, in each
16 fiscal year, not more than ten percent of the total amount
17 appropriated to the department to assist community day care
18 centers under this Act for the purposes authorized in section
19 ten (10) of this Act and to assist present or prospective
20 employees of community day care centers to pay tuition or
21 travel expense incurred in attending courses for training
22 of personnel for work in day care centers.

23 Sec. 12. Section two hundred ninety-one point nine (291.9);
24 subsection one (1), Code 1973, is amended to read as follows:

25 1. The name and post-office address of parents and
26 guardians in his district with the name, sex, and age of all
27 children or wards residing in the district who are between
28 ~~five-and~~ below nineteen years of age.

29 Sec. 13. There is appropriated to the department of social
30 services from the general fund of the state the sum of five
31 hundred thousand (500,000) dollars, or so much thereof as
32 may be necessary, for each year of the biennium beginning
33 July 1, 1973 and ending June 30, 1975 to be used for financial
34 assistance to community day care centers in the manner pre-
35 scribed by sections two (2) through eleven (11) of this Act.

EXPLANATION

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This bill establishes administrative procedure and provides funds with which the Department of Social Services, through the respective county boards of social welfare, may assist the establishment and operation of community day care centers, and provide some assistance for training of needed personnel to work in the centers. The bill appropriates \$500,000 for each year of the coming biennium to finance assistance to day care centers.

SENATE FILE 434

H-3075

1 Amend Senate File 434, as amended and passed by
2 the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 Section 1. NEW SECTION. DEFINITIONS. As used in
6 this Act unless the context otherwise requires:

7 1. "Commissioner" means the commissioner of social
8 services.

9 2. "Department" means the department of social
10 services.

11 3. "Director" means the director of the division
12 designated by the commissioner to administer this
13 Act.

14 4. "County board" means the county board of social
15 welfare.

16 5. "Child care center" or "center" means a facility
17 providing care for six or more children for more than
18 four hours, but less than twenty-four hours, per day.

19 6. "Licensed center" means a center applying for
20 or issued a license by the department under the provi-
21 sions of this Act.

22 7. "Low-income family" means a family whose total
23 income, relative to the number of persons dependent
24 on the family's total income for support, is designated
25 by the department as insufficient to provide an
26 adequate standard of living. Adequate standard of
27 living shall be defined as at or below the minimum
28 living standard budget determined by the bureau of
29 labor statistics of the United States department of
30 labor, adjusted regionally and for family size.

31 8. "State day care advisory committee" means the
32 state day care advisory committee established by regu-
33 lation two hundred twenty point four (220.4) of the
34 Social Security Act of 1967 whose membership is no
35 less than nine nor no more than fifteen members and
36 is comprised of one-third providers of services, one-
37 third interested citizens from urban and rural areas
38 across the state and one-third parents of children
39 served. If for any reason the federal government
40 eliminates this advisory committee, this advisory
41 committee shall continue to function as a state
42 advisory group to the department.

43 Sec. 2. NEW SECTION. LICENSE VOLUNTARY. A center
44 may request to be licensed by the department but is
45 not required to be licensed in order to operate in
46 this state. The department shall issue a license
47 if it determines that the following conditions have
48 been met:

49 1. An application for a license or a renewal has
50 been filed with the director on forms provided by

51 the department.

52 2. The center possesses adequate financial
53 resources to perform the services it undertakes.

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

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

59 A person denied a license under the provisions
60 of this section shall receive written notice of the
61 denial stating the reasons for denial and may appeal
62 the decision as provided in sections ten (10) and
63 eleven (11) of this Act.

64 The director may issue a provisional license for
65 a period of time not to exceed one year if the center
66 does not meet standards required under this section.
67 If written plans to bring the center up to standards,
68 giving specific dates for completion of work, are
69 submitted to and approved by the department
70 promulgating the regulations, the provisional license
71 shall be renewable.

72 Sec. 3. NEW SECTION. SCOPE OF LICENSES. Licenses
73 granted under this Act shall be valid for one year
74 from the date of issuance unless revoked or suspended
75 in accordance with the provisions of this Act. A
76 record of the license shall be kept by the depart-
77 ment. The license shall be posted in a conspicuous
78 place in the facility and shall state the name of
79 the licensee, the type of facility being licensed,
80 the particular premises in which the services may
81 be offered, and the number of individuals who may
82 be received for care at any one time.

83 Sec. 4. NEW SECTION. EXAMINATIONS. The director
84 may make periodic inspections of licensed centers
85 as necessary to carry out the provisions of this Act.
86 The director may inspect records maintained by a
87 licensed center and may inquire into matters concern-
88 ing these centers and the persons in charge. The
89 director shall require that the center be inspected
90 by the commissioner of public health or the state
91 fire marshal or their designees, before a license
92 is granted or renewed.

93 Sec. 5. NEW SECTION. PERSONNEL. All personnel
94 having direct responsibility for individual children
95 in licensed child care centers shall have good physical
96 and mental health as evidenced by a report following
97 an examination by a licensed physician at the time
98 of initial employment. A new report shall be required
99 every year thereafter. No staff member of a licensed
100 center with direct responsibility for child care shall

101 have a conviction by any law of any state involving
102 lascivious acts with a child, child neglect or child
103 abuse.

104 Sec. 6. NEW SECTION. CONSULTATIVE SERVICES.
105 The department may provide consultative services to
106 a person applying for a license or licensed by the
107 director under this Act.

108 Sec. 7. NEW SECTION. CONFIDENTIAL INFORMATION.
109 Anyone who acquires through the administration of
110 this Act information relative to an individual in
111 a center or to a relative of the individual shall
112 not, directly or indirectly, disclose the information
113 except upon inquiry before a court of law or with
114 written consent of the individual or, in the case
115 of a child, the written consent of the parent or
116 guardian.

117 This section shall not prohibit the director from
118 disclosing facts when it is in the best interests
119 of a child or in the interest of the child's parents,
120 guardian, or foster parents and not harmful to the
121 child, or when disclosure is necessary to protect
122 the interests of the child's prospective foster parents.

123 This section shall not prohibit the director from
124 disclosing information relative to the structure and
125 operation of a licensed center nor shall it prohibit
126 the statistical analysis by duly authorized persons
127 of data collected by virtue of this Act, or the
128 publication of the results of the analysis in a manner
129 which does not disclose information identifying
130 individual persons.

131 Sec. 8. NEW SECTION. SUSPENSION AND REVOCATION.
132 The director, after notice and hearing, may suspend
133 or revoke a license issued under the provisions of
134 this Act if the person to whom a license is issued
135 violates any provision of this Act or if a person
136 makes false reports regarding the operation of the
137 center to the director or his designee.

138 Sec. 9. NEW SECTION. ADMINISTRATIVE PROCEDURES.
139 Written charges for suspension or revocation of a
140 license shall be served upon the licensee not less
141 than thirty days before a hearing, together with a
142 notice of time and place for hearing in the manner
143 prescribed for the service of original notice in civil
144 actions.

145 Sec. 10. NEW SECTION. GRIEVANCE PROCEDURE. A
146 licensee or applicant for a license who is aggrieved
147 by a decision of the director following such adminis-
148 trative hearing may appeal to the hearing officer
149 of the department within twenty days of the notice
150 of decision.

151 Sec. 11. NEW SECTION. JUDICIAL REVIEW. A licensee
152 or applicant who is aggrieved by a decision of the
153 hearing officer may appeal to the district court by
154 serving on the director and filing with the clerk
155 of the district court in the county where his facility
156 is situated a written notice of appeal specifying
157 the grounds upon which appeal is taken. Such action
158 must be taken within thirty days after notice of the
159 decision of the hearing officer.

160 Sec. 12. NEW SECTION. RULES. Subject to the
161 provisions of chapter seventeen A (17A) of the Code,
162 the director shall promulgate rules for operating
163 and maintaining licensed child care centers relating
164 to:

165 1. The number of qualified personnel necessary
166 to assure the health, safety, and welfare of children
167 in the centers.

168 2. The minimum number of square feet available
169 for use both indoors and outdoors, by each child
170 received into the center. Outdoor areas used by the
171 children shall be enclosed either by fencing or some
172 other appropriate method.

173 3. The adequacy of activity programs and food
174 services available to the children.

175 4. Policies established by the center for parental
176 participation.

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

184 Rules promulgated by the state fire marshal and
185 the commissioner of public health for buildings used
186 as child care centers as an adjunct to the primary
187 purpose of the building shall take into consideration
188 that children are received for temporary care only
189 and shall not differ from rules promulgated for these
190 buildings when they are used by groups of persons
191 congregating from time to time in the primary use
192 and occupancy of the buildings. Furthermore, such
193 rules shall govern only portions of the building
194 utilized for child care centers.

195 All rules, regulations, and standards promulgated
196 under this Act with respect to child care centers
197 shall be developed in consultation with the state
198 day care advisory committee.

199 Sec. 13. NEW SECTION. APPORTIONMENT OF FUNDS.
200 Funds appropriated to the department to assist child

201 care centers shall be apportioned among the counties
202 as follows:

203 1. Each county shall receive a share of one half
204 of the total amount available for allocation among
205 the counties which share is equivalent to a percentage
206 of the total amount available determined by dividing
207 the state's total population of children under seven
208 years of age into the total number of children under
209 seven years of age residing in the county. Data on
210 the number and places of residence of children under
211 seven years of age shall be derived from the most
212 recent federal decennial census unless the commissioner
213 with approval of the council of social services directs
214 that some other specified source of data be used.

215 2. Each county shall receive a share of one half
216 of the total amount available for allocation among
217 the counties which share is equivalent to a percentage
218 of the total amount available determined by dividing
219 the total number of low-income families residing in
220 the state into the total number of low-income families
221 residing in the county. Data on the number and the
222 places of residence of low-income families shall be
223 derived from the most recent federal decennial census
224 unless the commissioner with approval of the council
225 of social services directs that some other specified
226 source of data be used.

227 3. Notwithstanding subsections one (1) and two
228 (2) of this section, no county's initial allocation
229 shall be less than one quarter of one percent of the
230 total amount available for allocation among the
231 counties.

232 4. Any portion of the amount initially allocated
233 to any county pursuant to subsections one (1), two
234 (2) and three (3) of this subsection which remains
235 unencumbered as of April 30 of any year shall be
236 reclaimed from the county by the department and
237 immediately reallocated in the manner provided by
238 subsections one (1) and two (2) of this section among
239 those counties from which funds have not been reclaimed
240 under this subsection. Any portion of the amounts
241 so allocated which remains unencumbered as of June
242 30 of any year shall revert to the general fund of
243 the state.

244 Sec. 14. NEW SECTION. ALLOCATION BY THE COUNTY.
245 The county board shall determine how the funds received
246 by that county under this Act shall be allocated among
247 existing or planned child care centers in the county
248 on the basis of the following factors as applied to
249 each child care center considered for financial
250 assistance under this Act:

251 1. The demonstrated need for child care services
252 in the community served by the center.

253 2. The proportion of low-income families among
254 all families served by the center.

255 3. The demonstrated need of the center for
256 additional equipment, and improvement, enlargement
257 or relocation of the center's physical facilities
258 designed to bring the center into compliance with
259 local health, fire and zoning laws.

260 4. The manner in which the center derives its
261 support, other than funds made available to it under
262 this Act, and in particular the extent to which it
263 is supported from sources other than tuition or fees
264 paid by the parents or guardians of the children
265 served by the center.

266 Sec. 15. NEW SECTION. APPLICATION FOR FUNDS.
267 The department shall:

268 1. Prescribe forms for use by licensed centers
269 in applying to their respective county boards for
270 funds appropriated by the general assembly.

271 2. Establish a procedure by which a licensed center
272 aggrieved by a decision of a county board under section
273 seventeen (17) of this Act may appeal the decision
274 to the commissioner or his designee, however, the
275 judgment of the county board on the merits of any
276 application shall not be overturned in the absence
277 of a determination that the county board has
278 misinterpreted any of the provisions of this Act,
279 has acted arbitrarily or capriciously, or both.

280 3. Seek to obtain from the federal government
281 any funds which may be available to this state to
282 pay any part of the cost of implementing or
283 administering this Act.

284 Sec. 16. NEW SECTION. USE OF FUNDS. A child
285 care center may use funds received pursuant to this
286 Act only for the following purposes:

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

289 2. To acquire recreational or educational equipment
290 or supplies.

291 Sec. 17. NEW SECTION. DISTRIBUTION. The county
292 board shall consider all applications which are
293 submitted by child care centers in the county for
294 funds allocated to the county under this Act, and
295 shall determine the distribution of the funds. Each
296 child care center submitting an application shall
297 indicate the amount of money requested and the intended
298 use of the money. The county board may establish
299 a deadline for submission of applications, which shall
300 not be earlier than thirty days after it is notified by

301 the department of the amount initially allocated to the
302 county pursuant to section thirteen (13) of this Act.

303 Sec. 18. NEW SECTION. RESTRICTIONS ON FUNDING.

304 Funds shall be distributed only to licensed centers
305 which serve primarily low-income families and which
306 do not prohibit admission of children on the basis
307 of race, creed, religion, sex, or national origin.

308 Sec. 19. Acts of the Sixty-fifth General Assembly,
309 1973 Session, chapter eight (8), section one (1),
310 is amended to read as follows:

311 Section 1. There is appropriated from the general
312 fund of the state for the fiscal biennium beginning
313 July 1, 1973 and ending June 30, 1975 to the state
314 comptroller the following ~~amounts~~ amount, or so much
315 thereof as may be necessary, for the following purposes
316 purpose:

317 1. For the governor's youth oppor-
318 tunity program: \$1,234,000

319 ~~2. For the day-care facili-~~
320 ~~ties program: \$--579,000~~

321 Sec. 20. Section two hundred thirty-four point
322 eleven (234.11), Code 1973, as amended by Acts of
323 the Sixty-fifth General Assembly, 1973 Session, chapter
324 one hundred eighty-six (186), section sixteen (16),
325 is amended to read as follows:

326 234.11 DUTIES OF THE COUNTY BOARD--FOOD STAMP
327 PROGRAM. The county board shall be vested with the
328 authority to direct emergency relief with only such
329 powers and duties as are prescribed in the laws
330 relating thereto and shall determine the allocation
331 of funds to child care centers pursuant to sections
332 fourteen (14) through eighteen (18) of this Act.

333 The board shall act in an advisory capacity on programs
334 within the jurisdiction of the department of social
335 services. The board shall review policies and
336 procedures of the local departments of social services
337 and make recommendations for changes to insure that
338 effective services are provided in their respective
339 communities. The county board may also make
340 recommendations for new programs which it is believed
341 would meet needs in the community. The state
342 department shall establish a procedure to insure that
343 county board recommendations receive appropriate
344 review at the level of policy determination.

345 Each county shall participate in federal commodity
346 or food stamp program.

347 Sec. 21. There is appropriated to the department
348 of social services from the general fund of the state
349 the sum of five hundred thousand (500,000) dollars,
350 or so much thereof as may be necessary, for the fiscal
351 year ending June 30, 1975 to be used for financial
352 assistance to child care centers in the manner pre-
353 scribed by sections thirteen (13) through eighteen
354 (18) of this Act.

355 2. Page 1, amend the title, by striking lines
356 2 and 3 and inserting in lieu thereof the words "and
357 operation of licensed child care centers".

H—3093

- 1 Amend Senate File 434 as follows:
- 2 Amend the Appropriations Committee amendment
- 3 H-3075, line 90, by striking the word "or" and
- 4 inserting in lieu thereof the word "and".

H—3093 Filed *-adopted 5/2*
May 2, 1974

By CONNORS of Polk
HILL of Polk

HOUSE AMENDMENT TO SENATE FILE 434

1 Amend Senate File 434, as amended and passed by
2 the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 Section 1. NEW SECTION. DEFINITIONS. As used in
6 this Act unless the context otherwise requires:
7 1. "Commissioner" means the commissioner of social
8 services.
9 2. "Department" means the department of social
10 services.
11 3. "Director" means the director of the division
12 designated by the commissioner to administer this
13 Act.
14 4. "County board" means the county board of social
15 welfare.
16 5. "Child care center" or "center" means a facility
17 providing care for six or more children for more than
18 four hours, but less than twenty-four hours, per day.
19 6. "Licensed center" means a center applying for
20 or issued a license by the department under the provi-
21 sions of this Act.
22 7. "Low-income family" means a family whose total
23 income, relative to the number of persons dependent
24 on the family's total income for support, is designated
25 by the department as insufficient to provide an

Page 2

1 adequate standard of living. Adequate standard of
2 living shall be defined as at or below the minimum
3 living standard budget determined by the bureau of
4 labor statistics of the United States department of
5 labor, adjusted regionally and for family size.
6 8. "State day care advisory committee" means the
7 state day care advisory committee established by regu-
8 lation two hundred twenty point four (220.4) of the
9 Social Security Act of 1967 whose membership is no
10 less than nine nor no more than fifteen members and
11 is comprised of one-third providers of services, one-
12 third interested citizens from urban and rural areas
13 across the state and one-third parents of children
14 served. If for any reason the federal government
15 eliminates this advisory committee, this advisory
16 committee shall continue to function as a state
17 advisory group to the department.
18 Sec. 2 NEW SECTION. LICENSE VOLUNTARY. A center
19 may request to be licensed by the department but is
20 not required to be licensed in order to operate in
21 this state. The department shall issue a license
22 if it determines that the following conditions have
23 been met:
24 1. An application for a license or a renewal has
25 been filed with the director on forms provided by

1 the department.

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

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

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

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

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

22 Sec. 3. NEW SECTION. SCOPE OF LICENSES. Licenses
23 granted under this Act shall be valid for one year
24 from the date of issuance unless revoked or suspended
25 in accordance with the provisions of this Act. A

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1 record of the license shall be kept by the depart-
2 ment. The license shall be posted in a conspicuous
3 place in the facility and shall state the name of
4 the licensee, the type of facility being licensed,
5 the particular premises in which the services may
6 be offered, and the number of individuals who may
7 be received for care at any one time.

8 Sec. 4. NEW SECTION. EXAMINATIONS. The director
9 may make periodic inspections of licensed centers
10 as necessary to carry out the provisions of this Act.
11 The director may inspect records maintained by a
12 licensed center and may inquire into matters concern-
13 ing these centers and the persons in charge. The
14 director shall require that the center be inspected
15 by the commissioner of public health and the state
16 fire marshall or their designees, before a license
17 is granted or renewed.

18 Sec. 5. NEW SECTION. PERSONNEL. All personnel
19 having direct responsibility for individual children
20 in licensed child care centers shall have good physical
21 and mental health as evidenced by a report following
22 an examination by a licensed physician at the time
23 of initial employment. A new report shall be required
24 every year thereafter. No staff member of a licensed
25 center with direct responsibility for child care shall

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1 have a conviction by any law of any state involving
2 lascivious acts with a child, child neglect or child
3 abuse.

4 Sec. 6. NEW SECTION. CONSULTATIVE SERVICES.
5 The department may provide consultative services to
6 a person applying for a license or licensed by the
7 director under this Act.

8 Sec. 7. NEW SECTION. CONFIDENTIAL INFORMATION.
9 Anyone who acquires through the administration of
10 this Act information relative to an individual in
11 a center or to a relative of the individual shall
12 not, directly or indirectly, disclose the information
13 except upon inquiry before a court of law or with
14 the written consent of the individual or, in the case
15 of a child, the written consent of the parent or
16 guardian.

17 This section shall not prohibit the director from
18 disclosing facts when it is in the best interests
19 of a child or in the interest of the child's parents,
20 guardian, or foster parents and not harmful to the
21 child, or when disclosure is necessary to protect
22 the interests of the child's prospective foster parents.

23 This section shall not prohibit the director from
24 disclosing information relative to the structure and
25 operation of a licensed center nor shall it prohibit

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1 the statistical analysis by duly authorized persons
2 of data collected by virtue of this Act, or the
3 publication of the results of the analysis in a manner
4 which does not disclose information identifying
5 individual persons.

6 Sec. 8. NEW SECTION. SUSPENSION AND REVOCATION.
7 The director, after notice and hearing, may suspend
8 or revoke a license issued under the provisions of
9 this Act if the person to whom a license is issued
10 violates any provision of this Act or if a person
11 makes false reports regarding the operation of the
12 center to the director or his designee.

13 Sec. 9. NEW SECTION. ADMINISTRATIVE PROCEDURES.
14 Written charges for suspension or revocation of a
15 license shall be served upon the licensee not less
16 than thirty days before a hearing, together with a
17 notice of time and place for hearing in the manner
18 prescribed for the service of original notice in civil
19 actions.

20 Sec. 10. NEW SECTION. GRIEVANCE PROCEDURE. A
21 licensee or applicant for a license who is aggrieved
22 by a decision of the director following such adminis-
23 trative hearing may appeal to the hearing officer
24 of the department within twenty days of the notice
25 of decision.

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

10 Sec. 12. NEW SECTION. RULES. Subject to the
11 provisions of chapter seventeen A (17A) of the Code,
12 the director shall promulgate rules for operating
13 and maintaining licensed child care centers relating
14 to:

15 1. The number of qualified personnel necessary
16 to assure the health, safety, and welfare of children
17 in the centers.

18 2. The minimum number of square feet available
19 for use both indoors and outdoors, by each child
20 received into the center. Outdoor areas used by the
21 children shall be enclosed either by fencing or some
22 other appropriate method.

23 3. The adequacy of activity programs and food
24 services available to the children.

25 4. Policies established by the center for parental

1 participation.

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

9 Rules promulgated by the state fire marshal and
10 the commissioner of public health for buildings used
11 as child care centers as an adjunct to the primary
12 purpose of the building shall take into consideration
13 that children are received for temporary care only
14 and shall not differ from rules promulgated for these
15 buildings when they are used by groups of persons
16 congregating from time to time in the primary use
17 and occupancy of the buildings. Furthermore, such
18 rules shall govern only portions of the building
19 utilized for child care centers.

20 All rules, regulations, and standards promulgated
21 under this Act with respect to child care centers
22 shall be developed in consultation with the state
23 day care advisory committee.

24 Sec. 13. NEW SECTION. APPORTIONMENT OF FUNDS.
25 Funds appropriated to the department to assist child

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1 care centers shall be apportioned among the counties
2 as follows:
3 1. Each county shall receive a share of one half
4 of the total amount available for allocation among
5 the counties which share is equivalent to a percentage
6 of the total amount available determined by dividing
7 the state's total population of children under seven
8 years of age into the total number of children under
9 seven years of age residing in the county. Data on
10 the number and places of residence of children under
11 seven years of age shall be derived from the most
12 recent federal decennial census unless the commissioner
13 with approval of the council of social services directs
14 that some other specified source of data be used.
15 2. Each county shall receive a share of one half
16 of the total amount available for allocation among
17 the counties which share is equivalent to a percentage
18 of the total amount available determined by dividing
19 the total number of low-income families residing in
20 the state into the total number of low-income families
21 residing in the county. Data on the number and the
22 places of residence of low-income families shall be
23 derived from the most recent federal decennial census
24 unless the commissioner with approval of the council
25 of social services directs that some other specified

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1 source of data to be used.
2 3. Notwithstanding subsections one (1) and two
3 (2) of this section, no county's initial allocation
4 shall be less than one quarter of one percent of the
5 total amount available for allocation among the
6 counties.
7 4. Any portion of the amount initially allocated
8 to any county pursuant to subsection one (1), two
9 (2) and three (3) of this section which remains
10 unencumbered as of April 30 of any year shall be
11 reclaimed from the county by the department and
12 immediately reallocated in the manner provided by
13 subsections one (1) and two (2) of this section among
14 those counties from which funds have not been reclaimed
15 under this subsection. Any portion of the amounts
16 so allocated which remains unencumbered as of June
17 30 of any year shall revert to the general fund of
18 the state.
19 Sec. 14. NEW SECTION. ALLOCATION BY THE COUNTY.
20 The county board shall determine how the funds received
21 by that county under this Act shall be allocated among
22 existing or planned child care centers in the county
23 on the basis of the following factors as applied to
24 each child care center considered for financial
25 assistance under this Act:

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- 1 1. The demonstrated need for child care services
- 2 in the community served by the center.
- 3 2. The proportion of low-income families among
- 4 all families served by the center.
- 5 3. The demonstrated need of the center for
- 6 additional equipment, and improvement, enlargement
- 7 or relocation of the center's physical facilities
- 8 designed to bring the center into compliance with
- 9 local health, fire and zoning laws.
- 10 4. The manner in which the center derives its
- 11 support, other than funds made available to it under
- 12 this Act, and in particular the extent to which it
- 13 is supported from sources other than tuition or fees
- 14 paid by the parents or guardians of the children
- 15 served by the center.

16 Sec. 15. NEW SECTION. APPLICATION FOR FUNDS.
17 The department shall:

- 18 1. Prescribe forms for use by licensed centers
- 19 in applying to their respective county boards for
- 20 funds appropriated by the general assembly.
- 21 2. Establish a procedure by which a licensed center
- 22 aggrieved by a decision of a county board under section
- 23 seventeen (17) of this Act may appeal the decision
- 24 to the commissioner or his designee, however, the
- 25 judgment of the county board on the merits of any

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- 1 application shall not be overturned in the absence
- 2 of a determination that the county board has
- 3 misinterpreted any of the provisions of this Act,
- 4 has acted arbitrarily or capriciously, or both.
- 5 3. Seek to obtain from the federal government
- 6 any funds which may be available to this state to
- 7 pay any part of the cost of implementing or
- 8 administering this Act.

9 Sec. 16. NEW SECTION. USE OF FUNDS. A child
10 care center may use funds received pursuant to this
11 Act only for the following purposes:

- 12 1. To acquire or improve physical facilities to
- 13 house the center.
- 14 2. To acquire recreational or educational equipment
- 15 or supplies.

16 Sec. 17. NEW SECTION. DISTRIBUTION. The county
17 board shall consider all applications which are
18 submitted by child care centers in the county for
19 funds allocated to the county under this Act, and
20 shall determine the distribution of the funds. Each
21 child care center submitting an application shall
22 indicate the amount of money requested and the intended
23 use of the money. The county board may establish
24 a deadline for submission of applications, which shall
25 not be earlier than thirty days after it is notified by

1 the department of the amount initially allocated to the
2 county pursuant to section thirteen (13) of this Act.

3 Sec. 18. NEW SECTION. RESTRICTIONS ON FUNDING.

4 Funds shall be distributed only to licensed centers
5 which serve primarily low-income families and which
6 do not prohibit admission of children on the basis
7 of race, creed, religion, sex, or national origin.

8 Sec. 19. Acts of the Sixty-fifth General Assembly,
9 1973 Session, chapter eight (8), section one (1),
10 is amended to read as follows:

11 Section 1. There is appropriated from the general
12 fund of the state for the fiscal biennium beginning
13 July 1, 1973 and ending June 30, 1975 to the state
14 comptroller the following amounts amount, or so much
15 thereof as may be necessary, for the following purposes
16 purpose:

17 1- For the governor's youth oppor-
18 tunity program: \$1,234,000
19 2--For-the-day-care-facili-
20 ties-program:-----\$--579,000

21 Sec. 20. Section two hundred thirty-four point
22 eleven (234.11), Code 1973, as amended by Acts of
23 the Sixty-fifth General Assembly, 1973 Session, chapter
24 one hundred eighty-six (186), section sixteen (16),
25 is amended to read as follows:

1 234.11 DUTIES OF THE COUNTY BOARD--FOOD STAMP
2 PROGRAM. The county board shall be vested with the
3 authority to direct emergency relief with only such
4 powers and duties as are prescribed in the laws
5 relating thereto and shall determine the allocation
6 of funds to child care centers pursuant to sections
7 fourteen (14) through eighteen (18) of this Act.

8 The board shall act in an advisory capacity on programs
9 within the jurisdiction of the department of social
10 services. The board shall review policies and
11 procedures of the local departments of social services
12 and make recommendations for changes to insure that
13 effective services are provided in their respective
14 communities. The county board may also make
15 recommendations for new programs which it is believed
16 would meet needs in the community. The state
17 department shall establish a procedure to insure that
18 county board recommendations receive appropriate
19 review at the level of policy determination.

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

22 Sec. 21. There is appropriated to the department
23 of social services from the general fund of the state
24 the sum of five hundred thousand (500,000) dollars,
25 or so much thereof as may be necessary, for the fiscal

Senate 27
May 3, 1974

Page 15

1 year ending June 30, 1975 to be used for financial
2 assistance to child care centers in the manner pre-
3 scribed by sections thirteen (13) through eighteen
4 (18) of this Act.
5 2. Page 1, amend the title, by striking lines
6 2 and 3 and inserting in lieu thereof the words "and
7 operation of licensed child care centers".

Received from the House
May 2, 1974

Senate concurred 5/3

S—2549

1 Amend Senate File 434 as follows:
2 1. Page 2, line 28, by striking the comma
3 and inserting in lieu thereof a period (.).
4 2. By striking lines 29 through 31, inclusive,
5 and inserting in lieu thereof:
6 "Adequate standard of living shall be
7 defined as at or below the minimum living standard
8 budget determined by the bureau of labor statistics
9 of the United States department of labor, adjusted
10 regionally and for family size."

S—2549 Filed *Adopted 4/11*
March 20, 1974

By MURRAY

S—2712

1 Amend Senate File 434 as follows:
2 1. Page 6, by striking lines 32 and 33 and
3 inserting in lieu thereof:
4 "may be necessary, for the fiscal year
5 ending June 30, 1975 to be used for financial".

S—2712 Filed *Adopted 4/11*
April 9, 1974

By MURRAY