

**Senate Study Bill 1048 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

**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:

1 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:

7 2. The board of directors of a school corporation may  
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.~~

18 3. The person employed to be responsible for a program  
19 operated or contracted by a board ~~that is not licensed by the~~  
20 ~~department of human services~~ shall be an appropriately licensed  
21 teacher under chapter 272 or shall meet other standards adopted  
22 by the state board of education.

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

25 **280.3A Accredited nonpublic school child care programs.**

26 Authorities in charge of an accredited nonpublic ~~schools~~  
27 school may operate or contract for the operation of a child  
28 care ~~programs, as defined~~ program, as described in section  
29 279.49, ~~subsection 1.~~ The provisions of section 279.49 as  
30 they relate to child care programs of a school corporation and  
31 its board of directors apply to the child care programs of the  
32 accredited nonpublic school and the authority in charge.

33 Sec. 5. EFFECTIVE DATE AND IMPLEMENTATION. This Act takes  
34 effect January 1, 2016, except that the department of human  
35 services may begin implementation prior to January 1, 2016, to

1 the extent necessary to transition to full implementation of  
2 the provisions of this Act.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 Under current law, either the department of human services  
7 (DHS) or the department of education (DE) is required to  
8 license a child care program operated by or contracted for by a  
9 school district or accredited nonpublic school to provide child  
10 care to children not enrolled in school or to students enrolled  
11 in kindergarten through grade six before and after school, or  
12 to both.

13 The bill provides that DHS shall be the only state agency  
14 responsible for the licensure of such child care programs and  
15 requires DHS to issue such licenses.

16 Conforming Code changes are made striking Code section  
17 237A.1, subsection 3, paragraph "b", relating to the definition  
18 of "child care" for purposes of DHS licensure and DE child care  
19 programs provided for under Code sections 279.49 and 280.3A,  
20 striking references in Code section 279.49 relating to child  
21 care programs not licensed or approved by DHS, and amended Code  
22 section 280.3A relating to accredited nonpublic school child  
23 care programs.

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