

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 118, “Child Care Quality Rating System,” Iowa Administrative Code.

The proposed amendments update the quality rating system by removing some criteria, adding additional criteria, and recalibrating the points within the system and the total points required for each level. During the system’s three years of operation, providers and stakeholders have brought to the Department’s attention changes needed to make the awarding of points more equitable. These amendments include the following changes:

- Clarification that there are separate application forms for child development homes and for centers and preschools, to present the requirements for each provider type more clearly.
- A limit on applications for a Level 1 rating to one 24-month period. Subsequent applications by the same provider must be for a higher level.
- Removal of requirements for the child care business-partnership agreement and the director/owner survey for a Level 2 rating.
- More points required for Levels 3 to 5 to allow scoring of more variables in each category and to give more weight to facility accreditation and to higher educational achievement by staff.
- Addition of points for parent meetings and parent satisfaction surveys used to inform program practices.
- Requirement of a minimum score of 5.0 on the applicable environment rating scale to receive a Level 5 rating.

The amendments provide for a six-month transition period during which providers may apply for a quality rating under either the current standards or the new standards.

These amendments do not provide for waivers in specified situations. Providers have a variety of ways to meet the rating requirements. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before June 8, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Iowa Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 237A.30.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 118**, preamble, as follows:

This chapter establishes rules for the child care quality rating system, which is designed for child care programs that primarily serve children between birth and the age of 12. Participation in the quality rating system is voluntary. The chapter includes application ~~and renewal~~ procedures and standards ~~and criteria~~ for the quality rating system.

ITEM 2. Amend rule **441—118.1(237A)**, definition of “Environment rating scale,” as follows:

“*Environment rating scale*” means a ~~series~~—of child care program assessment ~~instruments~~ instrument (~~scales~~ scale) developed through the auspices of the Frank Porter Graham Child Development Center of the University of North Carolina at Chapel Hill. The scale is the measurement tool used by an assessor during an on-site observation of a child care classroom to evaluate and provide

a score to a child care program. Scales must be administered by entities approved by the department of human services or the department's designee. Four scales are available, based on the type of program being assessed:

1. Family child care environment rating scale for programs conducted in a provider's own home for children from infancy through school age.

2. Infant/toddler environment rating scale for group programs for children from birth to 2½ years of age.

3. Early childhood environment rating scale for group programs for children of preschool through kindergarten age, 2½ to 5 years.

4. School-age care environment rating scale for group programs for children of school age, 5 to 12 years.

ITEM 3. Adopt the following **new** definition in rule **441—118.1(237A)**:

*"Department"* means the department of human services.

ITEM 4. Amend rule 441—118.2(237A) as follows:

**441—118.2(237A) Application for quality rating.** Before April 1, 2011, eligible applicants may apply for a quality rating either under subrule 118.2(1), based on the standards in rule 441—118.3(237A) or 441—118.4(237A), or under subrule 118.2(2), based on the standards in rule 441—118.5(237A) or 441—118.6(237A). Effective April 1, 2011, eligible applicants must apply for a quality rating under subrule 118.2(2), based on the standards in rule 441—118.5(237A) or 441—118.6(237A).

**118.2(1) Applications for a rating based on rule 441—118.3(237A) or 441—118.4(237A).** Eligible applicants applying under this subrule shall apply to the department of human services or the department's designee for a quality rating on Form 470-4229, Application for Quality Rating—Center/Preschool, or Form 470-4302, Application for Quality Rating—Child Development Home. Any required supporting documentation must be included as part of the application.

**118.2(2) Applications for a rating based on rule 441—118.5(237A) or 441—118.6(237A).** Eligible applicants shall apply to the department or the department's designee for a quality rating by submitting:

a. Form 470-4901, Quality Rating System Application for Child Development Homes, or Form 470-4902, Quality Rating System Application for Licensed Centers, Preschools, and School-Based Programs; and

b. Any required supporting documentation.

**118.2(3) Applications for a Level 1 rating.** Applications will not be accepted for a Level 1 rating from programs that have previously been rated at Level 1.

~~**118.2(4) 118.2(4) Change in location of facility. Participants**~~ If the location of a rated program changes, the program must notify the department of human services or the department's designee and complete a new Form 470-4229, Application for Quality Rating, if the location of the facility changes application form as specified in subrule 118.2(1) or 118.2(2). The department or the department's designee shall make a new determination of the appropriate rating.

~~**118.2(2) Renewal.**~~ Participants shall renew participation in the quality rating system every 24 months. To request renewal, eligible applicants shall submit Form 470-4229, Application for Quality Rating, and any required supporting documentation.

ITEM 5. Amend rule 441—118.3(237A), introductory paragraph, as follows:

**441—118.3(237A) Rating standards for child care centers and preschools.** ~~For applications~~ For applications submitted under subrule 118.2(1), to participate in the quality rating system, a child care center or preschool shall certify that its facility meets the applicable criteria as defined in subrule 118.3(1).

ITEM 6. Amend rule 441—118.4(237A), introductory paragraph, as follows:

**441—118.4(237A) Rating criteria for child development homes.** ~~For applications~~ For applications submitted under subrule 118.2(1), to participate in the quality rating system, a child development home provider shall certify that the home meets the applicable criteria as defined in subrule 118.4(1).

ITEM 7. Renumber rules **441—118.5(237A)** and **441—118.6(237A)** as **441—118.7(237A)** and **441—118.8(237A)**.

ITEM 8. Adopt the following new rules 441—118.5(237A) and 441—118.6(237A):

**441—118.5(237A) Rating standards for child care centers, preschools, and programs operating under the authority of an accredited school district or nonpublic school.** To participate in the quality rating system, a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school applying under subrule 118.2(2) shall certify that its facility meets the applicable criteria as defined in subrule 118.5(1).

**118.5(1) Criteria.** Criteria for each rating level are defined as follows:

*a. Level 1.* To be rated at Level 1, a facility must either:

(1) Have a full or provisional license from the department with no action pending to revoke or deny the license; or

(2) Operate under the authority of an accredited school district or nonpublic school.

*b. Level 2.* To be rated at Level 2, a facility must meet the following criteria:

(1) The facility must have a full license from the department with no action pending to revoke or deny the license or must operate under the authority of an accredited school district or nonpublic school.

(2) If eligible, the facility must participate in the child and adult care food program (CACFP), unless children are in attendance less than four hours per day and the program does not serve meals.

(3) The facility must have on duty in each room at all times at least one staff member who has completed training in mandatory reporting of child abuse, universal precautions and infectious disease control, cardiopulmonary resuscitation, and first aid as specified in 441—subrule 109.7(1) and subparagraphs 109.7(2) “a”(1) and (2).

(4) The facility must provide basic orientation for all staff before they begin work.

(5) All staff, including the facility’s director, must complete Form 470-4234, Child Care Center Staff Self-Assessment, no more than 12 months before application for quality rating. The director must also complete Form 470-4233, Child Care Center Self-Assessment.

*c. Level 3.* To be rated at Level 3, a facility must meet the following criteria in addition to meeting the criteria for Level 2:

(1) The facility must earn a minimum of 14 points from the categories listed in subrules 118.5(2) through 118.5(6).

(2) The facility must earn at least one point from each category.

*d. Level 4.* To be rated at Level 4, a facility must meet the following criteria in addition to meeting the criteria for Level 2:

(1) The facility must earn a minimum of 23 points from the categories listed in subrules 118.5(2) through 118.5(6).

(2) The facility must earn at least one point from each category.

*e. Level 5.* To be rated at Level 5, a facility must meet the following criteria in addition to meeting the criteria for Level 2:

(1) The facility must earn a minimum of 28 points from the categories listed in subrules 118.5(2) through 118.5(6).

(2) The facility must earn at least one point from each category.

(3) The facility must earn a minimum score of 5.0 in each assessed classroom on the appropriate environment rating scale. An assessor approved by the department or the department’s designee must perform the environment rating assessment. At least one-third of the facility’s classrooms must be assessed, including at least one classroom in each age group served by the facility.

**118.5(2) Professional development.** A maximum of 30 points may be earned in the professional development category. Points are awarded as follows:

*a. Credential.* A maximum of five points may be earned in the credential category.

(1) Five points are awarded if the facility director has a current national administrator credential.

(2) Five points are awarded if the facility director is a school principal licensed by the Iowa board of educational examiners.

(3) Five points are awarded if a staff member has completed the two-year Head Start management acceleration program covering all aspects of Head Start management, services and systems.

*b. Education and experience.* A maximum of 25 points may be earned for education and experience. To arrive at the total number of points earned, each staff member shall indicate the highest applicable education and experience qualification. Points will be assigned for each staff member based on the following criteria, and the total points will be divided by the number of staff.

(1) Has a master's degree in education appropriate to the age group for whom care is provided: 25 points.

(2) Has a bachelor's degree in education appropriate to the age group for whom care is provided: 20 points.

(3) Has an associate's degree in education appropriate to the age group for whom care is provided: 10 points.

(4) Has a one-year diploma in education appropriate to the age group for whom care is provided: 8 points.

(5) Has an apprenticeship certificate: 7 points.

(6) Has a child development associate credential: 6 points.

(7) Has an Iowa board of educational examiners paraeducator certificate at level 2, early childhood, plus two years of experience in early childhood education under the supervision of a licensed early childhood teacher: 6 points.

(8) Has nine college credit hours in education specific to the age group for whom care is provided: 5 points.

(9) Has 30 hours of annual approved training beyond regulatory requirements and at least five years of experience working in a child care facility or a program operating under the authority of an accredited school district or nonpublic school: 4 points.

(10) Has 15 hours of annual approved training beyond regulatory requirements: 2 points.

**118.5(3) Health and safety.** A maximum of 12 points may be earned in the health and safety category. Points are awarded as follows:

*a.* Five points are awarded if the center director, assistant director, or on-site supervisor successfully completes a three-semester-hour health, safety, and nutrition class through an approved community college or four-year college.

*b.* Three points are awarded if the center director, assistant director, or on-site supervisor successfully completes a health and safety training approved by the department for the specific purpose of receiving points in the quality rating system.

*c.* Two points are awarded if the provider develops and implements an emergency preparedness plan in a format prescribed by the department.

*d.* Two points are awarded if the provider develops and implements enhanced health and safety policies in a format prescribed by the department.

**118.5(4) Environment.** A maximum of 27 points may be earned in the environment category. Points are awarded as follows:

*a. Training and self-assessment.* A maximum of nine points may be earned in training and self-assessment.

(1) Two points are awarded if the facility director or assistant director completes approved training on the use of an environment rating scale to evaluate and improve the facility before outside evaluation.

(2) Two points are awarded if, after completing approved training on how to use the environment rating scale, the facility director or assistant director completes a self-assessment and score sheet of at least one-third of the facility's classrooms, including at least one classroom in each age group served by the facility using the applicable environment rating scale.

(3) Two points are awarded if, after completing approved training on how to use the environment rating scale, the facility director or assistant director completes Form 470-4288, Child Care Center Improvement Plan, based on the environment rating scale self-assessment. Form 470-4288 must be completed for each room for which a self-assessment was completed.

(4) Three points are awarded if, after completing approved training on Iowa quality preschool program standards, the facility director or assistant director completes the Iowa quality preschool program standards self-assessment and develops a quality improvement plan.

*b. Enhanced ratios.* A facility may earn a maximum of three points for enhanced staff-to-child ratios. Three points are awarded if the facility meets accreditation standards for group or class size and staff-to-child ratio from an accrediting body identified at subparagraph 118.5(4)“d”(3) that is appropriate to the child care setting. These points may not be awarded to programs receiving points under subparagraph 118.5(4)“d”(3).

*c. Accreditation preparation.* A facility may earn a maximum of five points for accreditation preparation. Five points are awarded if the facility’s accreditation self-assessment is approved by the National Association for the Education of Young Children. These points may not be awarded to programs receiving points under subparagraph 118.5(4)“d”(3).

*d. Accreditation.* A facility may earn a maximum of 18 points for accreditation. Points are awarded as follows:

(1) Five points are awarded if the program is verified by the Iowa quality preschool program standards.

(2) Six points are awarded if a Head Start program demonstrates compliance with Head Start program performance standards.

(3) Eighteen points are awarded if the facility is accredited by the National Association for the Education of Young Children, the National Afterschool Association, or another accrediting body approved by the department.

**118.5(5) Family and community partnerships.** A maximum of eight points may be earned in the family and community partnership category. Points are awarded as follows:

*a.* One point is awarded if the facility or the facility director is a member of a professional organization specific to the age group for whom care is provided.

*b.* One point is awarded if the facility provides orientation for new parents.

*c.* One point is awarded if the facility holds annual conferences with parents.

*d.* One point is awarded if the facility holds at least one parent meeting annually.

*e.* Two points are awarded if a parent advisory board coordinated by the facility meets quarterly.

*f.* Two points are awarded if the facility collects annual parent surveys and uses the results to inform program practices.

**118.5(6) Leadership and administration.** A maximum of seven points may be earned in the leadership and administration category. Points are awarded as follows:

*a.* Two points are awarded if the facility completes yearly written evaluations for all staff.

*b.* One point is awarded if the facility develops an improvement plan using Form 470-4235, Child Care Center Improvement Plan, and updates the form annually.

*c.* One point is awarded if all staff complete Form 470-4236, Professional Development Plan.

*d.* Three points are awarded if all staff who have direct contact with children complete one of the following within four months of beginning employment with the facility:

(1) The new staff orientation training delivered by Iowa state university that provides new center and preschool staff a full, program-based orientation, or

(2) Another curriculum approved by the department.

**441—118.6(237A) Rating criteria for child development homes.** To participate in the quality rating system, a child development home provider applying under subrule 118.2(2) shall certify that the home meets the applicable criteria as defined in subrule 118.6(1).

**118.6(1) Criteria for each rating level.**

*a. Level 1.* To be rated at Level 1, the home must be a registered child development home.

*b. Level 2.* To be rated at Level 2, the home must meet the following criteria in addition to meeting the criterion for Level 1:

(1) The provider completes and maintains ChildNet certification.

(2) The provider participates in the child and adult care food program (CACFP).

(3) The provider completes Form 470-4231, Child Development Home Professional Development Self-Assessment.

(4) The provider completes Form 470-4236, Professional Development Plan.

c. *Level 3.* To be rated at Level 3, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 12 points from the categories listed in subrules 118.6(2) through 118.6(5).

(2) The home must earn at least one point from each category.

d. *Level 4.* To be rated at Level 4, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 19 points from the categories listed in subrules 118.6(2) through 118.6(5).

(2) The home must earn at least one point from each category.

e. *Level 5.* To be rated at Level 5, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 23 points from the categories listed in subrules 118.6(2) through 118.6(5).

(2) The home must earn at least one point from each category.

(3) The home must earn a minimum score of 5.0 on the family child care environment rating scale.

An assessor approved by the department or the department's designee must perform the assessment.

**118.6(2) Professional development.** A child development home may earn a maximum of 33 points in the professional development category. For child development homes registered as Category C, points will be awarded only to the coprovider who has earned the most points. Points are awarded as follows:

a. *Experience and training.* A home may earn a maximum of eight points for experience and training. Points are awarded as follows:

(1) Two points are awarded if the provider has at least two years of experience working in a child care facility or a program operating under the authority of an accredited school district or nonpublic school and 10 hours of additional training per year beyond regulatory requirements.

(2) Four points are awarded if the provider has at least five years of experience working in a child care facility or a program operating under the authority of an accredited school district or nonpublic school and 20 hours of additional training per year beyond regulatory requirements.

(3) Two points are awarded if the provider successfully completes approved positive behavior support training developed by the Center on Social and Emotional Foundations for Learning (CSEFEL), which focuses on promoting effective classroom and center practices that enhance the social and emotional competency of young children.

(4) Two points are awarded if the provider successfully completes modules 1 through 4 of the program for infant and toddler care developed by WestEd and the California department of education, covering social-emotional growth and socialization, group care, learning and development, culture, and family and providers.

b. *Education.* A home may earn a maximum of 25 points for education. Points are awarded as follows:

(1) Twenty-five points are awarded if the provider has completed a master's degree in education appropriate to the age group for whom care is provided.

(2) Twenty points are awarded if the provider has completed a bachelor's degree in education appropriate to the age group for whom care is provided.

(3) Fifteen points are awarded if the provider has completed an associate's degree in education appropriate to the age group for whom care is provided.

(4) Twelve points are awarded if the provider has completed a one-year diploma in education appropriate to the age group for whom care is provided.

(5) Ten points are awarded if the provider has a current apprenticeship certificate.

(6) Nine points are awarded if the provider has a current child development associate credential.

(7) Eight points are awarded if the provider has completed at least nine college credit hours in education specific to the age group for whom care is provided.

**118.6(3) Health and safety.** A child development home may earn a maximum of 12 points in the health and safety category. Points are awarded as follows:

a. Five points are awarded if the provider successfully completes a three-semester-hour health, safety, and nutrition class through an approved community college or four-year college.

b. Three points are awarded if the provider successfully completes a health and safety training approved by the department for the specific purpose of receiving points in the quality rating system.

c. Two points are awarded if the provider develops and implements an emergency preparedness plan in a format prescribed by the department.

d. Two points are awarded if the provider develops and implements enhanced health and safety policies in a format prescribed by the department.

**118.6(4) Environment.** A child development home may earn a maximum of 23 points in the environment category. Points are awarded as follows:

a. *Environment rating scale training and self-assessment.* A home may earn a maximum of six points for environment rating scale training and self-assessment. Points are awarded as follows:

(1) Two points are awarded if the provider completes approved training on how to use the environment rating scale to assess the child development home environment.

(2) Two points are awarded if, after completing training on how to use the environment rating scale, the provider completes a self-assessment and score sheet using the environment rating scale.

(3) Two points are awarded if, after completing training on how to use the environment rating scale and completion of the environment rating scale self-assessment and score sheet, the provider completes Form 470-4232, Child Development Home Improvement Plan, based on the environment rating scale self-assessment.

b. *Enhanced ratios.* A home may earn a maximum of two points for enhanced staff-to-child ratios. Two points are awarded if no more than two children under the age of two are in care at any one time and no more than six children total are in care at any one time, including the provider's own children under school age.

c. *Accreditation.* A home may earn a maximum of 15 points for accreditation. Fifteen points are awarded if the home is accredited by the National Association for Family Child Care or another accrediting body approved by the department.

**118.6(5) Family and community partnerships.** A child development home may earn a maximum of six points in the family and community partnerships category. Points are awarded as follows:

a. One point is awarded if the provider is a member of a professional organization specific to the age group for whom care is provided.

b. One point is awarded if the provider offers an orientation for new parents.

c. One point is awarded if the provider holds annual conferences with parents.

d. One point is awarded if the provider holds at least one parent meeting annually.

e. Two points are awarded if the provider collects annual parent surveys and uses the results to inform program practices.

ITEM 9. Amend renumbered subrule 118.7(3) as follows:

**118.7(3)** Participants may request another quality rating for the purpose of increasing their rating no sooner than 12 months after issuance of a quality rating certificate.

ITEM 10. Adopt the following **new** subrule 118.7(4):

**118.7(4)** Ratings are effective for 24 months from the date of issuance.

ITEM 11. Adopt the following **new** subrule 118.8(4):

**118.8(4)** Ratings are effective for 24 months from the date of issuance.

ITEM 12. Amend **441—Chapter 118**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 237A.30 as amended by 2005 Iowa Acts, House File 761, section 20.