

237A.12 Rules.

1. Subject to the provisions of [chapter 17A](#), the department shall adopt rules setting minimum standards to provide quality child care in the operation and maintenance of child care centers and registered child development homes, relating to all of the following:

a. The number and qualifications of personnel necessary to assure the health, safety, and welfare of children in the facilities. Rules for facilities which are preschools shall be drawn so that any staff-to-children ratios which relate to the age of the children enrolled shall be based on the age of the majority of the children served by a particular class rather than on the age of the youngest child served.

b. Physical facilities.

c. The adequacy of activity programs and food services available to the children. The department shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center, child development home, or child care home by a school-age child for the child's consumption.

d. Policies established by the center for parental participation.

e. Programs for education and in-service training of staff.

f. Records kept by the facilities.

g. Administration.

h. Health, safety, and medical policies for children.

2. Rules adopted by the director of the department of inspections, appeals, and licensing for buildings, other than school buildings, used as child care centers as an adjunct to the primary purpose of the building shall take into consideration that children are received for temporary care only and shall not differ from rules adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the director of the department of inspections, appeals, and licensing determines that the separation is necessary for the protection of children from a specific flammable hazard.

3. Rules relating to fire safety for child care centers shall be adopted under [this chapter](#) by the director of the department of inspections, appeals, and licensing in consultation with the department. Rules adopted by the director of the department of inspections, appeals, and licensing for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall not differ from standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under [chapter 10A, subchapter V, part 2](#). Rules relating to sanitation shall be adopted by the department. The director of the department of inspections, appeals, and licensing shall inspect the facilities.

4. If a building is owned or leased by a school district or accredited nonpublic school and complies with standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under [chapter 10A, subchapter V, part 2](#), the building is considered appropriate for use by a child care facility. The rules adopted by the department under [this section](#) shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

5. Standards and requirements set by a city or county for a building which is owned or leased by a school district or accredited nonpublic school and used as a child care facility shall take into consideration that children are received for temporary care only and shall not differ from standards and requirements set for use of the building as a school.

6. Rules adopted relating to physical examination requirements for licensed or registered facility personnel and the children being provided child care by the licensed or registered

facility shall allow for any licensed physician as defined in [section 135.1](#) to perform the physical examination.

[C75, 77, 79, 81, §237A.12]

[85 Acts, ch 173, §20](#); [91 Acts, ch 151, §3](#); [92 Acts, ch 1083, §2](#); [94 Acts, ch 1129, §4, 5](#); [94 Acts, ch 1175, §2](#); [99 Acts, ch 192, §16](#); [2002 Acts, ch 1142, §14 – 16, 31](#); [2010 Acts, ch 1031, §356, 361](#); [2022 Acts, ch 1153, §50](#); [2023 Acts, ch 19, §745, 1647](#); [2024 Acts, ch 1170, §280](#)

Referred to in [§237A.2](#), [237A.3A](#), [237A.4](#)

Subsection 3 amended