

CHAPTER 237A

CHILD CARE FACILITIES

Referred to in [§235A.15](#), [239B.24](#), [256C.3](#), [279.49](#)

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237A.1 Definitions.

As used in [this chapter](#) unless the context otherwise requires:

1. “Child” means either of the following:
 - a. A person twelve years of age or younger.
 - b. A person thirteen years of age or older but younger than nineteen years of age who has a developmental disability as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub. L. No. 106-402, as codified in 42 U.S.C. §15002(8).
2. “Child care” means the care, supervision, and guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include care, supervision, and guidance of a child by any of the following:
 - a. An instructional program for children who are attending prekindergarten as defined by the state board of education under [section 256.11](#) or a higher grade level and are at least four years of age, or are at least three years of age and eligible for special education under [chapter 256B](#), administered by any of the following:
 - (1) A public or nonpublic school system accredited by the department of education or the state board of regents.
 - (2) A nonpublic school system which is not accredited by the department of education or the state board of regents.
 - b. Any of the following church-related programs:
 - (1) An instructional program.
 - (2) A youth program other than a preschool, before or after school child care program, or other child care program.
 - (3) A program providing care to children on church premises while the children’s parents are attending church-related or church-sponsored activities on the church premises.
 - c. Short-term classes of less than two weeks’ duration held between school terms or during a break within a school term.
 - d. A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections, appeals, and licensing pursuant to [chapter 135B](#).
 - e. A program operated not more than one day per week by volunteers which meets all of the following conditions:
 - (1) Not more than eleven children are served per volunteer.
 - (2) The program operates for less than four hours during any twenty-four-hour period.

(3) The program is provided at no cost to the children's parent, guardian, or custodian.

f. A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

g. An after school program continuously offered throughout the school year calendar to children who are at least five years of age and are enrolled in school, and attend the program intermittently or a summer-only program for such children. The program must be provided through a nominal membership fee or at no cost.

h. A special activity program which meets less than four hours per day for the sole purpose of the special activity. Special activity programs include but are not limited to music or dance classes, organized athletic or sports programs, recreational classes, scouting programs, and hobby or craft clubs or classes.

i. A nationally accredited camp.

j. A structured program for the purpose of providing therapeutic, rehabilitative, or supervisory services to children under any of the following:

(1) A purchase of service or managed care contract with the department.

(2) A contract approved by a governance board of a decategorization of child welfare and juvenile justice funding project created under [section 232.188](#).

(3) An arrangement approved by a juvenile court order.

k. Care provided on-site to children of parents residing in an emergency, homeless, or domestic violence shelter.

l. A child care facility providing respite care to a licensed foster family home for a period of twenty-four hours or more to a child who is placed with that licensed foster family home.

m. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child's care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

3. "Child care center" or "center" means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

4. "Child care facility" or "facility" means a child care center, preschool, or a registered child development home.

5. "Child care home" means a person or program providing child care to any of the following children at any one time that is not registered to provide child care under [this chapter](#), as authorized under [section 237A.3](#):

a. Five or fewer children.

b. Six or fewer children, if at least one of the children is school-aged.

6. "Child development home" means a person or program registered under [section 237A.3A](#) that may provide child care to seven or more children at any one time.

7. "Children needing special needs care" or "special needs child" means a child or children with one or more of the following conditions:

a. The child has been diagnosed by a physician or by a person endorsed for service as a school psychologist by the department of education to have a developmental disability which substantially limits one or more major life activities, and the child requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.

b. The child has been determined by a qualified intellectual disability professional to have a condition which impairs the child's intellectual and social functioning.

c. The child has been diagnosed by a mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age, or which significantly interferes with the child's intellectual, social, or personal development.

8. "Department" means the department of health and human services.

9. "Director" means the director of health and human services.

10. "Infant" means a child who is less than twenty-four months of age.

11. “*Involvement with child care*” means licensed or registered under [this chapter](#), employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, or providing child care as a child care home provider, or residing in a child care home.

12. “*Licensed center*” means a center issued a full or provisional license by the department under the provisions of [this chapter](#) or a center for which a license is being processed.

13. “*Poverty level*” means the poverty level defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

14. “*Preschool*” means a child care facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills, and motor skills, and to extend their interest and understanding of the world about them.

15. “*School*” means kindergarten or a higher grade level.

[C75, 77, 79, 81, §237A.1; 82 Acts, ch 1213, §1 – 3]

83 Acts, ch 96, §157, 159; 87 Acts, ch 115, §34; 88 Acts, ch 1097, §1; 89 Acts, ch 206, §3; 90 Acts, ch 1005, §1 – 3; 91 Acts, ch 151, §1; 92 Acts, ch 1083, §1; 92 Acts, ch 1109, §1; 93 Acts, ch 54, §4; 93 Acts, ch 76, §8, 9; 94 Acts, ch 1129, §1; 94 Acts, ch 1175, §1; 97 Acts, ch 151, §1; 99 Acts, ch 192, §1; 2000 Acts, ch 1067, §14; 2001 Acts, ch 105, §3, 4; 2002 Acts, ch 1142, §3 – 8, 31; 2003 Acts, ch 81, §1; 2005 Acts, ch 95, §4; 2010 Acts, ch 1031, §355, 361; 2011 Acts, ch 129, §92, 156; 2015 Acts, ch 88, §1, 5; 2017 Acts, ch 103, §1; 2021 Acts, ch 40, §1; 2023 Acts, ch 19, §738, 1951; 2023 Acts, ch 89, §1; 2024 Acts, ch 1170, §418

Referred to in §15.327, 135.119, 136A.5B, 237.1, 237.3, 237A.2, 237A.13, 237A.26, 237C.1, 422.12C, 692A.101, 726.23

Section amended

237A.2 Licensing of child care centers.

1. A person shall not establish or operate a child care center without obtaining a license under the provisions of [this chapter](#). A center may operate for a specified period of time, to be established by rule of the department, if application for a license has been made. If the department denies an application for an initial license, notwithstanding [section 17A.18](#), the applicant center shall not continue to provide child care pending the outcome of an evidentiary hearing. The department shall issue a license if it determines that all of the following conditions have been met:

a. An application for a license or a renewal has been filed with the department on forms provided by the department.

b. The center is maintained to comply with state health and fire laws.

c. The center is maintained to comply with rules adopted under [section 237A.12](#).

2. a. A person denied a license under [this section](#) shall receive written notice of the denial stating the reasons for denial and shall be provided with an opportunity for an evidentiary hearing.

b. A license issued under [this chapter](#) shall be valid for twenty-four months from the date of issuance. A license shall remain valid unless it is revoked or suspended in accordance with the provisions of [section 237A.8](#) or is reduced to a provisional license under [subsection 3](#). The department may inspect a licensed center at any time. A record of the license shall be kept by the department.

c. The license shall be posted in a conspicuous place in the center and shall state the particular premises in which child care may be offered and the number of individuals who may be received for care at any one time. A greater number of children than is authorized by the license shall not be kept in the center at any one time.

3. The department may reduce a previously issued license to a provisional license or issue a provisional license for a period of time not to exceed one year if the center does not meet standards required under [this section](#). A provisional license shall not be renewable in regard to the same standards for more than two consecutive years. A provisional license shall be posted in a conspicuous place in the center as provided in [this section](#). If written plans to bring the center up to standards, giving specific dates for completion of work, are submitted to and approved by the department, the provisional license shall be renewable as provided in [this subsection](#).

4. A program which is not a child care center by reason of the exceptions to the definition of child care in [section 237A.1, subsection 2](#), but which provides care, supervision, and guidance to a child may be issued a license if the program complies with all the provisions of [this chapter](#).

5. If the department has denied or revoked a license because the applicant or person has continually or repeatedly failed to operate a licensed center in compliance with [this chapter](#) and rules adopted pursuant to [this chapter](#), the person shall not own or operate a child care center for a period of twelve months from the date the license is denied or revoked. The department shall not act on an application for a license submitted by the applicant or person during the twelve-month period. The applicant or person shall be prohibited from involvement with child care unless the involvement is specifically permitted by the department.

[C75, §237A.2, 237A.3; C77, 79, 81, §237A.2]

90 Acts, ch 1005, §4; 91 Acts, ch 232, §12; 92 Acts, ch 1163, §54; 99 Acts, ch 192, §2; 2002 Acts, ch 1142, §9, 10, 31; 2003 Acts, ch 44, §54; 2003 Acts, ch 81, §2; 2023 Acts, ch 19, §739, 740

Child care provider minimum age and child care center staffing ratios, see 2022 Acts, ch 1135, §2, 3

237A.3 Child care homes.

1. A person or program providing child care in a child care home is not required to register under [section 237A.3A](#) as a child development home. However, the person or program may register as a child development home.

2. If a person or program has been prohibited by the department from involvement with child care, the person or program shall not provide child care as a child care home provider and is subject to penalty under [section 237A.19](#) or injunction under [section 237A.20](#) for doing so.

3. The location at which the child care is provided shall be a single-family residence that is owned, rented, or leased by the person or program providing the child care. For purposes of [this subsection](#), a “single-family residence” includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

[C75, 77, 79, 81, §237A.3; 82 Acts, ch 1016, §3, ch 1213, §4]

90 Acts, ch 1005, §5; 91 Acts, ch 151, §2; 91 Acts, ch 232, §13; 91 Acts, ch 267, §142; 92 Acts, ch 1163, §55; 93 Acts, ch 76, §10, 11; 94 Acts, ch 1129, §2, 3; 97 Acts, ch 151, §2; 99 Acts, ch 192, §3; 2001 Acts, ch 135, §3; 2002 Acts, ch 1142, §11, 31; 2003 Acts, ch 81, §3; 2008 Acts, ch 1187, §119; 2021 Acts, ch 40, §2

Referred to in §237A.1, 237A.19

237A.3A Child development homes.

1. Registration.

a. A person shall not establish or operate a child development home unless the person obtains a certificate of registration. The department shall issue a certificate of registration upon receipt of a statement from the person or upon completion of an inspection conducted by the department or a designee of the department verifying that the person complies with applicable rules adopted by the department pursuant to [this section](#) and [section 237A.12](#).

b. The certificate of registration shall be posted in a conspicuous place in the child development home and shall state the name of the registrant, the registration category of the child development home, the maximum number of children who may be present for child care at any one time, and the address of the child development home. In addition, the certificate shall include a checklist of registration compliances.

c. The registration process for a child development home shall be repeated every twenty-four months as provided by rule.

d. A person who holds a child foster care license under [chapter 237](#) shall register as a child development home provider in order to provide child care.

2. *Revocation or denial of registration.* If the department has denied or revoked a certificate of registration because a person has continually or repeatedly failed to operate a registered or licensed child care facility in compliance with [this chapter](#) and rules adopted

pursuant to [this chapter](#), the person shall not operate or establish a registered child development home for a period of twelve months from the date the registration or license was denied or revoked. The department shall not act on an application for registration submitted by the person during the twelve-month period. The applicant or person shall be prohibited from involvement with child care unless the involvement is specifically permitted by the department.

3. *Rules.*

a. Three categories of standards shall be applicable to child development homes. The initial designations of the categories, which may be revised by the department, shall be “A”, “B”, and “C”, as ranked from less stringent standards and capacity to more stringent standards and capacity. The “C” registration category standards shall require the highest level of provider qualifications and allow the greatest capacity of the three categories. The department shall adopt rules applying standards to each category specifying provider qualifications and training, health and safety requirements, capacity, amount of space available per child, and other minimum requirements. The capacity requirements shall take into consideration the provider’s own children, children who have a mild illness, children receiving part-time child care, and children served as a sibling group in overnight care.

b. The rules shall allow a child development home to be registered in a particular category for which the provider is qualified even though the amount of space required to be available for the maximum number of children authorized for that category exceeds the actual amount of space available in that home. However, the total number of children authorized for the child development home at that category of registration shall be limited by the amount of space available per child.

c. In consultation with the director of the department of inspections, appeals, and licensing, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children in a child development home.

d. The rules shall require a child development home to be located in a single-family residence that is owned, rented, or leased by the person or, for dual registrations, at least one of the persons who is named on the child development home’s certificate of registration. For purposes of this paragraph, a “*single-family residence*” includes an apartment, condominium, townhouse, or other individual unit within a multiple unit residential dwelling, but does not include a commercial or industrial building that is primarily used for purposes other than a residence.

e. If the department adopts rules establishing a limitation on the number of hours for which substitute care may be utilized by the provider, such a limitation shall not apply to or incorporate substitute care utilized when the provider is engaged in jury duty or in official duties connected with the provider’s membership on a state board, committee, or other policy-related body.

f. The department shall adopt rules to allow registered child development homes providing care to school-aged children to exceed the child-to-staff ratio for school-aged children when a school-aged child’s school starts late, is dismissed early, or is canceled due to inclement weather, a public health emergency, or structural damage regardless of whether the child development home provider is able to be assisted by a department-approved assistant or co-provider, provided the child is currently enrolled at the registered child development home and the registered child development home does not exceed the child development home’s registration capacity.

4. *Number of children.*

a. In determining the number of children present for child care at any one time in a child development home, each child present in the child development home shall be considered as being provided child care unless the child is described by one of the following exceptions:

(1) The child’s parent, guardian, or custodian operates or established the child development home and the child is attending school or the child is provided child care full-time on a regular basis by another person.

(2) The child has been present in the child development home for more than seventy-two consecutive hours and the child is attending school or the child is provided child care full-time on a regular basis by another person.

b. For purposes of determining the number of children present for child care in a child development home, a child receiving foster care from a child development home provider shall be considered to be the child of the provider.

97 Acts, ch 151, §3; 98 Acts, ch 1127, §1, 2, 6; 99 Acts, ch 192, §4 – 11, 37; 2001 Acts, ch 135, §4; 2002 Acts, ch 1142, §12, 31; 2003 Acts, ch 81, §4; 2008 Acts, ch 1084, §12; 2008 Acts, ch 1187, §120; 2010 Acts, ch 1192, §81; 2020 Acts, ch 1097, §1; 2023 Acts, ch 19, §741, 1645

Referred to in §237A.1, 237A.3, 237A.19, 237A.20

237A.3B Smoking prohibited.

Smoking, as defined in [section 142D.2](#), shall not be permitted in a child care facility or child care home.

2008 Acts, ch 1084, §13

237A.4 Inspection and evaluation.

The department shall make periodic inspections of licensed centers to ensure compliance with licensing requirements provided in [this chapter](#), and the local boards of health may make periodic inspections of licensed centers to ensure compliance with health-related licensing requirements provided in [this chapter](#). The department may inspect records maintained by a licensed center and may inquire into matters concerning these centers and the persons in charge. The department shall require that the center be inspected by the director of the department of inspections, appeals, and licensing or a designee for compliance with rules relating to fire safety before a license is granted or renewed. The department or a designee may periodically visit registered child development homes for the purpose of evaluation of an inquiry into matters concerning compliance with rules adopted under [section 237A.12](#). Evaluation of child development homes under [this section](#) may include consultative services provided pursuant to [section 237A.6](#).

[C75, 77, 79, 81, §237A.4]

85 Acts, ch 173, §19; 99 Acts, ch 192, §12; 2002 Acts, ch 1142, §13, 31; 2023 Acts, ch 19, §1646

237A.4A Child care regulatory fee — child care facility fund.

1. a. The department shall implement a regulatory fee for licensure of child care facilities. The fee requirements shall provide for tiered amounts based upon a child care facility's capacity and a child development home's regulatory category at the time of licensure.

b. The regulatory fee for centers shall not exceed one hundred fifty dollars.

c. The regulatory fee for category "A" and "B" child development homes shall not exceed one hundred fifty dollars and the fee for category "C" child development homes shall not exceed one hundred eighty-seven dollars.

d. The department shall adopt rules for implementation of the fee.

2. Regulatory fees collected shall augment existing funding for regulation of child care facilities in order to phase in annual inspections of child development homes and improve inspections of child care centers. The department shall not supplant existing funding for regulation of child care with funding derived from the regulatory fee. The department shall seek to meet the following target percentages of the total number of child development homes in the state inspected annually in phasing in the annual inspection of all child development homes:

a. For the fiscal year beginning July 1, 2009, twenty percent.

b. For the fiscal year beginning July 1, 2010, forty percent.

c. For the fiscal year beginning July 1, 2011, sixty percent.

d. For the fiscal year beginning July 1, 2012, eighty percent.

e. For the fiscal year beginning July 1, 2013, and succeeding fiscal years, one hundred percent.

3. a. In phasing in the inspection of child development homes, the department shall give priority to child development homes that have recently become licensed and have paid the regulatory fee implemented pursuant to [this section](#).

b. The results of an inspection of a child care facility shall be made publicly available on

the internet page or site implemented by the department in accordance with [section 237A.25](#) and through other means.

4. The target time frame for the department's issuance of the report concerning an inspection or other regulatory visit to a child care facility is sixty calendar days.

5. A child care facility fund is created in the state treasury under the authority of the department. The fund is separate from the general fund of the state. Regulatory fees collected under [subsection 1](#) shall be credited to the fund. Moneys credited to the fund shall not revert to any other fund and are not subject to transfer except as specifically provided by law. Notwithstanding [section 12C.7](#), [subsection 2](#), interest or earnings on moneys deposited in the fund shall be credited to the fund. Moneys in the fund are annually appropriated to the department to be used for staffing dedicated to monitoring and regulation of child care facilities, contracting, related technology costs, record checks, grants and fee waivers, and other expenses for inspection and regulation of child care facilities. Any full-time equivalent positions paid for out of the fund shall be in addition to other such positions authorized for the department.

[2009 Acts, ch 179, §208](#)

237A.5 Personnel.

1. All personnel in licensed or registered facilities shall have good health as evidenced by a report following a preemployment physical examination taken within six months prior to beginning employment. The examination shall include communicable disease tests by a licensed physician as defined in [section 135C.1](#) or a licensed physician assistant as defined in [section 148C.1](#) and shall be repeated every three years after initial employment. Controlled medical conditions which would not affect the performance of the employee in the capacity employed shall not prohibit employment.

2. a. For the purposes of [this section](#), unless the context otherwise requires:

(1) “*Person subject to a record check*” means a person who is described by any of the following:

(a) The person is being considered for licensure or registration or is registered or licensed under [this chapter](#).

(b) The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone or is employed with such responsibilities.

(c) The person will reside or resides in a child care facility.

(d) The person has applied for or receives public funding for providing child care.

(e) The person will reside or resides in a child care home that is not registered under [this chapter](#) but that receives public funding for providing child care.

(2) “*Person subject to an evaluation*” means a person subject to a record check whose record indicates that the person has committed a transgression.

(3) “*Transgression*” means the existence of any of the following in a person's record:

(a) Conviction of a crime.

(b) A record of having committed founded child or dependent adult abuse.

(c) Listing in the sex offender registry under [chapter 692A](#).

(d) A record of having committed a public or civil offense.

(e) The department has revoked a child care facility registration or license due to the person's continued or repeated failure to operate the child care facility in compliance with [this chapter](#) and rules adopted pursuant to [this chapter](#).

b. If an individual person subject to a record check is being considered for employment by a child care facility or child care home provider, in lieu of requesting a record check in this state to be conducted by the record check evaluation system under paragraph “c”, the child care facility or child care home may access the single contact repository established pursuant to [section 135C.33](#) as necessary to conduct a criminal and child abuse record check of the individual in this state. A copy of the results of the record check conducted through the single contact repository shall also be provided to the record check evaluation system. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the record check evaluation system perform an

evaluation as provided in [this subsection](#). Otherwise, the individual shall not be employed by the child care facility or child care home.

c. Unless a record check has already been conducted in accordance with paragraph “b”, the record check evaluation system shall conduct a criminal and child abuse record check in this state for a person who is subject to a record check and may conduct such a check in other states. In addition, the record check evaluation system may conduct a dependent adult abuse, sex offender registry, or other public or civil offense record check in this state or in other states for a person who is subject to a record check.

d. (1) For a person subject to a record check, in addition to any other record check conducted pursuant to [this subsection](#), the person’s fingerprints shall be provided to the department of public safety for submission through the state criminal history repository to the United States department of justice, federal bureau of investigation for a national criminal history check. The department may adopt rules specifying criteria in the public interest for requiring the national criminal history check of a person to be repeated.

(2) Except as otherwise provided by law, the cost of a national criminal history check conducted in accordance with subparagraph (1) and the state record checks conducted in accordance with paragraph “c” that are conducted in connection with a person’s involvement with a child care center are not the responsibility of the department. The department is responsible for the cost of such checks conducted in connection with a person’s involvement with a child development home or child care home.

(3) If record checks under paragraph “b” or “c” have been conducted on a person subject to a record check and the results do not warrant prohibition of the person’s involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the record check under subparagraph (1) has been completed.

(4) If a person subject to a record check refuses to consent to a record check or if the person makes what the person knows to be a false statement of material fact in connection with a record check, the person shall be prohibited from involvement with child care.

e. (1) If a record check performed pursuant to [this subsection](#) identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person’s involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

(2) Prior to performing an evaluation, the record check evaluation system shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person’s involvement with child care is warranted.

f. If a record check performed in accordance with paragraph “b” or “c” identifies that an individual is a person subject to an evaluation, the record check evaluation system shall perform the evaluation in accordance with [this subsection](#), even if the application which made the person subject to the record check is withdrawn or the circumstances which made the person subject to the record check are no longer applicable. If the record check evaluation system’s evaluation determines that prohibition of the person’s involvement with child care is warranted, the provisions of [this subsection](#) regarding such a prohibition shall apply.

g. A person subject to a record check who is or was employed by a child care facility or child care home provider and is hired by another child care facility or child care home provider shall be subject to a record check in accordance with [this subsection](#). However, if the person was subject to an evaluation because of a transgression in the person’s record and the evaluation determined that the transgression did not warrant prohibition of the person’s involvement with child care and the latest record checks do not indicate there is a transgression that was committed subsequent to that evaluation, the person may commence employment with the other child care facility or provider in accordance with the evaluation and an exemption from any requirements for reevaluation of the latest record checks is authorized. Authorization of an exemption under this paragraph “g” from requirements for reevaluation of the latest record checks by the record check evaluation system is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the record check evaluation system shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph "g" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

h. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the transgression in relation to the position sought or held, the time elapsed since the commission of the transgression, the circumstances under which the transgression was committed, the degree of rehabilitation, the likelihood that the person will commit the transgression again, and the number of transgressions committed by the person involved. In addition to record check information, the record check evaluation system may utilize information from the record check evaluation system's case records in performing the evaluation. The record check evaluation system may permit a person who is evaluated to maintain involvement with child care, if the person complies with the record check evaluation system's conditions and corrective action plan relating to the person's involvement with child care. The record check evaluation system has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements and corrective action plan under this paragraph.

i. (1) A person subject to an evaluation shall be prohibited from involvement with child care under any of the following circumstances:

(a) The person has a record of founded child abuse or dependent adult abuse that was determined to be sexual abuse.

(b) The person is listed or is required to be listed on any state sex offender registry or the national sex offender registry.

(c) The person has committed any of the following felony-level offenses:

(i) Child endangerment or neglect or abandonment of a dependent person.

(ii) Domestic abuse.

(iii) A crime against a child including but not limited to sexual exploitation of a minor.

(iv) A forcible felony.

(v) Arson.

(d) The person has a record of a misdemeanor conviction against a child that constitutes one of the following offenses:

(i) Child abuse.

(ii) Child endangerment.

(iii) Sexual assault.

(iv) Child pornography.

(2) If, within five years prior to the date of application for registration or licensure under [this chapter](#), for employment or residence in a child care facility or child care home, or for receipt of public funding for providing child care, a person subject to an evaluation has been convicted of a controlled substance offense or has been found to have committed physical abuse, the person shall be prohibited from involvement with child care for a period of five years from the date of conviction or founded abuse. After the five-year prohibition period, the person may submit an application for registration or licensure under [this chapter](#), or to receive public funding for providing child care, or may request an evaluation, and the record check evaluation system shall perform an evaluation and, based upon the criteria in paragraph "h", shall determine whether prohibition of the person's involvement with child care continues to be warranted.

j. If the record check evaluation system determines, through an evaluation of a person's transgression, that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The record check evaluation

system may identify a period of time after which the person may request that another record check and evaluation be performed. A person who continues involvement with child care in violation of [this subsection](#) is subject to penalty under [section 237A.19](#) or injunction under [section 237A.20](#).

k. If it has been determined that a child receiving child care from a child care facility or a child care home is the victim of founded child abuse committed by an employee, license or registration holder, child care home provider, or resident of the child care facility or child care home for which a report is placed in the central registry pursuant to [section 232.71D](#), the department shall provide notification at the time of the determination to the parents, guardians, and custodians of children receiving care from the child care facility or child care home. A notification made under this paragraph shall identify the type of abuse but shall not identify the victim or perpetrator or circumstances of the founded abuse.

3. A licensee or registrant shall inform all new applicants for employment of the possibility of the performance of a record check and shall obtain, from the applicant, a signed acknowledgment of the receipt of the information.

4. A licensee or registrant shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse
or have you ever been convicted of a crime, in this state or any other
state?

5. A person who serves as an unpaid volunteer in a child care facility shall not be required to complete training as a mandatory reporter of child abuse under [section 232.69](#) or under any other requirement.

[C75, 77, 79, 81, §237A.5]

83 Acts, ch 153, §5; 85 Acts, ch 184, §1; 87 Acts, ch 153, §17; 88 Acts, ch 1134, §58; 90 Acts, ch 1221, §8; 91 Acts, ch 138, §8; 94 Acts, ch 1130, §15; 97 Acts, ch 45, §1; 98 Acts, ch 1127, §3, 6; 99 Acts, ch 192, §13; 2003 Acts, ch 81, §5, 6; 2006 Acts, ch 1098, §1; 2006 Acts, ch 1184, §108 – 111; 2008 Acts, ch 1187, §121; 2009 Acts, ch 41, §99; 2009 Acts, ch 179, §209; 2010 Acts, ch 1042, §1; 2012 Acts, ch 1074, §2; 2018 Acts, ch 1113, §2, 3; 2019 Acts, ch 59, §73; 2022 Acts, ch 1066, §39; 2023 Acts, ch 19, §742

Referred to in [§237A.19](#)

237A.6 Consultative services.

The department shall provide consultative services to a person applying for a license or registration, or licensed or registered under [this chapter](#).

[C75, 77, 79, 81, §237A.6]

2023 Acts, ch 19, §743

Referred to in [§237A.4](#)

237A.7 Confidential information.

1. Anyone who acquires through the administration of [this chapter](#) information relative to an individual in a child care facility or to a relative of the individual shall not, directly or indirectly, disclose the information except upon inquiry before a court of law or with the written consent of the individual or, in the case of a child, the written consent of the parent or guardian or as otherwise specifically required or allowed by law.

2. [This section](#) shall not prohibit the disclosure of information relative to the structure and operation of a facility nor shall it prohibit the statistical analysis by duly authorized persons of data collected by virtue of [this chapter](#), or the publication of the results of the analysis in a manner which does not disclose information identifying individual persons.

[C75, 77, 79, 81, §237A.7]

99 Acts, ch 192, §14

237A.8 Violations — actions against license or registration.

The department, after notice and opportunity for an evidentiary hearing before the department of inspections, appeals, and licensing, may suspend or revoke a license or certificate of registration issued under [this chapter](#) or may reduce a license to a provisional

license if the person to whom a license or certificate is issued violates a provision of [this chapter](#) or if the person makes false reports regarding the operation of the child care facility to the department. The department shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care at the time of action to suspend or revoke a license or certificate of registration.

[C75, 77, 79, 81, §237A.8]

[83 Acts, ch 153, §6](#); [90 Acts, ch 1204, §54](#); [99 Acts, ch 192, §15](#); [2023 Acts, ch 19, §744, 1952](#)

Referred to in [§237A.2](#)

237A.9 through 237A.11 Reserved.

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

237A.13 State child care assistance.

1. A state child care assistance program is established in the department to assist children in families who meet eligibility guidelines and are described by any of the following circumstances:

a. The child's parent, guardian, or custodian is participating in approved academic, vocational, or technical training.

b. The child's parent, guardian, or custodian is seeking employment. Eligibility for assistance while seeking employment shall be limited to thirty days during a twelve-month period.

c. The child's parent, guardian, or custodian is employed a minimum of thirty-two hours per week or an average of thirty-two hours per week during the month if the child requires basic care, or twenty-eight hours per week or an average of twenty-eight hours per week during the month if the child is a special needs child.

d. The child's parent, guardian, or custodian is absent due to hospitalization, physical illness, or mental illness, or is present but is unable to care for the child as verified by a physician or physician assistant.

e. The child needs protective services to prevent or alleviate child abuse or neglect.

f. The person's family circumstances are described in paragraph "a", "b", "c", or "d", the person is thirteen years of age or older but younger than sixteen years of age, and state child care assistance is approved for the person by the director or the director's designee based on a request for an exception to policy made by the person's parent, guardian, or custodian because special family circumstances exist that would place the safety and well-being of the person at risk if the person is left home alone. The definition of child in [section 237A.1](#) does not apply to child care supported by state child care assistance approved pursuant to this lettered paragraph.

2. A family shall only be initially eligible for state child care assistance if the family's gross monthly income does not exceed the lesser of:

a. (1) One hundred sixty percent of the federal poverty level applicable to the family size for children needing basic care.

(2) Two hundred percent of the federal poverty level applicable to the family size for children needing special needs care.

b. Eighty-five percent of the state median gross monthly income.

3. Services under the program may be provided in a licensed child care center, a child development home, the home of a relative, the child's own home, a child care home, or in a facility exempt from licensing or registration.

4. a. The department shall set reimbursement rates as authorized by appropriations enacted for payment of the reimbursements. The department shall conduct a statewide reimbursement rate survey to compile information on each county and the survey shall be conducted at least every two years. The department shall set rates in a manner so as to provide incentives for an unregistered provider to become registered.

b. The department shall not modify reimbursement rates to the state child care assistance program or financial eligibility requirements for a family participating in the state child care

assistance program without prior enabling legislation in this state passed on or after January 1, 2023.

5. The department's billing and payment provisions for the program shall allow providers to elect either biweekly or monthly billing and payment for child care provided under the program. The department shall remit payment to a provider within ten business days of receiving a bill or claim for services provided. However, if the department determines that a bill has an error or omission, the department shall notify the provider of the error or omission and identify any correction needed before issuance of payment to the provider. The department shall provide the notice within five business days of receiving the billing from the provider and shall remit payment to the provider within ten business days of receiving the corrected billing.

6. A child care provider shall be allowed to collect from a family participating in the state child care assistance program the difference between the state child care assistance reimbursement rate and the rate the provider would typically charge a private-pay family for child care, provided the child care provider and family agree in writing to such additional payments prior to the provision of the child care.

7. On or before July 1, 2007, the department shall implement a system for making program payments by electronic funds transfer or other electronic means.

8. The department shall not apply waiting list requirements to any of the following persons:

a. Persons deemed to be eligible for benefits under the state child care assistance program in accordance with [section 239B.24](#).

b. A family that is receiving state child care assistance at the time a child is born into the family. The newborn child shall be approved for services when the family reports the birth of the child.

c. Children who need protective services to prevent or alleviate child abuse or neglect.

d. A child in a family that is eligible for state child care assistance and that receives a state adoption subsidy for the child.

9. Based upon the availability of the funding appropriated for state child care assistance for a fiscal year, the department shall establish waiting lists for state child care assistance in descending order of prioritization as follows:

a. Families with an income at or below one hundred percent of the federal poverty level whose members, for at least thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating in an educational program leading to a high school diploma or the equivalent.

b. Parents with a family income at or below one hundred percent of the federal poverty level who are under the age of twenty-one years and are participating, at a satisfactory level, in an approved training program or in an educational program.

c. Families with an income of more than one hundred percent but not more than one hundred sixty percent of the federal poverty level whose members, for at least thirty-two hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

d. Families with an income at or below two hundred percent of the federal poverty level whose members are employed at least twenty-eight hours per week with a special needs child as a member of the family.

10. Nothing in [this section](#) shall be construed as or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level or other eligibility circumstance addressed in [this section](#). Any state obligation to provide services pursuant to [this section](#) is limited to the extent of the funds appropriated for the purposes of state child care assistance.

2000 Acts, ch 1067, §15; 2002 Acts, ch 1142, §17, 18, 31; 2003 Acts, ch 81, §7, 8; 2006 Acts, ch 1016, §13; 2006 Acts, ch 1099, §1; 2007 Acts, ch 172, §1; 2007 Acts, ch 215, §99; 2008 Acts,

ch 1187, §122; 2014 Acts, ch 1140, §96, 97; 2016 Acts, ch 1108, §22; 2017 Acts, ch 54, §35; 2022 Acts, ch 1066, §40; 2022 Acts, ch 1096, §1; 2022 Acts, ch 1104, §1; 2023 Acts, ch 89, §2 – 5

Referred to in §234.47, 239B.24

237A.14 Child care assistance — graduated eligibility phase-out.

1. At the time of a twelve-month eligibility redetermination for a family receiving state child care assistance, the family shall remain eligible to receive child care assistance, subject to the graduated eligibility phase-out program as specified in [subsection 2](#), if either of the following conditions are met:

a. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred fifty percent of the federal poverty level applicable to the family size for children needing basic care.

b. The family's nonexempt gross monthly income is determined to be at least two hundred twenty-five percent but less than two hundred seventy-five percent of the federal poverty level applicable to the family size for children needing special needs care.

2. a. A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing basic care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred thirty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred thirty-five percent of the federal poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred forty-five percent of the federal poverty level but at or less than two hundred fifty percent of the federal poverty level shall pay for sixty percent of the family child care costs.

b. A family with an income at the following percentages of the federal poverty level applicable to the family size for children needing special needs care shall be responsible for the following share of child care costs:

(1) A family with an income above two hundred twenty-five percent of the federal poverty level but less than two hundred forty-five percent of the federal poverty level shall pay for thirty-three percent of the family child care costs.

(2) A family with an income at or above two hundred forty-five percent of the federal poverty level but less than two hundred sixty-five percent of the federal poverty level shall pay for forty-five percent of the family child care costs.

(3) A family with an income at or above two hundred sixty-five percent of the federal poverty level but at or less than two hundred seventy-five percent of the federal poverty level shall pay for sixty percent of the family child care costs.

c. The graduated eligibility phase-out as provided in paragraphs "a" and "b" shall be implemented no later than July 1, 2022.

3. Child care provider reimbursement rates under the graduated eligibility phase-out program shall be the same rates as the child care provider reimbursement rates.

4. The department shall adopt rules pursuant to [chapter 17A](#) in accordance with [this section](#).

2021 Acts, ch 174, §41; 2021 Acts, ch 178, §1; 2023 Acts, ch 19, §746

237A.15 through 237A.18 Reserved.

237A.19 Penalty.

1. A person who establishes, conducts, manages, or operates a center without a license commits a serious misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, shall be considered a separate offense.

2. If registration is required under [section 237A.3A](#), a person who establishes, conducts, manages, or operates a child development home without registering or a person who operates a child development home contrary to [section 237A.5](#), commits a simple misdemeanor. Each

day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

3. A person who establishes, conducts, manages, or operates a child care home in violation of [section 237A.3, subsection 2](#), or a person or program that has been prohibited by the department from involvement with child care but continues that involvement commits a simple misdemeanor. Each day of continuing violation after conviction, or notice from the department by certified mail of the violation, is a separate offense. A single charge alleging continuing violation may be made in lieu of filing charges for each day of violation.

[C77, 79, 81, §237A.19; [82 Acts, ch 1213, §5](#)]

[85 Acts, ch 184, §2](#); [99 Acts, ch 192, §17](#); [2002 Acts, ch 1142, §19, 31](#); [2003 Acts, ch 81, §9](#)

Referred to in [§237A.3, 237A.5](#)

237A.20 Injunction.

A person who establishes, conducts, manages, or operates a center without a license or a child development home without a certificate of registration, if registration is required under [section 237A.3A](#), may be restrained by temporary or permanent injunction. A person who has been convicted of a crime against a person, a person with a record of founded child abuse, or a person who has been prohibited by the department from involvement with child care may be restrained by temporary or permanent injunction from providing unregistered, registered, or licensed child care or from other involvement with child care. The action may be instituted by the state, the county attorney, a political subdivision of the state, or an interested person.

[C77, 79, 81, §237A.20]

[83 Acts, ch 153, §7](#); [90 Acts, ch 1248, §2](#); [99 Acts, ch 192, §18](#); [2002 Acts, ch 1142, §20, 31](#); [2003 Acts, ch 81, §10](#)

Referred to in [§237A.3, 237A.5](#)

237A.21 and 237A.22 Repealed by 2010 Acts, ch 1031, §360, 361.

237A.23 Child care training and development system. Repealed by 2024 Acts, ch 1170, §368.

237A.24 Reserved.

237A.25 Consumer information.

1. The department shall develop consumer information material to assist parents in selecting a child care provider. In developing the material, the department shall consult with department staff, department of education staff, the early childhood Iowa state board, and child care resource and referral services. In addition, the department may consult with other entities at the local, state, and national level.

2. The consumer information material developed by the department for parents and other consumers of child care services shall include but is not limited to all of the following:

a. A pamphlet or other printed material containing consumer-oriented information on locating a quality child care provider.

b. Information explaining important considerations a consumer should take into account in selecting a licensed or registered child care provider.

c. Information explaining how a consumer can identify quality services, including what questions to ask of providers and what a consumer might expect or demand to know before selecting a provider.

d. An explanation of the applicable laws and regulations written in layperson's terms.

e. An explanation of what it means for a provider to be licensed, registered, or unregistered.

f. An explanation of the information considered in registry and record background checks.

g. Other information deemed relevant to consumers.

3. The department shall implement and publicize an internet page or site that provides all of the following:

a. The written information developed pursuant to [subsections 1 and 2](#).

b. Regular informational updates, including when a child care provider was last subject to a state quality review or inspection and, based upon a final score or review, the results indicating whether the provider passed or failed the review or inspection.

c. Capability for a consumer to be able to access information concerning child care providers, such as informational updates, identification of provider location, name, and capacity, and identification of providers participating in the state child care assistance program and those participating in the child care food program, by sorting the information or employing other means that provide the information in a manner that is useful to the consumer. Information regarding provider location shall identify providers located in the vicinity of an address selected by a consumer and provide contact information without listing the specific addresses of the providers.

d. Other information deemed appropriate by the department.

2003 Acts, 1st Ex, ch 2, §18, 209; 2010 Acts, ch 1031, §357, 361; 2017 Acts, ch 29, §57; 2023 Acts, ch 19, §748; 2024 Acts, ch 1170, §281

Referred to in §237A.4A, 237A.30
Subsection 1 amended

237A.26 Statewide resource and referral services.

1. The department shall administer the funding for a statewide grant program for child care resource and referral services. Grants shall only be awarded to community-based nonprofit incorporated agencies and public agencies. Grants shall be awarded to facilitate the establishment of regional resource and referral agencies throughout the state, based upon the distribution of the child population in the state.

2. The department shall provide oversight of and annually evaluate an agency which is awarded a grant to provide resource and referral services to a region.

3. An agency which receives a grant to provide resource and referral services shall perform both of the following functions:

a. Organize assistance to child care homes and child care facilities utilizing training levels based upon the child care providers' degrees of experience and interest.

b. Operate in partnership with both public and private interests and coordinate resource and referral services with existing community services.

4. An agency may be required by the department to match the grant with financial resources of not more than twenty-five percent of the amount of the grant. The financial resources may include a private donation, an in-kind contribution, or a public funding source other than a separate state grant for child care service improvement.

5. An agency, to be eligible to receive a grant to provide resource and referral services, must have a board of directors if the agency is an incorporated nonprofit agency or must have an advisory board if the agency is a public agency, to oversee the provision of resource and referral services. The board shall include providers, consumers, and other persons interested in the provision or delivery of child care services.

6. An agency which receives a child care resource and referral grant may be awarded funding to provide various child care-related services, which may include but are not limited to any of the following services:

a. Assist families in selecting quality child care. The agency must provide referrals to registered and licensed child care facilities, and to persons providing care, supervision, and guidance of a child which is not defined as child care under [section 237A.1](#) and may provide referrals to unregistered providers.

b. Assist child care providers in adopting appropriate program and business practices to provide quality child care services.

c. Provide information to the public regarding the availability of child care services in the communities within the agency's region.

d. Actively encourage the development of new and expansion of existing child care facilities in response to identified community needs.

e. Provide specialized services to employers, including the provision of resource and referral services to employee groups identified by the employer and the provision of technical assistance to develop employer-supported child care programs. The specialized services may

include but are not limited to working with employers to identify networks of recommended registered and licensed child care providers for employee groups and to implement employer-supported quality improvement initiatives among the network providers.

f. Refer eligible child care facilities to the federal child care food programs.

g. Loan toys, other equipment, and resource materials to child care facilities.

7. The department may contract with an agency receiving a child care resource and referral grant to perform any of the following functions relating to publicly funded services providing care, supervision, and guidance of a child:

a. Determine an individual's eligibility for the services in accordance with income requirements.

b. Administer a voucher, certificate, or other system for reimbursing an eligible provider of the services.

8. For purposes of improving the quality and consistency of data collection, consultation, and other support to child care home and child development home providers, a resource and referral services agency grantee shall coordinate and assist with publicly and privately funded efforts administered at the community level to provide the support. The support and efforts addressed by a grantee may include but are not limited to community-funded child care home and child development home consultants. Community members involved with the assistance may include but are not limited to the efforts of an early childhood Iowa area board under [chapter 256I](#), and of community representatives of education, health, human services, business, faith, and public interests.

90 Acts, ch 1248, §4; 92 Acts, ch 1083, §5; 99 Acts, ch 192, §22; 2002 Acts, ch 1142, §23 – 26, 31; 2010 Acts, ch 1031, §301; 2011 Acts, ch 98, §1

Referred to in §237A.30, 256C.3

237A.27 Crisis child care. Repealed by [2002 Acts, ch 1142, §29, 31](#).

237A.28 Child care credit fund. Repealed by [2009 Acts, ch 182, §138](#).

237A.29 Public funding of child care — sanctions.

1. State funds and federal funds provided to the state in accordance with federal requirements shall not be used to pay for the care, supervision, and guidance of a child for periods of less than twenty-four hours per day on a regular basis unless the care, supervision, and guidance is defined as child care as used in [this chapter](#).

2. a. For the purposes of [this subsection](#), “*fraudulent means*” means knowingly making or causing to be made a false statement or a misrepresentation of a material fact, knowingly failing to disclose a material fact, or committing a fraudulent practice.

b. A child care provider that has been found by the department of inspections, appeals, and licensing in an administrative proceeding or in a judicial proceeding to have obtained, or has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the child care provider has obtained, by fraudulent means, public funding for provision of child care in an amount equal to or in excess of the minimum amount for a fraudulent practice in the second degree under [section 714.10, subsection 1](#), paragraph “a”, shall be subject to sanction in accordance with [this subsection](#). Such child care provider shall be subject to a period during which receipt of public funding for provision of child care is conditioned upon no further violations and to one or more of the following sanctions as determined by the department:

(1) Ineligibility to receive public funding for provision of child care.

(2) Suspension from receipt of public funding for provision of child care.

(3) Special review of the child care provider's claims for providing publicly funded child care.

c. The following factors shall be considered in determining the sanction or sanctions to be imposed under paragraph “b”, subparagraphs (1) through (3):

(1) Seriousness of the violation.

(2) Extent of the violation.

(3) History of prior violations.

- (4) Prior imposition of sanctions.
- (5) Prior provision of provider education.
- (6) Provider willingness to obey program rules.
- (7) Whether a lesser sanction will be sufficient to remedy the problem.

d. In determining the value of the public funding obtained by fraudulent means, if the public funding is obtained by two or more acts of fraudulent means by the same person or in the same location, or is obtained by different persons by two or more acts which occur in approximately the same location or time period so that the acts of fraudulent means used to obtain the public funding are attributable to a single scheme, plan, or conspiracy, these acts may be considered as a single instance of the use of fraudulent means and the value may be the total value of all moneys involved.

3. a. If a child care provider is subject to sanctions under [subsection 2](#), within five business days of the date the sanctions are imposed, the provider shall submit to the department the names and addresses of children receiving child care from the provider. The department shall send information to the parents of the children regarding the provider's actions leading to the imposition of the sanctions and the nature of the sanctions imposed.

b. If the child care provider fails to submit the names and addresses within the time period required by paragraph "a", the department shall request that the attorney general file a petition with the district court of the county in which the provider is located for issuance of a temporary injunction enjoining the provider from providing child care until the names and addresses are submitted to the department. The attorney general may file the petition upon receiving the request from the department. Any temporary injunction may be granted without a bond being required from the department.

c. If the sanctions imposed under [subsection 2](#) involve the provider's suspension or ineligibility for receiving public funding for provision of child care, the department shall not impose those sanctions before the parents of the affected children are informed, and upon request, shall provide assistance to the parents in locating replacement child care.

[93 Acts, ch 76, §13; 99 Acts, ch 192, §25; 2002 Acts, ch 1104, §1; 2003 Acts, ch 44, §55; 2003 Acts, ch 81, §11, 12; 2004 Acts, ch 1086, §44; 2013 Acts, ch 30, §241; 2023 Acts, ch 19, §749, 1953](#)

237A.30 Voluntary child care quality rating system.

1. The department shall work with the early childhood Iowa program established in [section 256I.5](#) in designing and implementing a voluntary quality rating system for each provider type of child care facility.

2. The criteria utilized for the rating system may include but are not limited to any of the following:

- a. Facility type.
- b. Provider staff experience, education, training, and credentials.
- c. Facility director education and training.
- d. An environmental rating score or other direct assessment environmental methodology.
- e. National accreditation.
- f. Facility history of compliance with law and rules.
- g. Child-to-staff ratio.
- h. Curriculum, including the extent to which the curriculum focuses on the stages of child development and on child outcomes.
- i. Business practices.
- j. Staff retention rates.
- k. Evaluation of staff members and program practices.
- l. Staff compensation and benefit practices.
- m. Provider and staff membership in professional early childhood organizations.
- n. Parental involvement with the facility.

3. A facility's quality rating may be included on the internet site and in the consumer information provided by the department pursuant to [section 237A.25](#) and shall be identified

in the child care provider referrals made by child care resource and referral service grantees under [section 237A.26](#).

99 Acts, ch 192, §33; 99 Acts, ch 203, §49; 2002 Acts, ch 1142, §27, 28, 31; 2005 Acts, ch 148, §20; 2006 Acts, ch 1010, §76; 2010 Acts, ch 1031, §302, 358, 361; 2013 Acts, ch 90, §257; 2015 Acts, ch 30, §85, 205, 208; 2019 Acts, ch 24, §28; 2023 Acts, ch 19, §750; 2024 Acts, ch 1170, §282

Subsection 1 amended

237A.31 Employer child care tax credit.

1. The taxes imposed under [chapter 422, subchapter II](#) or [III](#), the franchise tax imposed under [chapter 422, subchapter V](#), the gross premiums tax under [chapter 432](#), or the moneys and credits tax imposed under [section 533.329](#) shall be reduced by an employer child care tax credit equal to the proportion of the federal employer-provided child care tax credit provided in section 45F of the Internal Revenue Code the taxpayer was eligible for in the same tax year attributable to expenditures made in this state.

2. Any credit in excess of the tax liability is not refundable but the excess for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

3. *a.* The aggregate amount of tax credits authorized pursuant to [this section](#) shall not exceed an aggregate limit of two million dollars annually.

b. To receive a tax credit, a taxpayer must submit an application to the economic development authority in the form and manner prescribed by the authority by rule. The economic development authority shall issue certificates under [this section](#) on a first-come, first-served basis, which certificates may be redeemed for tax credits. The economic development authority shall issue such certificates so that not more than the amount authorized for such tax credits under paragraph “a” may be claimed.

4. The department of revenue, in consultation with the economic development authority, shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

2022 Acts, ch 1148, §22, 28; 2023 Acts, ch 5, §5 – 7

Referred to in [§422.120](#), [422.33](#), [422.60](#), [432.120](#), [533.329](#)

Section applies to tax years beginning on or after January 1, 2023; 2022 Acts, ch 1148, §28

2023 amendment to subsection 1 applies retroactively to January 1, 2023, for tax years beginning on or after that date; 2023 Acts, ch 5, §7