

279.49 Child care programs.

1. The board of directors of a school corporation may operate or contract for the operation of a program to provide child care to children not enrolled in school or to students enrolled in kindergarten through grade six before and after school, or to both. Programs operated or contracted by a board shall be licensed by the department of health and human services under [chapter 237A](#) as a child care center unless the program is exempt from licensure under [chapter 237A](#). Notwithstanding requirements of the department of health and human services regarding space allocated to child care centers licensed under [chapter 237A](#), a program operated or contracted by a board which is located on school grounds may define alternative spaces, in policy and procedures, appropriate to meet the needs of children in the program if the primary space is required for another use.

2. a. The person employed to be responsible for a program operated or contracted by a board shall collaborate with that board in the operation of that program.

b. An employee of a program operated or contracted by a board shall be subject to a background investigation at least once every five years after the employee's initial date of hire.

3. The facilities housing a program operated under [this section](#) shall comply with standards adopted by the director of the department of inspections, appeals, and licensing for school buildings under [chapter 10A, subchapter V, part 2](#). In addition, if a program involves children who are younger than school age, the facilities housing those children shall meet the fire safety standards which would apply to that age of child in a child care facility licensed by the department of health and human services.

4. The board may establish a fee for the cost of participation in a child care program authorized under [this section](#). The fee shall be established pursuant to a sliding fee schedule based upon staffing costs and other expenses and a family's ability to pay. If a fee is established, the parent or guardian of a child participating in a program shall be responsible for payment of any agreed upon fee. The board may require the parent or guardian to furnish transportation of the child.

5. The board may utilize or make application for program subsidies from any existing child care funding streams.

6. The components of programs established under [this section](#) for child care shall include, but are not limited to, parental involvement in program design and direction, activities designed to further children's physical, mental, and emotional development, and a parental education component to educate parents about the physical, mental, and emotional development of children.

[85 Acts, ch 173, §26; 89 Acts, ch 206, §10; 89 Acts, ch 265, §40; 92 Acts, ch 1212, §27; 94 Acts, ch 1175, §8; 99 Acts, ch 192, §33; 2015 Acts, ch 88, §2, 3, 5; 2023 Acts, ch 19, §1031, 1655](#)

Referred to in [§256.9, 256A.3, 280.3A, 298A.12](#)

See Code editor's note on simple harmonization at the beginning of this Code volume
Subsections 1 and 3 amended