



Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

December 27, 2016

Michael Marshall
Secretary of Senate
State Capitol Building
LOCAL

Carmine Boal
Chief Clerk of the House
State Capitol Building
LOCAL

Dear Mr. Marshall and Ms. Boal:

Enclosed please find a copy of a report to the General Assembly relative to the Rules Progress Report (Children's Residential Facilities), pursuant to the directive contained in 2016 Iowa Acts, Chapter 1114.13.

Please feel free to contact me if you need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Sally Titus".

Sally Titus
Deputy Director

ST/tam

Enclosure

cc: Terry E. Branstad, Governor

Iowa Department of Human Services



Progress Report
Regarding Senate File 2304
Children's Residential Facilities

December 2016

Executive Summary

This report was prepared for the Iowa General Assembly according to the requirements of Senate File 2304. This bill created the new Code of Iowa section 237C, *Children's Residential Facilities*.

Senate File 2304 directed the Department of Human Services (DHS) to consult with the Departments of Education, Inspections and Appeals, Public Health, the state Fire Marshal, and other agencies as determined by the DHS to establish certification standards for Children's Residential Facilities in accordance with this section. The DHS and the Department Of Education are also each required to submit a report to the General Assembly concerning their progress in adopting rules as appropriate under Code of Iowa sections 237C.4 and 282.34. The state board of education is required to adopt rules governing educational programs and education services provided by Children's Residential Facilities pursuant to Code of Iowa section 282.34.

On December 28, 2016, the proposed administrative rules and certification standards were sent to the ARC for notice publication in the Administrative Bulletin.

Overview

Prior to developing the proposed standards, the DHS took the following steps:¹

1. Starting with entities known to DHS that potentially would be required to meet the certification standards, the DHS began communicating with them by explaining the new law, seeking input toward developing the standards, and requesting distribution of these communications to other potential residential programs that may be unknown to DHS. This resulted in the identification of about 12 agencies that were used to develop an information distribution list for all subsequent notices, requests, and updates related to this process.
2. In response to the DHS invitation for input, written suggestions were received from some on this list and from those who had met with legislators while the law was being written. In addition, the DHS drafted the proposed standards using comments and contributions from the Departments of Inspections and Appeals, Public Health, the state Fire Marshal, and the Department of Natural Resources.
3. DHS published a preview of the proposed standards on the DHS internet site and emailed the preview to the "children's residential facility" distribution list prior to submitting them for publication in the Administrative Bulletin.

¹ These steps were taken to comply with other requirements of Senate File 2304 to "Publish the . . . proposed standard . . . Make . . . reasonable effort to notify the children's residential facilities . . . of the standard . . . Allow and invite . . . persons interested in the standard . . . to submit written data, facts, opinions, comments, and arguments . . ."

Next Steps

Following the publication in the Administrative Bulletin, the proposed standards will follow the usual protocol leading to adoption. This will include the opportunity for public comment into February 2017, response to the comments by the DHS, action by the DHS Council to adopt the standards, and final review by the Administrative Rules Committee. The effective date of these rules is anticipated to be May 3, 2017.