

House File 922 - Introduced

HOUSE FILE
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 416)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved

A BILL FOR

1 An Act revising the requirements for child care registration and
2 providing an effective date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2242HV 82
5 jp/gg/14

PAG LIN

1 1 Section 1. CHILD CARE REGISTRATION == LEGISLATIVE INTENT.
1 2 It is the intent of the general assembly to improve the safety
1 3 and quality of home-based child care in the state by
1 4 increasing the number of child care providers who are required
1 5 to register under chapter 237A and increasing the staff and
1 6 resources of the department of human services committed to
1 7 addressing home-based child care.
1 8 Sec. 2. Section 237A.1, subsections 6 and 7, Code 2007,
1 9 are amended to read as follows:
1 10 6. "Child care home" means a person or program providing
1 11 child care to ~~five~~ three or fewer children at any one time
1 12 that is not registered to provide child care under this
1 13 chapter, as authorized under section 237A.3.
1 14 7. "Child development home" means a person or program
1 15 registered under section 237A.3A that may provide child care
1 16 to ~~six~~ four or more children at any one time.
1 17 Sec. 3. Section 237A.3, subsection 1, Code 2007, is
1 18 amended to read as follows:
1 19 1. a. A person or program providing child care to ~~five~~
1 20 three children or fewer at any one time is a child care home
1 21 provider and is not required to register under section 237A.3A
1 22 as a child development home.
1 23 b. The following are not required to register as a child
1 24 development home under section 237A.3A:
1 25 (1) An individual providing child care in a private
1 26 residence to not more than five children at any one time who
1 27 reside in the private residence.
1 28 (2) A relative providing care to not more than five
1 29 children at any one time who are all related to the relative.
1 30 c. ~~However,~~ Notwithstanding the provisions of paragraphs
1 31 "a" and "b", the person, or program, or relative may register
1 32 as a child development home.
1 33 d. For the purposes of this section, "relative" means an

1 34 adult person who is one of the following relatives of a child
1 35 by means of blood relationship, marriage, or adoption, or is
2 1 the spouse of one of the following relatives: a sibling, a
2 2 grandparent, a first cousin, an aunt, or an uncle.

2 3 Sec. 4. Section 237A.3, Code 2007, is amended by adding
2 4 the following new subsection:

2 5 NEW SUBSECTION. 3. a. A child care home provider shall
2 6 provide information to the parents, guardians, and custodians
2 7 of the children receiving child care that the provider is not
2 8 registered as a child development home and that the number of
2 9 children that can be cared for at any one time by the provider
2 10 is limited to three or fewer.

2 11 b. In addition, the information shall expressly state that
2 12 corporal punishment by a child care home provider is
2 13 prohibited and list all the forms of corporal punishment
2 14 identified in section 237A.18. The information shall also
2 15 explain to the parent how to file a complaint with the
2 16 department against the child care home.

2 17 c. The information shall be provided to parents,
2 18 guardians, and custodians either in writing at the time of
2 19 enrollment with the provider or be conspicuously posted at the
2 20 main entrance to the child care home where it can be read by
2 21 parents and any member of the public.

2 22 Sec. 5. Section 237A.5, subsection 2, paragraph a,
2 23 subparagraph (3), Code 2007, is amended by adding the
2 24 following new subparagraph subdivision:

2 25 NEW SUBPARAGRAPH SUBDIVISION. (f) The person has been
2 26 determined through an investigation by the department of a
2 27 complaint, a child abuse assessment, or the existence of a
2 28 criminal record to have inflicted corporal punishment as
2 29 described in section 237A.18 on an individual receiving child
2 30 care from the person.

2 31 Sec. 6. NEW SECTION. 237A.18 CORPORAL PUNISHMENT.

2 32 A person who operates, is employed by, or resides in a
2 33 child care home, child development home, or child care center
2 34 shall not inflict corporal punishment on an individual
2 35 receiving care from the child care home, child development
3 1 home, or child care center. For the purposes of this section,
3 2 "corporal punishment" includes but is not limited to spanking,
3 3 slapping, shaking, punishment which is humiliating or
3 4 frightening, using restraints, or enclosing a child in a
3 5 locked area. Such a person who has inflicted corporal
3 6 punishment on an individual receiving care from the child care
3 7 home, child development home, or child care center, as
3 8 determined through an investigation by the department of a
3 9 complaint, a child abuse assessment, or existence of a
3 10 criminal record, may be subject to prohibition of involvement
3 11 with child care in accordance with section 237A.5.

3 12 Sec. 7. WORKGROUP == CHILD CARE REGISTRATION CHANGE
3 13 IMPLEMENTATION AND EARLY CHILDHOOD SYSTEM.

3 14 1. a. The department of human services, in partnership
3 15 with the departments of education, human rights, and public
3 16 health and the Iowa empowerment board, shall jointly establish
3 17 a workgroup to address implementation of the provisions of
3 18 this Act and the issues identified in this section. The
3 19 workgroup membership shall also include representatives of the
3 20 state child care advisory council.

3 21 b. The workgroup shall submit a report with findings and
3 22 recommendations to the governor and general assembly on or
3 23 before December 15, 2007, regarding the implementation of the

3 24 provisions of this Act and other issues addressed by the
3 25 workgroup.

3 26 c. The funding transferred to the department of human
3 27 services for development and implementation of a statewide
3 28 mandatory child care registration study from the appropriation
3 29 made to the department of education in accordance with 2007
3 30 Iowa Acts, Senate File 598, if enacted, shall be used for the
3 31 workgroup's activities under this section.

3 32 2. The workgroup shall address the implementation issues
3 33 associated with the mandatory change in child care
3 34 registration made in this Act. The issues considered shall
3 35 include but are not limited to planning for the phase-in of
4 1 and costs for additional inspection visits of child
4 2 development homes, increased expense for state child care
4 3 assistance slots, state child care assistance reimbursement
4 4 methodologies to reward quality, and other implementation
4 5 issues.

4 6 3. The workgroup shall cooperate with early childhood
4 7 stakeholders and the private sector in addressing the many
4 8 publicly supported programs and services directed to early
4 9 childhood and issues involved with redirecting the programs
4 10 and services to be part of a cohesive child care system. The
4 11 issues addressed shall include professional development of
4 12 workers, improving workforce, ensuring articulation between
4 13 programs, meeting the needs of both children and parents,
4 14 enhancing community engagement to support early childhood, and
4 15 other efforts to address early childhood needs with a
4 16 coordinated system.

4 17 Sec. 8. EFFECTIVE DATE == IMPLEMENTATION.

4 18 1. The following provisions of this Act take effect
4 19 October 1, 2008:

4 20 a. The provision amending section 237A.1, subsections 6
4 21 and 7.

4 22 b. The provision amending section 237A.3, subsection 1.

4 23 2. The department shall adopt administrative rules, assist
4 24 child care providers, and expand staffing to support the
4 25 implementation of the change in the numbers of children for
4 26 which child care homes and child development homes may provide
4 27 child care on October 1, 2008, as provided in this Act, in
4 28 accordance with the funding made available for that purpose.

4 29 EXPLANATION

4 30 This bill revises the requirements for child care
4 31 registration administered by the department of human services,
4 32 prohibits persons providing either regulated or unregulated
4 33 care from inflicting corporal punishment, and provides for the
4 34 creation of a workgroup to address implementation of the
4 35 bill's changes and issues associated with developing a more
5 1 cohesive child care system.

5 2 An intent section explains that the general assembly is
5 3 seeking to improve the safety and quality of home-based child
5 4 care by increasing the number of providers who are required to
5 5 register and the resources available to the department to
5 6 address home-based child care.

5 7 Current law in Code section 237A.3 allows a person or
5 8 program providing child care to five children or fewer at any
5 9 one time to operate as a child care home without registering
5 10 with the department as a child development home. Effective
5 11 October 1, 2008, the bill reduces this number to three
5 12 children or fewer at any one time but allows two exceptions.
5 13 A relative may provide child care to not more than five

5 14 related children at any one time. An individual may provide
5 15 child care in a private residence to not more than five
5 16 children who reside in that residence. Conforming amendments
5 17 are included in the relevant definitions in Code section
5 18 237A.1.

5 19 Effective July 1, 2007, an unregistered child care home
5 20 provider is required to disclose to the parents, guardians,
5 21 and custodians of the children receiving child care that the
5 22 provider is not registered and that the number of children who
5 23 may receive child care at any one time is limited. The
5 24 information is also required to provide information that
5 25 corporal punishment by the provider is prohibited. The
5 26 information is required to be distributed and posted.

5 27 New Code section 237A.18 defines the term "corporal
5 28 punishment", prohibits any person providing child care or
5 29 living where child care is provided from inflicting corporal
5 30 punishment on children receiving care, and states that such a
5 31 person who inflicts corporal punishment may be prohibited from
5 32 involvement with child care. The Code section takes effect
5 33 July 1, 2007.

5 34 The department of human services is required to establish a
5 35 workgroup jointly with the departments of education, human
6 1 rights, and public health and the Iowa empowerment board to
6 2 address issues associated with the bill's changes to child
6 3 care registration and corporal punishment requirements and on
6 4 issues associated with redirecting programs and services to be
6 5 part of a cohesive child care system. The workgroup is also
6 6 required to include representatives of the state child care
6 7 advisory council. For its work on the cohesive system, the
6 8 workgroup is required to include early childhood stakeholders
6 9 and the private sector. Funding for the workgroup is included
6 10 in 2007 Iowa Acts, Senate File 598, the education
6 11 appropriations bill. The workgroup is required to report to
6 12 the governor and general assembly on or before December 15,
6 13 2007.

6 14 LSB 2242HV 82

6 15 jp:nh/gg/14

House Amendment 2010

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 2, by striking lines 11 through 16.
1 3 #2. By striking page 2, line 22, through page 3,
1 4 line 11.
1 5 #3. By renumbering as necessary.
1 6
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1 8
1 9 FORRISTALL of Pottawattamie
1 10 HF 922.203 82
1 11 jp/es/10232
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House Amendment 2011

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 3, lines 3 and 4, by striking the words
1 3 <punishment which is humiliating or frightening,>.
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1 6
1 7 FORRISTALL of Pottawattamie
1 8 HF 922.702 82
1 9 jp/gg/10235
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House Amendment 2016

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 2, by inserting after line 30 the
1 3 following:
1 4 <Sec. _____. Section 237A.13, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 3A. The department's billing and
1 7 payment provisions for the program shall allow
1 8 providers to elect monthly billing and payment for
1 9 child care provided under the program. The department
1 10 shall remit payment to a provider within ten business
1 11 days of receiving a bill or claim for services
1 12 provided. However, if the department determines that
1 13 a bill has an error or omission, the department shall
1 14 notify the provider of the error or omission and
1 15 identify any correction needed before issuance of
1 16 payment to the provider. The department shall provide
1 17 the notice within five business days of receiving the
1 18 billing from the provider and shall remit payment to
1 19 the provider within ten business days of receiving the
1 20 corrected billing.>
1 21 #2. By renumbering as necessary.
1 22
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1 25 PETERSEN of Polk
1 26 HF 922.701 82
1 27 jp/gg/10234
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House Amendment 2019

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 4, line 5, by inserting after the word
1 3 <issues.> the following: <The workgroup shall also
1 4 identify the number of child care centers, child
1 5 development homes, and child care homes in the state
1 6 as of the close of fiscal year 2007=2008 and shall
1 7 project the number of child care home providers who
1 8 would be required to register if the requirements of
1 9 this Act were in effect for that fiscal year. In
1 10 addition, the workgroup shall project the costs to
1 11 child care providers and families to comply with the
1 12 requirements of this Act.>
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1 15
1 16 HEATON of Henry
1 17 HF 922.301 82
1 18 jp/cf/10231
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House Amendment 2020

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 4, line 19, by striking the figure <2008>
1 3 and inserting the following: <2009>.
1 4 #2. Page 4, line 27, by striking the figure <2008>
1 5 and inserting the following: <2009>.
1 6
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1 8
1 9 HEATON of Henry
1 10 HF 922.201 82
1 11 jp/es/10230
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House Amendment 2021

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 2, by inserting after line 30 the
1 3 following:
1 4 <Sec. _____. Section 237A.13, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 3A. The department's billing and
1 7 payment provisions for the program shall allow
1 8 providers to elect either biweekly or monthly billing
1 9 and payment for child care provided under the program.
1 10 The department shall remit payment to a provider
1 11 within ten business days of receiving a bill or claim
1 12 for services provided. However, if the department
1 13 determines that a bill has an error or omission, the
1 14 department shall notify the provider of the error or
1 15 omission and identify any correction needed before
1 16 issuance of payment to the provider. The department
1 17 shall provide the notice within five business days of
1 18 receiving the billing from the provider and shall
1 19 remit payment to the provider within ten business days
1 20 of receiving the corrected billing.>
1 21 #2. By renumbering as necessary.
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1 25 HEATON of Henry
1 26 HF 922.501 82
1 27 jp/je/10228
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House Amendment 2024

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 4, line 17, by inserting before the word
1 3 <EFFECTIVE> the following: <CONTINGENT>.
1 4 #2. Page 4, by striking lines 18 through 28 and
1 5 inserting the following:
1 6 <Implementation of this Act is contingent upon
1 7 enactment of appropriations specifically providing
1 8 funding and authorization for sufficient full-time
1 9 equivalent positions so that each child care provider
1 10 who would be subject to registration under the
1 11 provisions of this Act would annually receive a
1 12 regulatory visit from an employee of the department of
1 13 human services, for increased reimbursements under the
1 14 state child care assistance program, and for adequate
1 15 resources to address other needs associated with this
1 16 Act. The legislation making the appropriations shall
1 17 also include an effective date and other provisions
1 18 providing for the implementation of this Act.>
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1 22 UPMEYER of Hancock
1 23 HF 922.202 82
1 24 jp/es/10233
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House Amendment 2065

PAG LIN

1 1 Amend House File 922 as follows:

1 2 #1. Page 1, by striking lines 25 through 27 and

1 3 inserting the following:

1 4 <(1) An individual providing child care in a

1 5 private residence to children who reside in the

1 6 private residence.>

1 7 #2. Page 1, by striking lines 28 and 29 and

1 8 inserting the following:

1 9 <(2) A relative providing care to children who are

1 10 all related to the relative.>

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1 14 ROBERTS of Carroll

1 15 HF 922.204 82

1 16 jp/es/10548

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House Amendment 2107

PAG LIN

1 1 Amend House File 922 as follows:
1 2 #1. Page 3, by striking lines 14 through 31 and
1 3 inserting the following:
1 4 <1. The legislative council is requested to
1 5 authorize a workgroup to address implementation of the
1 6 child care registration changes made in this Act and
1 7 the issues identified in this section. If
1 8 established, the workgroup should engage participation
1 9 by representatives of the departments of human
1 10 services, education, human rights, and public health
1 11 and the state child care advisory council. The
1 12 workgroup should complete its deliberations in
1 13 December 2007 to report to the governor and general
1 14 assembly for consideration during the 2008 legislative
1 15 session.>

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1 19 MASCHER of Johnson

1 20 HF 922.206 82

1 21 jp/es/10508

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