

FILED APR 25 1975

Reprinted

SENATE FILE 491

By COMMITTEE ON HUMAN RESOURCES

Passed Senate, Date 5-5-75 (1223) Passed House, Date _____

Vote: Ayes 37 Nays 9 Vote: Ayes _____ Nays _____

Approved 7-17-75

*Motion to reconsider filed 5-5 (1223)
" withdrawn 5-23 (1555)*

A BILL FOR

1 An Act relating to the licensing and registration of child day
2 care facilities and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred thirty-seven A point one
2 (237A.1), Code 1975, is amended to read as follows:

3 237A.1 DEFINITIONS. As used in this chapter unless the
4 context otherwise requires:

5 1. "COMMISSIONER" means the commissioner of social
6 services.

7 2. "DEPARTMENT" means the department of social services.

8 3. "DIRECTOR" means the director of the division designated
9 by the commissioner to administer this chapter.

10 4. "COUNTY BOARD" means the county board of social welfare.

11 5. "CHILD" means a person under eighteen years of age.

12 6. "RELATIVE" means a person who by marriage, blood or
13 adoption is a parent, grandparent, brother, sister, stepfather,
14 stepmother, stepbrother, stepsister, uncle, aunt, first cousin,
15 or guardian.

16 7. "CHILD DAY CARE" means the care, supervision, or
17 guidance of a child by a person other than the parent,
18 guardian, relative or custodian for periods of two hours or
19 more and less than twenty-four hours per day per child on
20 a regular basis in a place other than the child's home, but
21 does not include:

22 a. An instructional program administered by a public or
23 nonpublic school system approved by the department of public
24 instruction or the state board of regents.

25 b. A church-related instructional program of not more
26 than one day per week.

27 c. Short-term classes held between school terms.

28 5 8. "CHILD CARE CENTER" or "CENTER" means a facility
29 providing ~~care-fer-six~~ child day care for seven or more
30 ~~children fer-more-than-four-hours,-but-less-than-twenty-four~~
31 ~~hours,-per-day.~~

32 9. "FAMILY DAY CARE HOME" means a facility which provides
33 child day care to less than seven children.

34 10. "CHILD DAY CARE FACILITY" or "FACILITY" means a child
35 care center or family day care home.

1 6 11. "LICENSED CENTER" means a center ~~applying-for-or~~
2 issued a full or provisional license by the department under
3 the provisions of this chapter or a center for which a license
4 is being processed.

5 7 12. "LOW-INCOME FAMILY" means a family whose total
6 ~~income, relative to the number of persons dependent on the~~
7 ~~family's total income for support, is designated by the~~
8 ~~department as insufficient to provide an adequate standard~~
9 ~~of living. Adequate standard of living shall be defined as~~
10 ~~at or below the minimum living standard budget determined~~
11 ~~by the bureau of labor statistics of the United States~~
12 ~~department of labor, adjusted regionally and for family size~~
13 monthly gross income is less than the lower of:

14 a. Eighty percent of the median income of a family of
15 four in this state adjusted to take into account the size
16 of the family; or

17 b. The median income of a family of four in the fifty
18 states and the District of Columbia adjusted to take into
19 account the size of the family.

20 8 13. "STATE DAY CARE ADVISORY COMMITTEE" means the state
21 day care advisory committee established ~~by regulation 220.4~~
22 ~~of the Social Security Act of 1967 whose membership is no~~
23 ~~less than nine nor no more than fifteen members and is~~
24 ~~comprised of one-third providers of services, one-third~~
25 ~~interested citizens from urban and rural areas across the~~
26 ~~state and one-third parents of children served. If for any~~
27 ~~reason the federal government eliminates this advisory~~
28 ~~committee, this advisory committee shall continue to function~~
29 ~~as a state advisory group to the department pursuant to section~~
30 ten (10) of this Act.

31 Sec. 2. Section two hundred thirty-seven A point two
32 (237A.2), Code 1975, is amended to read as follows:

33 237A.2 LICENSE-VOLUNTARY. ~~A center may request to be~~
34 ~~licensed by the department but is not required to be licensed~~
35 ~~in order to operate in this state.~~ LICENSING OF CHILD CARE

1 CENTERS. A person shall not establish or operate a child
2 care center without obtaining a license under the provisions
3 of this chapter. A center may operate for a specified period
4 of time, to be established by rule of the department, if
5 application for a license has been made. The department shall
6 issue a license if it determines that the following conditions
7 have been met:

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

10 ~~2. The center possesses adequate financial resources to~~
11 ~~perform the services it undertakes.~~

12 2. The center is maintained so as to comply with state
13 ~~and local~~ health, and fire, ~~and zoning~~ laws.

14 3. The facility center is maintained so as to comply
15 with rules promulgated under section 237A.12.

16 A person denied a license under the provisions of this
17 section shall receive written notice of the denial stating
18 the reasons for denial and ~~may appeal the decision as provided~~
19 ~~in sections 237A.10 and 237A.11~~ shall be provided with an
20 opportunity for an evidentiary hearing. Licenses granted
21 under this chapter shall be valid for one year from the date
22 of issuance unless revoked or suspended in accordance with
23 the provisions of section two hundred thirty-seven A point
24 eight (237A.8) of the Code. A record of the license shall
25 be kept by the department. The license shall be posted in
26 a conspicuous place in the center and shall state the
27 particular premises in which child day care may be offered
28 and the number of individuals who may be received for care
29 at any one time. No greater number of children than is
30 authorized by the license shall be kept in the center at any
31 one time.

32 The director may issue a provisional license for a period
33 of time not to exceed one year if the center does not meet
34 standards required under this section. A provisional license
35 shall be posted in a conspicuous place in the center as

1 provided in this section. If written plans to bring the center
2 up to standards, giving specific dates for completion of work,
3 are submitted to and approved by the department promulgating
4 the regulations, the provisional license shall be renewable.

5 A facility which is not a child care center by reason of
6 the definition of child day care in section one (1) of this
7 Act, but which provides care, supervision or guidance to a
8 child may be issued a license if the facility complies with
9 all the provisions of this chapter.

10 Sec. 3. Section two hundred thirty-seven A point three
11 (237A.3), Code 1975, is amended by striking the section and
12 inserting in lieu thereof the following:

13 237A.3 REGISTRATION OF FAMILY DAY CARE HOMES. A person
14 shall not operate or establish a family day care home unless
15 registered by the department under the provisions of this
16 chapter. The department shall issue a certificate of
17 registration upon receipt of a statement from the family day
18 care home that the home complies with rules promulgated by
19 the department. The registration certificate shall be posted
20 in a conspicuous place in the family day care home, shall
21 state the name of the registrant, the number of individuals
22 who may be received for care at any one time and the address
23 of the home, and shall include a check list of registration
24 compliances. No greater number of children than is authorized
25 by the certificate shall be kept in the family day care home
26 at any one time. The registration process shall be repeated
27 on an annual basis. A facility which is not a family day
28 care home by reason of the definition of child day care in
29 section one (1) of this Act, but which provides care,
30 supervision or guidance to a child may be issued a certifi-
31 cate of registration under the provisions of this chapter.

32 Sec. 4. Section two hundred thirty-seven A point four
33 (237A.4), Code 1975, is amended to read as follows:

34 237A.4 EXAMINATIONS INSPECTION AND EVALUATION. The
35 director may make periodic inspections of licensed centers

1 as necessary to carry out the provisions of this chapter.
2 The director may inspect records maintained by a licensed
3 center and may inquire into matters concerning these centers
4 and the persons in charge. The director shall require that
5 the center be inspected by the ~~commissioner-of-public-health~~
6 ~~and-the~~ state fire marshal or a designee for compliance with
7 rules relating to fire safety ~~or-their-designees,~~ before a
8 license is granted or renewed.

9 The director or a designee may periodically visit family
10 day care homes for the purpose of evaluation of and inquiry
11 into matters concerning compliance with rules promulgated
12 under section two hundred thirty-seven A point twelve (237A.12)
13 of the Code. Evaluation of family day care homes under this
14 section shall include consultative services and other
15 assistance provided pursuant to section two hundred thirty-
16 seven A point six (237A.6) of the Code.

17 Sec. 5. Section two hundred thirty-seven A point five
18 (237A.5), Code 1975, is amended to read as follows:

19 237A.5 PERSONNEL. All personnel having direct
20 responsibility for individual children in licensed ~~child-care~~
21 centers shall have good ~~physical-and-mental~~ health as evi-
22 denced by a report following an examination, and test for
23 tuberculosis, by a licensed physician, as defined in section
24 one one hundred thirty-five C point one (135C.1) of the Code,
25 at the time of initial employment and every three years
26 thereafter. This requirement shall not apply to personnel
27 whose religious convictions in accordance with the tenets
28 of the church are against medical treatment. A-new-report
29 ~~shall-be-required-every-year-thereafter.~~ No staff member
30 of a licensed center or registered home with direct
31 responsibility for child care shall have a conviction by any
32 law of any state involving lascivious acts with a child, child
33 neglect or child abuse.

34 Sec. 6. Section two hundred thirty-seven A point six
35 (237A.6), Code 1975, is amended to read as follows:

1 237A.6 CONSULTATIVE SERVICES. The department shall, and
2 the commissioner of public health may provide consultative
3 services to a person applying for a license or registration,
4 or licensed or registered by the director under this chapter.

5 Sec. 7. Section two hundred thirty-seven A point seven
6 (237A.7), Code 1975, is amended to read as follows:

7 237A.7 CONFIDENTIAL INFORMATION. Anyone who acquires
8 through the administration of this chapter information relative
9 to an individual in a ~~center~~ child day care facility or to
10 a relative of the individual shall not, directly or indirectly,
11 disclose the information except upon inquiry before a court
12 of law or with the written consent of the individual or, in
13 the case of a child, the written consent of the parent or
14 guardian or as otherwise specifically required or allowed
15 by law.

16 ~~This section shall not prohibit the director from disclosing~~
17 ~~facts when it is in the best interests of a child or in the~~
18 ~~interest of the child's parents, guardian, or foster parents~~
19 ~~and not harmful to the child, or when disclosure is necessary~~
20 ~~to protect the interests of the child's prospective foster~~
21 ~~parents.~~

22 This section shall not prohibit the ~~director from disclosing~~
23 disclosure of information relative to the structure and
24 operation of a ~~licensed-center~~ facility nor shall it prohibit
25 the statistical analysis by duly authorized persons of data
26 collected by virtue of this chapter, or the publication of
27 the results of the analysis in a manner which does not disclose
28 information identifying individual persons.

29 Sec. 8. Section two hundred thirty-seven A point eight
30 (237A.8), Code 1975, is amended to read as follows:

31 237A.8 SUSPENSION AND REVOCATION. The director, after
32 notice and opportunity for an evidentiary hearing, may suspend
33 or revoke a license or certificate of registration issued
34 under the provisions of this chapter if the person to whom
35 a license or certificate is issued violates any provision

1 of this chapter or if a person makes false reports regarding
2 the operation of the ~~center~~ child day care facility to the
3 director or ~~his~~ a designee.

4 Sec. 9. Section two hundred thirty-seven A point twelve
5 (237A.12), Code 1975, is amended to read as follows:

6 237A.12 RULES. Subject to the provisions of chapter 17A,
7 the director shall promulgate rules ~~for operating and~~
8 maintaining-licensed setting minimum standards to provide
9 quality child day care in the operation and maintenance of
10 child care centers and family day care homes relating to:

11 1. The number ~~of-qualified~~ and qualifications of personnel
12 necessary to assure the health, safety, and welfare of children
13 in the ~~center~~ facilities.

14 2. ~~The-minimum-number-of-square-feet-available-for-use~~
15 ~~both-indoors-and-outdoors,-by-each-child-received-into-the~~
16 ~~center.--Outdoor-areas-used-by-the-children-shall-be-enclosed~~
17 ~~either-by-fencing-or-some-other-appropriate-method~~ Physical
18 facilities.

19 3. The adequacy of activity programs and food services
20 available to the children.

21 4. Policies established by the center for parental
22 participation.

23 5. Programs for education and in-service training of
24 staff.

25 6. Records kept by the facilities.

26 7. Administration.

27 8. Health, safety, and medical policies for children.

28 ~~Before-a-proposed-rule,-as-defined-in-chapter-17A,-is~~
29 ~~submitted-to-the-departmental-rules-review-committee,-a-public~~
30 ~~hearing-shall-be-held-in-regard-to-the-rule,-and-members-of~~
31 ~~the-departmental-rules-review-committee-shall-be-notified~~
32 ~~of-the-hearings-~~

33 Rules promulgated by the state fire marshal and the
34 ~~commissioner-of-public-health~~ for buildings used as child
35 care centers as an adjunct to the primary purpose of the

1 building shall take into consideration that children are
2 received for temporary care only ~~and shall not differ from~~
3 ~~rules promulgated for these buildings when they are used by~~
4 ~~groups of persons congregating from time to time in the primary~~
5 ~~use and occupancy of the buildings.~~ ~~Furthermore, such rules~~
6 ~~shall govern only portions of the building utilized for child~~
7 ~~care centers~~ and may require a fire-rated separation from
8 the remaining portion of the building.

9 ~~All rules and standards promulgated under this chapter~~
10 ~~with respect to child care centers shall be developed in~~
11 ~~consultation with the state day care advisory committee.~~

12 Rules relating to fire safety and sanitation shall be
13 promulgated under this chapter by the state fire marshal and
14 the commissioner of public health respectively, in consultation
15 with the department, and all rules shall be developed in
16 consultation with the state day care advisory committee.
17 The state fire marshal shall inspect the facilities.

18 Sec. 10. Chapter two hundred thirty-seven A (237A), Code
19 1975, is amended by adding the following new sections:

20 NEW SECTION. PENALTY. A person who establishes, conducts,
21 manages, or operates a child day care facility without a
22 license or certificate of registration shall be guilty of
23 a misdemeanor and, upon conviction, shall be punished by a
24 fine of not less than one hundred dollars nor more than one
25 thousand dollars. Each day of continuing violation after
26 conviction, or notice from the department by certified mail
27 of the violation, shall be considered a separate offense.

28 NEW SECTION. INJUNCTION. Any person who establishes,
29 conducts, manages, or operates a child day care facility
30 without a license or certificate of registration may be
31 restrained by permanent injunction.

32 NEW SECTION. STATE DAY CARE ADVISORY COMMITTEE. There
33 is established a state day care advisory committee to consist
34 of not less than nine and not more than fifteen members from
35 urban and rural areas across the state. The membership shall

1 consist of one-third providers of services, one-third
2 interested citizens, and one-third parents of children served.
3 Members shall be appointed by the commissioner from a list
4 of names submitted by a nominating committee to consist of
5 one member of the state day care advisory committee established
6 pursuant to this section, one member of the day care unit
7 of the department, and one member of a professional child
8 care organization. Two names shall be submitted for each
9 appointment. Members shall be appointed for terms of three
10 years but no member shall be appointed to more than two
11 consecutive terms. The state day care advisory committee
12 shall write its own operational policies with departmental
13 approval. The member of the state day care advisory committee
14 who submits names of nominees for initial membership on the
15 committee shall be the state day care advisory committee
16 established by regulation two hundred twenty point four (220.4)
17 of the Social Security Act of 1967.

18 NEW SECTION. DUTIES OF THE STATE DAY CARE ADVISORY
19 COMMITTEE. The state day care advisory committee shall:

- 20 1. Consult with and make recommendations to the department
21 in the promulgation of rules under this chapter.
- 22 2. Recommend improvements in the licensing and registration
23 of facilities.
- 24 3. Advise the department on licensing policy, planning,
25 and priorities.

26 Sec. 11. Sections two hundred thirty-seven A point nine
27 (237A.9), two hundred thirty-seven A point ten (237A.10) and
28 two hundred thirty-seven A point eleven (237A.11), Code 1975,
29 are repealed.

30 EXPLANATION

31 This bill requires licensing of child care centers and
32 registration of family day care homes, which provide child
33 day care for periods of two hours or more and less than twenty-
34 four hours a day on a regular basis in a place other than
35 the child's home. Child day care does not include care

1 provided by a relative or in a public or private school
2 approved by the department of public instruction or the state
3 board of regents and does not include church-related and
4 short-term classes under certain conditions. The department
5 of social services is authorized to promulgate rules for the
6 operation of child care centers and family day care homes.
7 A penalty is provided for violation of the requirements for
8 licensing and registration.

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SENATE FILE 491
FISCAL NOTE

1 Date prepared: May 1, 1975
1 Requested by: Senator Sovern
1 Prepared in regard to Senate File 491, An Act
1 relating to the licensing and registration of day care
1 facilities and providing a penalty. Following is the
1 fiscal effect in dollars of the legislative proposal
2 as required by Joint Rule 16.

2 The total annual cost under Senate File 491 would be
2 approximately \$230,000. This estimate is based on one
2 social worker II for each district, or 16 social worker
2 II's, 2 clerk III's in the Central register, and related
2 travel and miscellaneous expense.

2 Of the above estimate, 75% would be paid out of federal
2 funds and the remaining 25% would be paid by the state.

2 It should be noted that 16 social worker II's will be
2 needed to do an adequate job, but this does not necessarily
2 mean that an additional 16 social worker II's will need
2 to be hired. Some districts may not need additional
30 personnel.

31 Source: Department of Social Services

32
33 FILED
34 MAY 1, 1975

GERRY D. RANKIN
LEGISLATIVE FISCAL DIRECTOR

35

S-3658

1 Amend Senate File 491, page 8, after line 19, by
 2 inserting the following new section:
 3 "NEW SECTION. FEES. Issuance of a license,
 4 including a provisional license, or certificate of
 5 registration shall be made only upon receipt by the
 6 department of the following fees:
 7 1. For a license to operate a nonprofit child
 8 care center.....50 dollars.
 9 2. For a license to operate a profit-making
 10 child care center.....100 dollars.
 11 3. For a certificate of registration...10 dollars."

S-3658 FILED - *Rest of* BY RICHARD R. RAMSEY
 APRIL 30, 1975 *amended by*
3670 5/5 (1223)

S-3659

1 Amend Senate File 491 as follows:
 2 1. Page 1, line 14, by striking the words
 3 "first cousin," and inserting in lieu thereof the
 4 words "or first cousin."
 5 2. Page 1, by striking line 15.
 6 3. Page 1, line 33, by striking the words
 7 "less than seven" and inserting in lieu thereof
 8 the words "more than three but not more than six".

S-3659 FILED - *Rule out of order* BY RICHARD R. RAMSEY
 APRIL 30, 1975 *by substitution of*
3664 5/1 (1223)

S-3704

1 Amend the Sovern et. al. amendment S-3699 to Senate
 2 File 419, page 1, line 29, by striking the word "shall"
 3 and inserting in lieu thereof the word "may".

S-3704 FILED AND ADOPTED (1220) BY LOWELL L. JUNKINS
 MAY 5, 1975 STEVE SOVERN

S-3705

1 Amend the Sovern et. al. amendment S-3699 to
 2 page 5 of Senate File 491 as follows:
 3 1. Page 1, line 43, by striking the word
 4 "shall" and inserting in lieu thereof the word
 5 "may".
 6 2. Page 1, lines 43 and 44, by striking the
 7 words "and other assistance".

DIV. A

DIV. B

S-3705 FILED BY RICHARD R. RAMSEY
 MAY 5, 1975
 DIV. A - ADOPTED } 1221
 DIV. B - ADOPTED }

SENATE FILE 491

S-3660

1 Amend Senate File 491 as follows:
2 1. Page 1, line 33, by inserting after the
3 word "seven" the words "but more than three".

S-3660 FILED - *Ruled out of order* BY JOHN N. NYSTROM
MAY 1, 1975 *by passage of 3664* LOWELL L. JUNKINS
5/1 (1175) CLIFTON C. LAMBORN

S-3661

1 Amend Senate File 491 as follows:
2 1. Page 4, by striking lines 13 through 16 and
3 inserting in lieu thereof the following: "237A.3
4 REGISTRATION OF FAMILY DAY CARE HOMES. A person who
5 operates or establishes a family day care home may
6 apply to the department for registration under the
7 provisions of this chapter. The department shall
8 issue a certificate of".
9 2. Page 4, line 19, by striking the word "shall"
10 and inserting in lieu thereof the word "may".
11 3. Page 4, by striking lines 24 through 27 and
12 inserting in lieu thereof the following: "compliances.
13 The registration process may be repeated".
14 4. Page 8, line 21, by striking "child day care
15 facility" and inserting in lieu thereof "child care
16 center".
17 5. Page 8, line 22, by striking "or certificate of
18 registration".
19 6. Page 8, line 29, by striking "day care facility"
20 and inserting in lieu thereof "care center".
21 7. Page 8, line 30, by striking "or certificate of
22 registration".

S-3661 FILED - *Ruled out of order* BY JOHN N. NYSTROM
MAY 1, 1975 *by passage of 3664* LOWELL L. JUNKINS
5/1 (1176) CLIFTON C. LAMBORN

S-3706

1 Amend the Gluba-Shaw amendment S-3671 to page 8
2 of Senate File 491 by striking in line 13 the word
3 "particular" and inserting in lieu thereof the words
4 "specific flammable".

S-3706 FILED AND ADOPTED (12/8) BY ELIZABETH SHAW
MAY 5, 1975

SENATE FILE 491

S-3707

1 Amend the Sovern, et. al. amendment S-3699 to
2 Senate File 491, as follows:
3 1. Page 1, by striking lines 36 through 45.
4 2. By renumbering the remaining sections in
5 accordance with this amendment.

S-3707 FILED AND LOST (1221) BY C. JOSEPH COLEMAN

S-3699

1 Amend Senate File 491 as follows:

2 1. Page 1, after line 31, by inserting the
3 following subsection:

4 "9. "FAMILY DAY CARE HOME" means a facility which
5 provides child day care to less than seven children."

6 2. Page 1, line 35, by inserting after the word
7 "center" the words "or registered family day care
8 home".

9 3. Page 4, after line 9, by inserting the follow-
10 ing:

11 "Sec. 3. Section two hundred thirty-seven A point
12 three (237A.3), Code 1975, is amended by striking the
13 section and inserting in lieu thereof the following:

14 237A.3 REGISTRATION OF FAMILY DAY CARE HOMES. A
15 person who operates or establishes a family day care
16 home may apply to the department for registration
17 under the provisions of this chapter. The department
18 shall issue a certificate of registration upon receipt
19 of a statement from the family day care home that the
20 home complies with rules promulgated by the department.
21 The registration certificate shall be posted in a
22 conspicuous place in the family day care home, shall
23 state the name of the registrant, the number of
24 individuals who may be received for care at any one
25 time and the address of the home, and shall include a
26 check list of registration compliances. No greater
27 number of children than is authorized by the certificate
28 shall be kept in the family day care home at any one
29 time. The registration process shall be repeated on
30 an annual basis. A facility which is not a family
31 day care home by reason of the definition of child day
32 care in section one (1) of this Act, but which provides
33 care, supervision or guidance to a child may be issued a
34 certificate of registration under the provisions of this
35 chapter."

36 4. Page 5, by inserting after line 8, the following:

37 "The director or a designee may periodically visit
38 registered family day care homes for the purpose of
39 evaluation of an inquiry into matters concerning
40 compliance with rules promulgated under section two
41 hundred thirty-seven A point twelve (237A.12) of the
42 Code. Evaluation of family day care homes under this
43 section shall include consultative services and
44 other assistance provided pursuant to section two
45 hundred thirty-seven A point six (237A.6) of the Code."

46 5. Page 5, line 30, by inserting after the word
47 "center" the words "or registered home".

48 6. Page 6, line 3, by inserting after the word
49 "license" the words "or registration".

50 7. Page 6, line 4, by inserting after the word

DIV. A

- 1 "licensed" the word "or registered".
- 2 8. Page 6, line 33, by inserting after the word
- 3 "license" the words "or certificate of registration".
- 4 9. Page 6, line 35, by inserting after the word
- 5 "license" the words "or certificate".
- 6 10. Page 7, line 10, by inserting after the word
- 7 "centers" the words "and registered family day care
- 8 homes".
- 9 11. Page 8, line 21, by striking the words "child
- 10 day care facility" and inserting in lieu thereof the
- 11 word "center".
- 12 12. Page 8, line 29, by striking the words "child
- 13 day care facility" and inserting in lieu thereof the
- 14 word "center".
- 15 13. Page 9, line 22, by inserting after the word
- 16 "licensing" the words "and registration".
- 17 14. Page 9, line 26, by striking the words and
- 18 figures "two hundred thirty-seven A point three
- 19 (237A.3),".
- 20 15. Amend the title, line 1, by inserting after
- 21 the word "licensing" the words "and registration".

IV. B

S-3699 FILED

MAY 5, 1975

DIV. B - ADOPTED (1222)

BALANCE OF AMENDMENT

DIV. A - *Adopted as amended by S-4*
and 3705 5/5 (1222)

BY STEVE SOVERN

PHILIP B. HILL

E. KEVIN KELLY

LOWELL L. JUNKINS

LEONARD C. ANDERSEN

HOUSE AMENDMENT TO SENATE FILE 491

S-4149

- 1 Amend Senate File 491, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, line 34, by striking line 34 and
- 4 inserting in lieu thereof the following:
- 5 "237A.4 EXAMINATIONS INSPECTION AND EVALUATION.
- 6 The The local boards of health shall make periodic
- 7 inspections of licensed centers to insure compliance
- 8 with licensing requirements provided in this chapter.
- 9 In those instances where no local board of health
- 10 exists then the".
- 11 2. Page 7, by inserting after line 35 the
- 12 following: "building shall take into consideration
- 13 that children are".
- 14 3. Page 9, line 13, by inserting after the word
- 15 "be" the words "a member of".

S-4149 FILED
JUNE 11, 1975

RECEIVED FROM THE HOUSE

Senate concurred 6/13 (2025)

S-3664

- 1 Amend Senate File 491 as follows:
- 2 1. Page 1, by striking lines 32 and 33.
- 3 2. Page 1, line 35, by striking the words "or
- 4 family day care home".
- 5 3. Page 4, by striking lines 10 through 31.
- 6 4. Page 5, by striking lines 9 through 16.
- 7 5. Page 5, line 30, by striking the words "or
- 8 registered home".
- 9 6. Page 6, line 3, by striking the words "or
- 10 registration".
- 11 7. Page 6, line 4, by striking the words "or
- 12 registered".
- 13 8. Page 6, line 33, by striking the words "or
- 14 certificate of registration".
- 15 9. Page 6, line 35, by striking the words "or
- 16 certificate".
- 17 10. Page 7, line 10, by striking the words "and
- 18 family day care homes".
- 19 11. Page 8, line 22, by striking the words "or
- 20 certificate of registration".
- 21 12. Page 8, line 30, by striking the words "or
- 22 certificate of registration".
- 23 13. Page 9, line 22, by striking the words "and
- 24 registration".
- 25 14. Page 9, line 26, by inserting before the word
- 26 "two" the words and figures "two hundred thirty-seven
- 27 A point three (237A.3)",
- 28 15. Amend the title, line 1, by striking the
- 29 words "and registration".
- 30 16. By renumbering sections in accordance with
- 31 this amendment.

S-3664 FILED - *Adopted 5/1 (1175)*
MAY 1, 1975

ELIZABETH R. MILLER
KARL NOLIN
RICHARD J. NORPEL
JOHN NYSTROM
NORMAN RODGERS
FORREST SCHWENGELS
ROGER J. SHAFF
RAY TAYLOR
DALE TIEDEN
WILLIAM WINKELMAN

BY RICHARD R. RAMSEY
IRVIN L. BERGMAN
JAMES BRILES
CLIFFORD E. BURROUGHS
C. JOSEPH COLEMAN
LOUIS P. CULVER
WARREN CURTIS
HILARIUS L. HEYING
EUGENE M. HILL
CALVIN O. HULTMAN
CLIFTON C. LAMBORN
MILO MERRITT
CHARLES P. MILLER

S-3668

- 1 Amend the Shaw amendment S-3662 to Senate File
- 2 491, line 1, by striking the figure "28" and inserting
- 3 the figure "33".

S-3668 FILED - *H.D. 5/5 (1217)*
MAY 1, 1975

BY ELIZABETH SHAW

S-3662

1 Amend Senate File 491 by striking line 28 on
2 page 7 through line 17 on page 8 and inserting in
3 lieu thereof the following:

4 "Rules relating to fire safety and sanitation
5 shall be promulgated under this chapter by the state
6 fire marshal and the commissioner of public health
7 respectively, in consultation with the department,
8 and all rules shall be developed in consultation
9 with the state day care advisory committee. The
10 state fire marshal shall inspect the facilities.

11 Rules promulgated by the state fire marshal
12 and the commissioner of public health for buildings
13 used as child care centers as an adjunct to the pri-
14 mary purpose of the building shall take into consider-
15 ation that children are received for temporary care
16 only and shall not differ from rules promulgated
17 for these buildings when they are used by groups
18 of persons congregating from time to time in the
19 primary use and occupancy of the buildings. Further-
20 more, such rules shall govern only portions of the
21 building utilized for child care centers.

22 ~~All-rules-and-standards-promulgated-under~~
23 ~~this-chapter-with-respect-to-child-care-centers~~
24 ~~shall-be-developed-in-consultation-with-the-state~~
25 ~~day-care-advisory-committee."~~

S-3662 FILED - *w. D. 5/5 (1217)* BY ELIZABETH SHAW
MAY 1, 1975

S-3663

1 Amend Senate File 491, page 2, by striking lines
2 5 through 19 and insert in lieu thereof the following:
3 "7 12. "LOW-INCOME FAMILY" means a family whose
4 total income, relative to the number of persons depen-
5 dent on the family's total income for support, is
6 designated by the department as insufficient to provide
7 an adequate standard of living. Adequate standard of
8 living shall be defined as at or below the minimum
9 living standard budget determined by the bureau of
10 labor statistics of the United States department of
11 labor, adjusted regionally and for family size."

S-3663 FILED - *Lost 5/5 (1216)* BY EUGENE M. HILL
MAY 1, 1975

S-3671

1 Amend Senate File 491, page 8, by striking lines
2 2 through 8 and inserting in lieu thereof the words
3 "received for temporary care only and shall not
4 differ from rules promulgated for these buildings
5 when they are used by groups of persons congregating
6 from time to time in the primary use and occupancy
7 of the buildings. Furthermore, ~~such rules shall~~
8 ~~govern only portions of the building utilized for~~
9 ~~child-care centers.~~ However, the rules may require
10 a fire-rated separation from the remaining portion
11 of the building if the fire marshal determines
12 that the separation is necessary for the protection
13 of children from a particular hazard."

S-3671 FILED - *Adopted as*
MAY 1, 1975 *amended by 3706* BY WILLIAM E. GLUBA
5/5 (1218) ELIZABETH SHAW

S-3673

1 Amend Senate File 491, page 1, line 33, by striking
2 the words "less than seven" and insert in lieu thereof
3 the words "more than two but not more than six".

S-3673 FILED - *Revised and*
MAY 1, 1975 *order by resolution* BY JAMES V. GALLAGHER
3664 5/1 (1176)

SENATE FILE 491

S-3674

1 Amend Senate File 491 as follows:
2 1. Page 5, line 19 and 20 by striking the words
3 "having direct responsibility for individual children"
4 and inserting in lieu thereof the words "~~having-direct~~
5 ~~responsibility-for-individual-children~~".
6 2. Page 5, line 22 and 23, by striking the words
7 "an examination and tests to tuberculosis" and inserting
8 in lieu thereof the words "a pre-employment physical
9 examination taken within six months prior to beginning
10 employment, including communicable disease tests an
11 examination".
12 3. Page 5, by striking line 26 through 28 and
13 inserting in lieu thereof the words "thereafter. A new
14 report".

S-3674 FILED - *Adopted 5/5 (1217)* BY MINNETTE DODERER
MAY 1, 1975 JAMES M. REDMOND
BERL E. PRIEBE
WILLIAM D. PALMER

S-3665

- 1 Amend Senate File 491 as follows:
2 1. Page 3, line 12, strike the words "so as" and a
3 inserting in lieu thereof the words "~~so-as~~".
4 2. Page 3, line 14, strike the words "so as" and
5 inserting in lieu thereof the words "~~so-as~~".
6 3. Page 5, by striking lines 26 through 28 and
7 inserting in lieu thereof the words "thereafter. A-new b
8 report".
9 4. Page 8, lines 23 through 25 by striking the c
10 words "and, upon conviction, shall be punished by a fine
11 of not less than one hundred dollars nor more than one
12 thousand dollars".

S-3665 FILED *Adopted* BY JAMES M. REDMOND
MAY 1, 1975 *5/5 (1217)*
B-Ruled out of order by adoption of 3674

S-3667

- 1 Amend Senate File 491 as follows:
2 1. Page 4, lines 19 and 20 by striking the words
3 "shall be posted in a conspicuous place in the family
4 day care home,".
5 2. Page 5, by striking in lines 26 through 28 the
6 words "This requirement shall not apply to personnel
7 whose religious convictions in accordance with the
8 tenets of the church are against medical treatment."

S-3667 FILED *Ruled out of order* BY ELIZABETH SHAW
MAY 1, 1975 *by adoption of 3664*
5/1 (1176)

S-3669

- 1 Amend Senate File 491, page 1, by inserting after
2 line 27 the following:
3 "d. Uncompensated care and supervision in a private
4 home."

S-3669 FILED *H. R. 5/5 (1216)* BY JAMES M. REDMOND
MAY 1, 1975

S-3670

- 1 Amend the Ramsey amendment S-3658 to page 8 of
2 Senate File 491 as follows:
3 1. Line 8, by striking the number "50" and insert
4 in lieu thereof the number "10".
5 2. Line 10, by striking the number "100" and insert
6 in lieu thereof the number "25".
7 3. Line 11, by striking the number "10" and insert
8 in lieu thereof the number "5".

S-3670 FILED *Adopted 5/5 (1218)* BY WILLIAM E. GLUBA
MAY 1, 1975

H-4067

1 Amend Senate File 491, as amended, passed and re-
2 printed by the Senate, as follows:

3 1. Page 7, by striking lines 5 through 27 and
4 inserting in lieu thereof the following:
5 "237A.12 RULES. Subject to the provisions of
6 chapter 17A, ~~the director shall promulgate rules for~~
7 ~~operating and maintaining licensed~~ rules shall be
8 promulgated setting minimum standards to assure the
9 health, safety and welfare of children and to provide
10 quality child day care in the operation and maintenance
11 of child care centers and registered family day care
12 homes relating to. Rules shall be promulgated by
13 and shall relate to the following:

14 1. By the department in consultation with the
15 department of public instruction, rules relating to
16 the ~~The~~ number of qualified and qualifications of
17 personnel necessary to assure the health, safety,
18 and welfare of children in the center.

19 2. ~~The minimum number of square feet available~~
20 ~~for use both indoors and outdoors, by each child~~
21 ~~received into the center. Outdoors areas used by~~
22 ~~the children shall be enclosed either by fencing or~~
23 ~~some other appropriate method~~ By the department in
24 consultation with the state department of health,
25 rules relating to physical facilities.

26 3. By the department of public instruction in
27 consultation with the department, rules relating to
28 the ~~The~~ adequacy of activity and educational programs
29 and food services available to the children.

30 4. By the state department of health in
31 consultation with the department, rules relating to
32 nutrition and food services.

33 4.5. By the department, rules relating to Policies
34 policies established by the center for parental
35 participation.

36 6. By the department in consultation with the
37 department of public instruction, programs for
38 education and in-service training of staff.

39 7. By the department, rules relating to records
40 kept by the facilities.

41 8. By the department, rules relating to
42 administration.

43 9. By the state department of health in
44 consultation with the department, rules relating to
45 the health, safety, and medical policies for children.

46 10. By the state fire marshal in consultation
47 with the department, rules relating to fire safety.

48 11. By the state department of health in
49 consultation with the department, rules relating to
50 sanitation."

Page 2
H-4067

1 2. Page 8, by striking lines 14 through 19 and
2 inserting in lieu thereof the following:
3 "All rules shall be developed in consultation with
4 the state day care advisory committee. The state
5 fire marshal shall inspect the facilities."

H-4159

- 1 Amend Senate File 491, as passed by the Senate
- 2 and reprinted, as follows:
- 3 Page 7, by inserting after line 35 the follow-
- 4 ing: "building shall take into consideration that
- 5 children are".

H-4159 FILED - *adopted 6/11 (2348)*
JUNE 11, 1975

BY MILLER of Calhoun

H-4171

- 1 Amend Senate File 491, as amended, passed, and
- 2 reprinted by the Senate, page 1, by striking lines
- 3 25 through 27 and inserting in lieu thereof the
- 4 following:
- 5 "b. Short-term classes held between school terms."

H-4171 FILED, LOST (2346)
JUNE 11, 1975

BY MENNENGA of Clinton

H-4176

- 1 Amend the Oakley amendment H-4067 to Senate
- 2 File 491, as amended, passed and reprinted by the
- 3 Senate, page 1, line 28, by striking the words
- 4 "and educational".

H-4176 FILED, LOST (2341)
JUNE 11, 1975

BY OAKLEY of Clinton

H-4185

- 1 Amend Senate File 491, as amended, passed and
- 2 reprinted, as follows:
- 3 1. Page 2, by striking lines 33 through 35.
- 4 2. Page 3, by striking lines 1 through 7 and
- 5 inserting in lieu thereof the following:
- 6 "237A.2 LICENSE VOLUNTARY. A center may request
- 7 to be licensed by the department but is not required
- 8 to be licensed in order to operate in this state.
- 9 The department shall issue a license if it determines
- 10 that the following conditions have been met:".

H-4185 FILED, LOST (2349)
JUNE 11, 1975

BY BORTELL of Madison

H-4183

- 1 Amend Senate File 491, as amended, passed, and
- 2 reprinted by the Senate, page 9, line 13, by inserting
- 3 after the word "be" the words "a member of".

H-4183 FILED, ADOPTED (2349)
JUNE 11, 1975

BY HIGGINS of Scott

Senate File 491

H-4192

1 Amend Senate File 491 as amended, passed and
2 reprinted by the Senate, as follows:
3 Page 4, line 34, by striking line 34 and
4 inserting in lieu thereof the following:
5 "237 A.4 EXAMINATIONS INSPECTION AND EVALUATION.
6 ~~The~~ "The local boards of health shall make periodic
7 inspections of licensed centers to insure compliance
8 with licensing requirements provided in this
9 chapter. In those instances where no local board
10 of health exists then the"

H-4192 FILED, ADOPTED (2349)
JUNE 11, 1975

BY HARGRAVE of Johnson
SCHROEDER of Pottawattamie

S-3675

1 Amend Senate File 491, page 1, by inserting after
2 line 27 the following:
3 "d. Care and supervision in a private home that
4 receives less than \$10 total compensation in any 24-hour
5 period."

S-3675 FILED - *Withdrawn 5/5 (1216)* BY JAMES M. REDMOND
MAY 1, 1975

SENATE FILE 491

By COMMITTEE ON HUMAN RESOURCES

(AS PASSED BY THE SENATE ON MAY 5, 1975)

Passed Senate, Date ^{for House amendment} 6-18-75 (2085) Passed House, Date 6-11-75 (2350)
 Vote: Ayes 38 Nays 20 Vote: Ayes 82 Nays 11
 Approved 7-17-75

A BILL FOR

1 An Act relating to the licensing and registration of child day
 2 care facilities and prociding a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
 4
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 25

New language by
 the Senate = _____

1 Section 1. Section two hundred thirty-seven A point one
2 (237A.1), Code 1975, is amended to read as follows:

3 237A.1 DEFINITIONS. As used in this chapter unless the
4 context otherwise requires:

- 5 1. "COMMISSIONER" means the commissioner of social
6 services.
- 7 2. "DEPARTMENT" means the department of social services.
- 8 3. "DIRECTOR" means the director of the division designated
9 by the commissioner to administer this chapter.

10 4. "COUNTY BOARD" means the county board of social welfare.

11 5. "CHILD" means a person under eighteen years of age.

12 6. "RELATIVE" means a person who by marriage, blood or
13 adoption is a parent, grandparent, brother, sister, stepfather,
14 stepmother, stepbrother, stepsister, uncle, aunt, first cousin,
15 or guardian.

16 7. "CHILD DAY CARE" means the care, supervision, or
17 guidance of a child by a person other than the parent,
18 guardian, relative or custodian for periods of two hours or
19 more and less than twenty-four hours per day per child on
20 a regular basis in a place other than the child's home, but
21 does not include:

22 a. An instructional program administered by a public or
23 nonpublic school system approved by the department of public
24 instruction or the state board of regents.

25 b. A church-related instructional program of not more
26 than one day per week.

27 c. Short-term classes held between school terms.

28 8. "CHILD CARE CENTER" or "CENTER" means a facility
29 providing ~~care-fer-six~~ child day care for seven or more
30 children ~~fer-more-than-four-neurs,7-but-less-than-twenty-four~~
31 hours,7-per-day.

32 9. "FAMILY DAY CARE HOME" means a facility which provides
33 child day care to less than seven children.

34 10. "CHILD DAY CARE FACILITY" or "FACILITY" means a child
35 care center or registered family day care home.

1 6 11. "LICENSED CENTER" means a center ~~applying-for-or~~
2 issued a full or provisional license by the department under
3 the provisions of this chapter or a center for which a license
4 is being processed.

5 7 12. "LOW-INCOME FAMILY" means a family whose ~~total~~
6 ~~income,-relative-to-the-number-of-persons-dependent-on-the~~
7 ~~family's-total-income-for-support,-is-designated-by-the~~
8 ~~department-as-insufficient-to-provide-an-adequate-standard~~
9 ~~of-living;--Adequate-standard-of-living-shall-be-defined-as~~
10 ~~at-or-below-the-minimum-living-standard-budget-determined~~
11 ~~by-the-bureau-of-labor-statistics-of-the-United-States~~
12 ~~department-of-labor,-adjusted-regionally-and-for-family-size~~
13 monthly gross income is less than the lower of:

14 a. Eighty percent of the median income of a family of
15 four in this state adjusted to take into account the size
16 of the family; or

17 b. The median income of a family of four in the fifty
18 states and the District of Columbia adjusted to take into
19 account the size of the family.

20 8 13. "STATE DAY CARE ADVISORY COMMITTEE" means the state
21 day care advisory committee established ~~by-regulation-220.4~~
22 ~~of-the-Social-Security-Act-of-1967-whose-membership-is-no~~
23 ~~less-than-nine-nor-no-more-than-fifteen-members-and-is~~
24 ~~comprised-of-one-third-providers-of-services,-one-third~~
25 ~~interested-citizens-from-urban-and-rural-areas-across-the~~
26 ~~state-and-one-third-parents-of-children-served;--If-for-any~~
27 ~~reason-the-federal-government-eliminates-this-advisory~~
28 ~~committee,-this-advisory-committee-shall-continue-to-function~~
29 ~~as-a-state-advisory-group-to-the-department~~ pursuant to section
30 ten (10) of this Act.

31 Sec. 2. Section two hundred thirty-seven A point two
32 (237A.2), Code 1975, is amended to read as follows:

33 237A.2 ~~LICENSE-VOLUNTARY;--A-center-may-request-to-be~~
34 ~~licensed-by-the-department-but-is-not-required-to-be-licensed~~
35 ~~in-order-to-operate-in-tnis-state.~~ LICENSING OF CHILD CARE

1 CENTERS. A person shall not establish or operate a child
2 care center without obtaining a license under the provisions
3 of this chapter. A center may operate for a specified period
4 of time, to be established by rule of the department, if
5 application for a license has been made. The department shall
6 issue a license if it determines that the following conditions
7 have been met:

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

10 ~~2. The center possesses adequate financial resources to~~
11 ~~perform the services it undertakes.~~

12 3 2. The center is maintained so-as to comply with state
13 ~~and local~~ health, and fire, ~~and zoning~~ laws.

14 4 3. The ~~facility~~ center is maintained so-as to comply
15 with rules promulgated under section 237A.12.

16 A person denied a license under the provisions of this
17 section shall receive written notice of the denial stating
18 the reasons for denial and ~~may appeal the decision as provided~~
19 ~~in sections 237A.40 and 237A.44~~ shall be provided with an
20 opportunity for an evidentiary hearing. Licenses granted
21 under this chapter shall be valid for one year from the date
22 of issuance unless revoked or suspended in accordance with
23 the provisions of section two hundred thirty-seven A point
24 eight (237A.8) of the Code. A record of the license shall
25 be kept by the department. The license shall be posted in
26 a conspicuous place in the center and shall state the
27 particular premises in which child day care may be offered
28 and the number of individuals who may be received for care
29 at any one time. No greater number of children than is
30 authorized by the license shall be kept in the center at any
31 one time.

32 The director may issue a provisional license for a period
33 of time not to exceed one year if the center does not meet
34 standards required under this section. A provisional license
35 shall be posted in a conspicuous place in the center as

1 provided in this section. If written plans to bring the center
2 up to standards, giving specific dates for completion of work,
3 are submitted to and approved by the department promulgating
4 the regulations, the provisional license shall be renewable.

5 A facility which is not a child care center by reason of
6 the definition of child day care in section one (1) of this
7 Act, but which provides care, supervision or guidance to a
8 child may be issued a license if the facility complies with
9 all the provisions of this chapter.

10 Sec. 3. Section two hundred thirty-seven A point three
11 (237A.3), Code 1975, is amended by striking the section and
12 inserting in lieu thereof the following:

13 237A.3. REGISTRATION OF FAMILY DAY CARE HOMES. A person
14 who operates or establishes a family day care home may apply
15 to the department for registration under the provisions of
16 this chapter. The department shall issue a certificate of
17 registration upon receipt of a statement from the family day
18 care home that the home complies with rules promulgated by
19 the department. The registration certificate shall be posted
20 in a conspicuous place in the family day care home, shall
21 state the name of the registrant, the number of individuals
22 who may be received for care at any one time and the address
23 of the home, and shall include a check list of registration
24 compliances. No greater number of children than is authorized
25 by the certificate shall be kept in the family day care home
26 at any one time. The registration process may be repeated
27 on an annual basis. A facility which is not a family day
28 care home by reason of the definition of child day care in
29 section one (1) of this Act, but which provides care,
30 supervision or guidance to a child may be issued a certificate
31 of registration under the provisions of this chapter.

32 Sec. 4. Section two hundred thirty-seven A point four
33 (237A.4), Code 1975, is amended to read as follows:

34 237A.4 EXAMINATIONS INSPECTION AND EVALUATION. The
35 director may make periodic inspections of licensed centers

1 as necessary to carry out the provisions of this chapter.
2 The director may inspect records maintained by a licensed
3 center and may inquire into matters concerning these centers
4 and the persons in charge. The director shall require that
5 the center be inspected by the ~~commissioner-of-public-health~~
6 ~~and-the~~ state fire marshal or a designee for compliance with
7 rules relating to fire safety or their designees, before a
8 license is granted or renewed.

9 The director or a designee may periodically visit registered
10 family day care homes for the purpose of evaluation of an
11 inquiry into matters concerning compliance with rules
12 promulgated under section two hundred thirty-seven A point
13 twelve (237A.12) of the Code. Evaluation of family day care
14 homes under this section may include consultative services
15 provided pursuant to section two hundred thirty-seven A point
16 six (237A.6) of the Code.

17 Sec. 5. Section two hundred thirty-seven A point five
18 (237A.5), Code 1975, is amended to read as follows:

19 237A.5 PERSONNEL. All personnel having-direct
20 responsibility-for-individual-children in licensed child-care
21 centers shall have good ~~physical-and-mental~~ health as evi-
22 denced by a report following a pre-employment physical
23 examination taken within six months prior to beginning
24 employment, including communicable disease tests an
25 examination, by a licensed physician, as defined in section
26 one hundred thirty-five C point one (135C.1) of the Code,
27 at the time of initial employment and every three years
28 thereafter. A-new-report-shall-be-required-every-year
29 thereafter. No staff member of a licensed center or registered
30 home with direct responsibility for child care shall have
31 a conviction by any law of any state involving lascivious
32 acts with a child, child neglect or child abuse.

33 Sec. 6. Section two hundred thirty-seven A point six
34 (237A.6), Code 1975, is amended to read as follows:

35 237A.6 CONSULTATIVE SERVICES. The department shall, and

1 the commissioner of public health may provide consultative
2 services to a person applying for a license or registration,
3 or licensed or registered by the director under this chapter.

4 Sec. 7. Section two hundred thirty-seven A point seven
5 (237A.7), Code 1975, is amended to read as follows:

6 237A.7 CONFIDENTIAL INFORMATION. Anyone who acquires
7 through the administration of this chapter information relative
8 to an individual in a ~~center~~ child day care facility or to
9 a relative of the individual shall not, directly or indirectly,
10 disclose the information except upon inquiry before a court
11 of law or with the written consent of the individual or, in
12 the case of a child, the written consent of the parent or
13 guardian or as otherwise specifically required or allowed
14 by law.

15 ~~This section shall not prohibit the director from disclosing~~
16 ~~facts when it is in the best interests of a child or in the~~
17 ~~interest of the child's parents, guardian, or foster parents~~
18 ~~and not harmful to the child, or when disclosure is necessary~~
19 ~~to protect the interests of the child's prospective foster~~
20 ~~parents.~~

21 This section shall not prohibit the ~~director from disclosing~~
22 disclosure of information relative to the structure and
23 operation of a ~~licensed-center~~ facility nor shall it prohibit
24 the statistical analysis by duly authorized persons of data
25 collected by virtue of this chapter, or the publication of
26 the results of the analysis in a manner which does not disclose
27 information identifying individual persons.

28 Sec. 8. Section two hundred thirty-seven A point eight
29 (237A.8), Code 1975, is amended to read as follows:

30 237A.8 SUSPENSION AND REVOCATION. The director, after
31 notice and opportunity for an evidentiary hearing, may suspend
32 or revoke a license or certificate of registration issued
33 under the provisions of this chapter if the person to whom
34 a license or certificate is issued violates any provision
35 of this chapter or if a person makes false reports regarding

1 the operation of the center child day care facility to the
2 director or his a designee.

3 Sec. 9. Section two hundred thirty-seven A point twelve
4 (237A.12), Code 1975, is amended to read as follows:

5 237A.12. RULES. Subject to the provisions of chapter
6 17A, the director shall promulgate rules ~~for operating and~~
7 ~~maintaining licensed~~ setting minimum standards to provide
8 quality child day care in the operation and maintenance of
9 child care centers and registered family day care homes
10 relating to:

11 1. The number ~~of qualified~~ and qualifications of personnel
12 necessary to assure the health, safety, and welfare of children
13 in the center facilities.

14 2. ~~The minimum number of square feet available for use~~
15 ~~both indoors and outdoors, by each child received into the~~
16 ~~center. Outdoor areas used by the children shall be enclosed~~
17 ~~either by fencing or some other appropriate method~~ Physical
18 facilities.

19 3. The adequacy of activity programs and food services
20 available to the children.

21 4. Policies established by the center for parental
22 participation.

23 5. Programs for education and in-service training of
24 staff.

25 6. Records kept by the facilities.

26 7. Administration.

27 8. Health, safety, and medical policies for children.

28 ~~Before a proposed rule, as defined in chapter 17A, is~~
29 ~~submitted to the departmental rules review committee, a public~~
30 ~~hearing shall be held in regard to the rule, and members of~~
31 ~~the departmental rules review committee shall be notified~~
32 ~~of the hearings.~~

33 Rules promulgated by the state fire marshal ~~and the~~
34 ~~commissioner of public health~~ for buildings used as child
35 care centers as an adjunct to the primary purpose of the

1 received for temporary care only and shall not differ from
2 rules promulgated for these buildings when they are used by
3 groups of persons congregating from time to time in the primary
4 use and occupancy of the buildings. Furthermore, such rules
5 shall govern only portions of the building utilized for child
6 care centers. However, the rules may require a fire-rated
7 separation from the remaining portion of the building if the
8 fire marshall determines that the separation is necessary
9 for the protection of children from a specific flammable
10 hazard.

11 ~~All rules and standards promulgated under this chapter~~
12 ~~with respect to child care centers shall be developed in~~
13 ~~consultation with the state day care advisory committee.~~

14 Rules relating to fire safety and sanitation shall be
15 promulgated under this chapter by the state fire marshal and
16 the commissioner of public health respectively, in consultation
17 with the department, and all rules shall be developed in
18 consultation with the state day care advisory committee. The
19 state fire marshal shall inspect the facilities.

20 Sec. 10. Chapter two hundred thirty-seven A (237A), Code
21 1975, is amended by adding the following new sections:

22 NEW SECTION. PENALTY. A person who establishes, conducts,
23 manages, or operates a center without a license shall be
24 guilty of a misdemeanor. Each day of continuing violation
25 after conviction, or notice from the department by certified
26 mail of the violation, shall be considered a separate offense.

27 NEW SECTION. INJUNCTION. Any person who establishes,
28 conducts, manages, or operates a center without a license
29 may be restrained by permanent injunction.

30 NEW SECTION. STATE DAY CARE ADVISORY COMMITTEE. There
31 is established a state day care advisory committee to consist
32 of not less than nine and not more than fifteen members from
33 urban and rural areas across the state. The membership shall
34 consist of one-third providers of services, one-third
35 interested citizens, and one-third parents of children served.

1 Members shall be appointed by the commissioner from a list
2 of names submitted by a nominating committee to consist of
3 one member of the state day care advisory committee established
4 pursuant to this section, one member of the day care unit
5 of the department, and one member of a professional child
6 care organization. Two names shall be submitted for each
7 appointment. Members shall be appointed for terms of three
8 years but no member shall be appointed to more than two
9 consecutive terms. The state day care advisory committee
10 shall write its own operational policies with departmental
11 approval. The member of the state day care advisory committee
12 who submits names of nominees for initial membership on the
13 committee shall be the state day care advisory committee
14 established by regulation two hundred twenty point four (220.4)
15 of the Social Security Act of 1967.

16 NEW SECTION. DUTIES OF THE STATE DAY CARE ADVISORY
17 COMMITTEE. The state day care advisory committee shall:

18 1. Consult with and make recommendations to the department
19 in the promulgation of rules under this chapter.

20 2. Recommend improvements in the licensing and registration
21 of facilities.

22 3. Advise the department on licensing policy, planning,
23 and priorities.

24 Sec. 11. Sections two hundred thirty-seven A point nine
25 (237A.9), two hundred thirty-seven A point ten (237A.10) and
26 two hundred thirty-seven A point eleven (237A.11), Code 1975,
27 are repealed.

28 EXPLANATION

29 This bill requires licensing of child care centers and
30 registration of family day care homes, which provide child
31 day care for periods of two hours or more and less than twenty-
32 four hours a day on a regular basis in a place other than
33 the child's home. Child day care does not include care
34 provided by a relative or in a public or private school
35 approved by the department of public instruction or the state

1 board of regents and does not include church-related and
2 short-term classes under certain conditions. The department
3 of social services is authorized to promulgate rules for the
4 operation of child care centers and family day care homes.
5 A penalty is provided for violation of the requirements for
6 licensing and registration.

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