

Lawrence H. ...

*To Pass 5/6/81
(# 1122)
To Pass 1/28/82
(# 237)*

FEB 5 1981

Place On Calendar

HOUSE FILE 303

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House File 122)

Passed House, Date 2-27-81 (p. 583) Passed Senate, Date 4-16-81 (p. 1301)

Vote: Ayes 83 Nays 1 Vote: Ayes 45 Nays 2

Approved May 11 1982

*Motion to reconsider p. 602
to 3/5 (p. 660)
Repassed House as amended by Senate
4-14-82 (p. 1466)*

*Motion to reconsider p. 1301 passed 5/13/81 (p. 1531)
Repassed Senate 4-7-82 (p. 1076)
45-3*

A BILL FOR

87-21 An Act relating to the registration of group day care home providers.

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

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SENATE AMENDMENT TO HOUSE FILE 303

H-5795

- 1 Amend House File 303 as passed by the House as
- 2 follows:
- 3 1. Page 2, by striking lines 8 through 12 and
- 4 inserting in lieu thereof the following: "tion under
- 5 this chapter. In order to be registered, the group
- 6 day care home shall have at least one responsible
- 7 individual, age fourteen or older, on duty to assist
- 8 the group day care home provider when there are more
- 9 than six children present for more than a two hour
- 10 period. All other requirements of this".
- 11 2. Page 2, line 26, by inserting after the word
- 12 "violation" the words "after conviction".
- 13 3. Page 2, line 28, by inserting after the word
- 14 "offense." the words "A single charge alleging con-
- 15 tinuing violation may be made in lieu of filing charges
- 16 for each day of violation."
- 17 4. Page 2, by striking lines 30 through 34.

H-5795 FILED APRIL 8, 1982

RECEIVED FROM SENATE
House concurred 4/14 (p. 1466)

303

1 Section 1. Section 237A.1, subsection 8, Code 1981, is
2 amended to read as follows:

3 8. "Child care center" or "center" means a facility
4 providing child day care for seven or more children, except
5 when the facility is registered as a group day care home.

6 Sec. 2. Section 237A.1, subsection 9, Code 1981, is amended
7 to read as follows:

8 9. a. "Family day care home" means a facility which
9 provides child day care to less than seven children.

10 b. "Group day care home" means a facility providing child
11 day care for more than six but less than twelve children,
12 with no more than six children at one time being less than
13 six years of age.

14 Sec. 3. Section 237A.1, subsection 10, Code 1981, is
15 amended to read as follows:

16 10. "Child day care facility" or "facility" means a child
17 care center, group day care home, or registered family day
18 care home.

19 Sec. 4. Section 237A.3, Code 1981, is amended to read
20 as follows:

21 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE HOMES.

22 1. A person who operates or establishes a family day care
23 home may apply to the department for registration under the
24 ~~provisions~~ of this chapter. The department shall issue a
25 certificate of registration upon receipt of a statement from
26 the family day care home that the home complies with rules
27 ~~promulgated~~ adopted by the department. The registration
28 certificate shall be posted in a conspicuous place in the
29 family day care home, shall state the name of the registrant,
30 the number of individuals who may be received for care at
31 any one time and the address of the home, and shall include
32 a check list of registration compliances. No greater number
33 of children than is authorized by the certificate shall be
34 kept in the family day care home at any one time. The
35 registration process may be repeated on an annual basis.

1 A facility which is not a family day care home by reason of
2 the definition of child day care in section 237A.1, subsection
3 7, but which provides care, supervision or guidance to a child
4 may be issued a certificate of registration under ~~the~~
5 ~~provisions~~ of this chapter.

6 2. A person shall not operate or establish a group day
7 care home unless the person obtains a certificate of registra-
8 tion under this chapter. In order to be registered the group
9 day care home shall have at least one responsible individual,
10 age fourteen or over, on duty to assist the group day care
11 home provider during those hours in which the provider cares
12 for more than six children. All other requirements of this
13 chapter for registered family day care homes and the rules
14 adopted under this chapter for registered family day care
15 homes apply to group day care homes. In addition, the depart-
16 ment shall adopt rules relating to the provision in group
17 day care homes for a separate area for sick children. In
18 consultation with the state fire marshal, the department shall
19 adopt rules relating to the provision of fire extinguishers,
20 smoke detectors, and two exits accessible to children.

21 Sec. 5. Section 237A.19, Code 1981, is amended by adding
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. A person who establishes, con-
24 ducts, manages, or operates a group day care home without
25 registering under this chapter is guilty of a simple misde-
26 meanor. Each day of continuing violation, or notice from
27 the department by certified mail of the violation, is a
28 separate offense.

29 Sec. 6. Section 237.10, Code 1981, is repealed.

30 Sec. 7. This Act, being deemed of immediate importance,
31 takes effect from and after its publication in The Algona
32 Upper Des Moines, a newspaper published in Algona, Iowa, and
33 in the West Des Moines Express, a newspaper published in West
34 Des Moines, Iowa.

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EXPLANATION

1 This bill establishes a new category of child day care
2 facility, the group day care home which can provide care for
3 more than six but less than 12 children, with no more than
4 six children under the age of six years old at one time.

5 Under current law such a facility would be required to
6 be licensed as a child care center. Under this bill the group
7 day care home must register with the department of social
8 services and would be subject to the administrative rules
9 applicable to family day care homes and to new administrative
10 rules relating to separate areas for sick children and, after
11 consultation with the state fire marshal, to new administra-
12 tive rules relating to the provision of fire extinguishers,
13 smoke detectors, and fire exits. In addition a group day
14 care home is required to have an additional individual, age
15 14 or over, to assist the provider during those hours when
16 the provider cares for more than six children.

17 Operating a group day care home without registering is
18 a simple misdemeanor.

19 The bill repeals section 237.10, which allows two hours
20 of child day care to more than six children but technically
21 only applies to licensed facilities.

22 The bill would become law upon publication.

23 FISCAL NOTE

24 Amendment H-3104 to H. F. 303

25 Requested by Representative Mullins

26 February 18, 1981

27 In compliance with a written request there is hereby submitted a
28 Fiscal Note for Amendment H-3104 to H. F. 303 pursuant to Joint Rule 16.

29 3104 to House File 303, (An Act relating to the Registration of Group Day Care Home
30 Providers) provides that the Department of Social Services shall furnish forms for
31 statements and waivers required by Subsection 2 of Amendment H-3072.

32 Because it is not known how many facilities may choose not to be licensed or
33 registered, or how many parents who have children in those facilities may agree
34 to sign waiver forms, no estimate is possible.

35

FILED FEBRUARY 26, 1981

BY GERRY D. RANKIN
Legislative Fiscal Bureau

LSB 1366H 69

rj/rh/8

HOUSE FILE 303

H-3176

- 1 Amend House File 303 as follows:
- 2 1. Page 1, line 9, by striking the word "less"
- 3 and inserting in lieu thereof the words "less fever".
- 4 2. Page 1, line 11, by striking the word "less"
- 5 and inserting in lieu thereof the word "fewer".
- 6 3. Page 1, line 12, by striking the words "less
- 7 than" and inserting in lieu thereof the word "under".

H-3176 FILED FEBRUARY 27, 1981
MOTION TO SUSPEND RULES, LOST

BY LLOYD-JONES of Johnson

HOUSE FILE 303

H-3072

- 1 Amend House File 303 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ Chapter 237A, Code 1981, is amended
- 5 by adding the following new section:
- 6 NEW SECTION. EXCLUSION FOR PRIVATE HOMES AND
- 7 CENTERS. Notwithstanding any other provision of this
- 8 chapter to the contrary, a group day care home, as
- 9 defined in section 237A.1, subsection 9, paragraph
- 10 b, a family day care home, as defined in section
- 11 237A.1, subsection 9, paragraph a, or a child care
- 12 center, as defined in section 237A.1, subsection 8,
- 13 which is private and does not receive public funds,
- 14 may provide child day care without being licensed
- 15 or registered under this chapter, if the private group
- 16 or family day care home or child care center:
- 17 1. Complies with the rules adopted for group day
- 18 care homes by the department, in consultation with
- 19 the state fire marshal, relating to the provision
- 20 of fire extinguishers, smoke detectors, and fire
- 21 exits.
- 22 2. Maintains in the files of the home or center
- 23 copies of statements signed by all parents, guardians,
- 24 or custodians of children cared for in the home or
- 25 center certifying that the home or center meets their
- 26 own requirements relating to health and safety,
- 27 sanitation, nutrition, and recreation and that the
- 28 parents, guardians, or custodians waive their rights
- 29 to sue the department for the department's failure
- 30 to enforce departmental rules which would be applicable
- 31 but for this section."

H-3072 FILED
FEBRUARY 12, 1981
Lost 2/27 (p. 582)

BY MANN of Greene
~~CLARK of Greene~~
DIEMER of Black Hawk

CUSACK of Scott
MILLER of Buchanan



HOUSE FILE 303

H-3080

- 1 Amend House File 303 as follows:
- 2 1. Page 2, line 10, by striking the word "fourteen"
- 3 and inserting in lieu thereof the word "sixteen".

BY CARPENTER of Polk

H-3080 FILED

SHIMANEK of Jones

FEBRUARY 13, 1981

BRUNER of Story

Adopted 2/27 (p. 588)
Referred to Committee on 2/17, 1981
HOUSE FILE 303

H-3104

- 1 Amend House amendment, H-3072, to House File 303,
- 2 as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "section." the words "The department shall furnish
- 5 forms for statements and waivers required by this
- 6 subsection."

H-3104 FILED FEBRUARY 17, 1981 BY MANN of Greene

W/S 2/27 (p. 581)

HOUSE FILE 303

H-3115

- 1 Amend House amendment, H-3072, to House File 303
- 2 as follows:
- 3 1. Page 1, by striking lines 27 through 31 and
- 4 inserting in lieu thereof the words "sanitation,
- 5 nutrition, and recreation."

H-3115 FILED

BY DODERER of Johnson

FEBRUARY 18, 1981

RAPP of Black Hawk

W/S 2/27 (p. 581)

HOUSE FILE 303

H-3162

- 1 Amend amendment H-3072 to House File 303 as follows:
- 2 1. Page 1, lines 8, 9 and 10, by striking the words
- 3 "a group day care home, as defined in section 237A.1,
- 4 subsection 9, paragraph b,".
- 5 2. Page 1, lines 11 and 12, by striking the words
- 6 "or a child care center, as defined in section 237A.1,
- 7 subsection 8,".
- 8 3. Page 1, lines 14 and 15, by striking the words
- 9 "licensed or".
- 10 4. Page 1, lines 15 and 16, by striking the words
- 11 "group or".
- 12 5. Page 1, line 16, by striking the words "or child
- 13 care center:".
- 14 6. Page 1, by striking lines 17 through 21.
- 15 7. Page 1, by striking line 22 and inserting in
- 16 lieu thereof the following: "maintains in the files
- 17 of the home".
- 18 8. Page 1, lines 24 and 25, by striking the words
- 19 "or center".
- 20 9. Page 1, line 25, by striking the words "or
- 21 center".

H-3162 FILED FEBRUARY 25, 1981

BY DIELEMAN of Marion

W/S 2/27 (p. 581)

S-3416

1 Amend House File 303 as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 28, the
4 following new section:
5 "Sec. ____ Chapter 237A, Code 1981, is amended
6 by adding the following new section:
7 NEW SECTION. WAIVERS. A child day care facility,
8 subject to the licensing or registration requirements
9 of this chapter may request a waiver of the applicable
10 licensing or registration requirements of this chapter
11 and of the rules adopted pursuant to those requirements
12 from the department of social services. Upon receipt
13 of a request for a waiver the department of social
14 services shall compile its information concerning
15 the child day care facility and forward the information
16 to the county board of social welfare in the county
17 in which the facility is located. The county board
18 shall review the information and the request for the
19 waiver and shall make a recommendation on the waiver
20 request to the department of social services. The
21 department of social services shall consider the
22 county board's recommendation and may waive any or
23 all of the licensing or registration requirements
24 of this chapter and of the rules adopted pursuant
25 to those requirements. The department shall base
26 its decision to waive any or all of the requirements
27 or rules on an overall assessment of the facility's
28 ability to provide child day care in a healthy and
29 safe environment."
30 2. By renumbering as necessary.

S-3416 FILED
APRIL 7, 1981

BY C. W. BILL HUTCHINS

Adopted 4/15/81 (p. 1282)
Motion to reconsider 4/16 (p. 1310)
S-3417

Motion to reconsider prevailed 5/1/81 (p. 1531)
Withdrawn 4/7 (p. 1075)

HOUSE FILE 303

1 Amend House File 303 as passed by the House, as
2 follows:
3 1. Page 2, by striking line 29.

S-3417 FILED
APRIL 7, 1981

BY C. W. BILL HUTCHINS

Adopted 4/15/81 (p. 1289)
Motion to reconsider 3/2/82 (p. 560) Reconsidered 4/7 (p. 1075)
Withdrawn 4/7 (p. 1076)

HOUSE FILE 303

S-3508

1 Amend House File 303, as passed by the House, as
2 follows:
3 1. Page 2, line 26, by inserting after the word
4 "violation" the words "after conviction".
5 2. Page 2, line 28, by inserting after the word
6 "offense." the words "A single charge alleging con-
7 tinuing violation may be made in lieu of filing
8 charges for each day of violation."

S-3508 FILED & ADOPTED
APRIL 16, 1981 (p. 1301)

BY RICHARD VANDE HOEF

HOUSE FILE 303

S-3506

1 Amend House File 303 as passed by the House
2 as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 237.10, Code 1981, is
6 amended to read as follows:

7 237.10 EXEMPTION. A facility licensed under
8 this chapter or a facility subject to the licensing
9 requirements of chapter 237A, if providing child
10 day care, shall be exempt for a period of two hours or
11 less in any day from the limitation of simultaneously
12 providing child day care for a maximum of six nine
13 children, with no more than six children at one time
14 being less than six years of age."

S-3506 FILED & ADOPTED

APRIL 15, 1981

Adopted 4/15/81 (p. 1288)
Motion to reconsider (p. 1288), reconsidered
Adopted 4/15 (p. 1289)
Motion to reconsider 3/24 (p. 559)
Reconsidered 4/7/82 (p. 1075)
Withdrawn 4/7 (p. 1076)

BY SUE YENGER

JOHN S. MURRAY

BILL HUTCHINS

BERL E. PRIEBE

TOM SLATER

S-5083

HOUSE FILE 303

1 Amend House File 303 to read as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 237A.1, subsection 8, Code
5 1981, is amended to read as follows:

6 8. "Child care center" or "center" means a facility
7 providing child day care for seven or more children,
8 except when the facility is registered as a group
9 day care home.

10 Sec. 2. Section 237A.1, subsection 9, Code 1981,
11 is amended to read as follows:

12 9. a. "Family day care home" means a facility
13 which provides child day care to less than seven
14 children.

15 b. "Group day care home" means a facility providing
16 child day care for more than six but less than twelve
17 children, with no more than six children at one time
18 being less than six years of age.

19 Sec. 3. Section 237A.1, subsection 10, Code 1981,
20 is amended to read as follows:

21 10. "Child day care facility" or "facility" means
22 a child care center, group day care home, or registered
23 family day care home.

24 Sec. 4. Section 237A.3, Code 1981, is amended
25 to read as follows:

26 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE
27 HOMES.

28 1. A person who operates or establishes a family
29 day care home may apply to the department for
30 registration under ~~the provisions of~~ this chapter.
31 The department shall issue a certificate of
32 registration upon receipt of a statement from the
33 family day care home that the home complies with rules
34 ~~promulgated~~ adopted by the department. The
35 registration certificate shall be posted in a
36 conspicuous place in the family day care home, shall
37 state the name of the registrant, the number of
38 individuals who may be received for care at any one
39 time and the address of the home, and shall include
40 a check list of registration compliances. No greater
41 number of children than is authorized by the
42 certificate shall be kept in the family day care home
43 at any one time. The registration process may be
44 repeated on an annual basis. A facility which is
45 not a family day care home by reason of the definition
46 of child day care in section 237A.1, subsection 7,
47 but which provides care, supervision or guidance to
48 a child may be issued a certificate of registration
49 under ~~the provisions of~~ this chapter.

50 2. A person shall not operate or establish a group

S-5083
PAGE 2

1 day care home unless the person obtains a certificate
2 of registration under this chapter. In order to be
3 registered the group day care home shall have at least
4 one responsible individual, age fourteen or over,
5 on duty to assist the group day care home provider
6 during those hours in which the provider cares for
7 more than six children. All other requirements of
8 this chapter for registered family day care homes
9 and the rules adopted under this chapter for registered
10 family day care homes apply to group day care homes.
11 In addition, the department shall adopt rules relating
12 to the provision in group day care homes for a separate
13 area for sick children. In consultation with the
14 state fire marshal, the department shall adopt rules
15 relating to the provision of fire extinguishers, smoke
16 detectors, and two exits accessible to children.

17 Sec. 5. Section 237A.19, Code 1981, is amended
18 by adding the following new unnumbered paragraph:
19 NEW UNNUMBERED PARAGRAPH. A person who establishes,
20 conducts, manages, or operates a group day care home
21 without registering under this chapter is guilty of
22 a simple misdemeanor. Each day of continuing
23 violation, or notice from the department by certified
24 mail of the violation, is a separate offense.

25 Sec. 6. Section 237.10, Code 1981, is repealed."

S-5083 FILED
FEBRUARY 10, 1982
W/S 4/7 (p 1075)

BY JULIA GENTLEMAN
CHARLES MILLER
C. JOSEPH COLEMAN
ARTHUR GRATIAS
AL MILLER
TOM SLATER

SUE YENGER
BOB CARR
RICHARD DRAKE
MERLIN HULSE
JOHN NYSTROM
RICHARD VANDE HOEF

HOUSE FILE 303

S-3626

1 Amend House File 303 as passed by the House
2 as follows:
3 1. Page 2, by striking lines 30 through 34.

S-3626 FILED

MAY 1, 1981
Adopted 4/7/82 (p. 1076)

BY CHARLES P. MILLER

HOUSE FILE 303

S-5193

1 Amend House File 303 as passed by the House as
 2 follows:
 3 1. Page 1, line 9, by striking the words "less
 4 than seven children" and inserting in lieu thereof
 5 the words "~~less-than-seven-children~~ no more than six
 6 children in a day except that a family day care home
 7 may provide child day care for three additional
 8 children for a period of up to two hours in any day
 9 provided that at one time no more than six of the
 10 children provided child day care are under six years
 11 of age".

S-5193 FILED

MARCH 4, 1982

H/S 4/7 (p. 1076)

BY ARTHUR A. SMALL, JR.

BILL HUTCHINS

DALE TIEDEN

JOHN W. JENSEN

DICK RAMSEY

RICHARD COMITO

HOUSE FILE 303

S-5091

1 Amend Senate amendment, S-5083, to House File 303,
 2 as passed by the House, as follows:
 3 1. Page 2, by inserting after line 24 the
 4 following:
 5 "Sec. ____ Chapter 237A, Code 1981, is amended
 6 by adding the following new section:
 7 NEW SECTION. EXEMPTION. A family day care home
 8 is exempt for a period of up to two hours before or
 9 after regular school hours in any day from the
 10 limitation of simultaneously providing child day care
 11 for a maximum of six children, provided that no more
 12 than three additional children are provided child
 13 day care at one time and no more than six children
 14 under six years of age are provided child day care
 15 at one time."
 16 2. Renumber as necessary.

S-5091 FILED

FEBRUARY 11, 1982

H/S 4/7 (p. 1075)

BY ARTHUR A. SMALL, JR.

HOUSE FILE 303

S-5505

1 Amend House File 303 as passed by the House as
 2 follows:
 3 1. Page 2, by striking lines 8 through 12 and
 4 inserting in lieu thereof the following "tion under
 5 this chapter. In order to be registered, the group
 6 day care home shall have at least one responsible
 7 individual, age fourteen or older, on duty to assist the
 8 group day care home provider when there are more than
 9 six children present for more than a two hour
 10 period. All other requirements of this".

S-5505 FILED & ADOPTED

APRIL 7, 1982 (p. 1075)

BY ARTHUR A. SMALL, JR.

JULIA GENTLEMAN

C. W. BILL HUTCHINS

HOUSE FILE 303

AN ACT

RELATING TO THE REGISTRATION OF GROUP DAY CARE HOME PROVIDERS.

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

Section 1. Section 237A.1, subsection 8, Code 1981, is amended to read as follows:

8. "Child care center" or "center" means a facility providing child day care for seven or more children, except when the facility is registered as a group day care home.

Sec. 2. Section 237A.1, subsection 9, Code 1981, is amended to read as follows:

9. a. "Family day care home" means a facility which provides child day care to less than seven children.

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children, with no more than six children at one time being less than six years of age.

Sec. 3. Section 237A.1, subsection 10, Code 1981, is amended to read as follows:

10. "Child day care facility" or "facility" means a child care center, group day care home, or registered family day care home.

Sec. 4. Section 237A.3, Code 1981, is amended to read as follows:

237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE HOMES.

1. A person who operates or establishes a family day care home may apply to the department for registration under the ~~provisions~~ of this chapter. The department shall issue a certificate of registration upon receipt of a statement from the family day care home that the home complies with rules ~~promulgated~~ adopted by the department. The registration certificate shall be posted in a conspicuous place in the

family day care home, shall state the name of the registrant, the number of individuals who may be received for care at any one time and the address of the home, and shall include a check list of registration compliances. No greater number of children than is authorized by the certificate shall be kept in the family day care home at any one time. The registration process may be repeated on an annual basis. A facility which is not a family day care home by reason of the definition of child day care in section 237A.1, subsection 7, but which provides care, supervision or guidance to a child may be issued a certificate of registration under the ~~provisions~~ of this chapter.

2. A person shall not operate or establish a group day care home unless the person obtains a certificate of registration under this chapter. In order to be registered, the group day care home shall have at least one responsible individual, age fourteen or older, on duty to assist the group day care home provider when there are more than six children present for more than a two hour period. All other requirements of this chapter for registered family day care homes and the rules adopted under this chapter for registered family day care homes apply to group day care homes. In addition, the department shall adopt rules relating to the provision in group day care homes for a separate area for sick children. In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children.

Sec. 5. Section 237A.19, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A person who establishes, conducts, manages, or operates a group day care home without registering under this chapter is guilty of 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.

Sec. 6. Section 237.10, Code 1981, is repealed.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 303, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved May 11, 1982

ROBERT D. RAY
Governor