

See House Journal 3/27 p. 80 Pass 4/3 (p. 1029)

MAR 18 1991

HOUSE FILE 500

BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 141)

Passed House, Date 3/25/91 (p. 801) Passed Senate, Date 4/16/91 (p. 1258)

Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0

Approved May 9, 1991 (p. 2261)

*Repassed House for H-3748
4/24/91 (p. 1513)
94-0*

*motion to reconsider (p. 1266)
" adopted 4/17
Repassed Senate 4/17/91 (310)
aye 47, nay 2*

A BILL FOR

1.33891 An Act relating to requirements for child day care facilities
2 operated in a school building in which child day care is an
3 adjunct to the primary purpose of the building and providing
4 an effective date.

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

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HF 500

b-3387, b3435

1 Section 1. Section 237A.12, Code 1991, is amended by
2 adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. If a school district or
4 accredited nonpublic school building complies with standards
5 adopted by the state fire marshal for school buildings under
6 chapter 100, the building is considered appropriate for use by
7 a child day care facility caring for school age children. The
8 rules adopted by the administrator under this section shall
9 not require the facility to comply with building requirements
10 which differ from requirements for use of the building as a
11 school.

S-336
12 NEW UNNUMBERED PARAGRAPH. Standards and requirements set
13 by a city or county for a school building used as a child day
14 care facility as an adjunct to the primary purpose of the
15 building shall take into consideration that children are
16 received for temporary care only and shall not differ from
17 standards and requirements set for the primary purpose of the
18 building.

19 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 This bill relates to requirements for child day care
23 facilities operated in a building in which child day care is
24 an adjunct to the primary purpose of the building.

25 If a school district or accredited nonpublic school
26 building complies with standards adopted by the state fire
27 marshal for school buildings, the building is considered to be
28 appropriate for use by a facility licensed or registered to
29 care for school age children. The administrator of the
30 division of the department of human services regulating child
31 day care is prohibited from adopting rules which require the
32 facility to comply with building requirements differing from
33 requirements for use of the building as a school.

34 Standards and requirements set by a city or county for a
35 school building used as a child day care facility as an

HOUSE FILE 500

S-3435

1 Amend House File 500, as passed by the House, as
2 follows:

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

5 "Section 1. Section 237A.3, subsection 1, Code
6 1991, is amended to read as follows:

7 1. A person who operates or establishes a family
8 day care home may apply to the department for
9 registration under this chapter. The department shall
10 issue a certificate of registration upon receipt of a
11 statement from the family day care home that the home
12 complies with rules adopted by the department. The
13 registration certificate shall be posted in a
14 conspicuous place in the family day care home, shall
15 state the name of the registrant, the number of
16 individuals who may be received for care at any one
17 time, and the address of the home, and shall include a
18 check list of registration compliances. No greater
19 number of children than is authorized by the
20 certificate shall be kept in the family day care home
21 at any one time. However, a registered or
22 unregistered family day care home may provide care for
23 more than six but less than twelve children at any one
24 time for a period of less than two hours, but shall
25 not do so unless the home does not provide care at any
26 one time for more than six children who are not
27 attending school full-time on a regular basis. In
28 determining the number of children cared for at any
29 one time in a registered or unregistered family day
30 care home, if the person who operates or establishes
31 the home is a child's parent, guardian, relative, or
32 custodian and the child is not attending school full-
33 time on a regular basis or is not receiving child day
34 care full-time on a regular basis from another person,
35 the child shall be considered to be receiving child
36 day care from the person and shall be counted as one
37 of the children cared for in the home. The
38 registration process may be repeated on an annual
39 basis. A child day care provider or program which is
40 not a family day care home by reason of the definition
41 of child day care in section 237A.1, subsection 7, but
42 which provides care, supervision or guidance to a
43 child may be issued a certificate of registration
44 under this chapter."

45 2. Title page, line 1, by inserting after the
46 word "care" the following: "family homes, and".

47 3. By renumbering as necessary.

By BEVERLY HANNON

S-3435 FILED APRIL 16, 1991
(Adopted 4/17/91 (p. 1309))

1 adjunct to the primary purpose of the building are to take
2 into consideration that children are received for temporary
3 care only and cannot differ from standards and requirements
4 set for the primary purpose of the building. The bill takes
5 effect upon enactment.

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SENATE AMENDMENT TO HOUSE FILE 500

H-3748

1 Amend House File 500, as passed by the House as
2 follows:

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

5 "Section 1. Section 237A.1, subsection 7, Code
6 1991, is amended by adding the following new
7 paragraphs:

8 NEW PARAGRAPH. e. A nonprofit program operated by
9 volunteers for no charge for not more than two hours
10 during any twenty-four-hour period,

11 NEW PARAGRAPH. f. A program provided by the state
12 or a political subdivision, which provides
13 recreational classes for a period of less than two
14 hours per day."

15 2. Page 1, by inserting before line 1 the
16 following:

17 "Section 1. Section 237A.3, subsection 1, Code
18 1991, is amended to read as follows:

19 1. A person who operates or establishes a family
20 day care home may apply to the department for
21 registration under this chapter. The department shall
22 issue a certificate of registration upon receipt of a
23 statement from the family day care home that the home
24 complies with rules adopted by the department. The
25 registration certificate shall be posted in a
26 conspicuous place in the family day care home, shall
27 state the name of the registrant, the number of
28 individuals who may be received for care at any one
29 time, and the address of the home, and shall include a
30 check list of registration compliances. No greater
31 number of children than is authorized by the
32 certificate shall be kept in the family day care home
33 at any one time. However, a registered or
34 unregistered family day care home may provide care for
35 more than six but less than twelve children at any one
36 time for a period of less than two hours, but shall
37 not do so unless the home does not provide care at any
38 one time for more than six children who are not
39 attending school full-time on a regular basis. In
40 determining the number of children cared for at any
41 one time in a registered or unregistered family day
42 care home, if the person who operates or establishes
43 the home is a child's parent, guardian, relative, or
44 custodian and the child is not attending school full-
45 time on a regular basis or is not receiving child day
46 care full-time on a regular basis from another person,
47 the child shall be considered to be receiving child
48 day care from the person and shall be counted as one
49 of the children cared for in the home. The
50 registration process may be repeated on an annual

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

7 3. Title page, line 1, by inserting after the
8 word "care" the following: "family homes, and".

9 4. Title page, line 1, by inserting after the
10 word "facilities" the following: "and programs
11 including but not limited to those".

12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-3748 FILED APRIL 19, 1991

House concurred 4/24/91 (p. 1512)

Neuhauser, Chair

HSB 141

Barty
Haverland

HUMAN RESOURCES

HOUSE FILE 500

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON HAVERLAND)

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

A BILL FOR

1 An Act relating to requirements for child day care facilities
2 operated in a building in which child day care is an adjunct
3 to the primary purpose of the building and providing an
4 effective date.

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

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1 Section 1. Section 237A.12, Code 1991, is amended by
2 adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. If a school district or
4 accredited nonpublic school building complies with standards
5 adopted by the state fire marshal for school buildings under
6 chapter 100, the building is considered appropriate for use by
7 a child day care facility caring for school age children. The
8 rules adopted by the administrator under this section shall
9 not require the facility to comply with building requirements
10 which differ from requirements for use of the building as a
11 school.

12 NEW UNNUMBERED PARAGRAPH. Standards and requirements set
13 by a city or county for a building used as a child day care
14 facility as an adjunct to the primary purpose of the building
15 shall take into consideration that children are received for
16 temporary care only and shall not differ from standards and
17 requirements set for the primary purpose of the building.

18 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
19 immediate importance, takes effect upon enactment.

20 EXPLANATION

21 This bill relates to requirements for child day care
22 facilities operated in a building in which child day care is
23 an adjunct to the primary purpose of the building.

24 If a school district or accredited nonpublic school
25 building complies with standards adopted by the state fire
26 marshal for school buildings, the building is considered to be
27 appropriate for use by a facility licensed or registered to
28 care for school age children. The administrator of the
29 division of the department of human services regulating child
30 day care is prohibited from adopting rules which require the
31 facility to comply with building requirements differing from
32 requirements for use of the building as a school.

33 Standards and requirements set by a city or county for a
34 building used as a child day care facility as an adjunct to
35 the primary purpose of the building are to take into

1 consideration that children are received for temporary care
2 only and cannot differ from standards and requirements set for
3 the primary purpose of the building. The bill takes effect
4 upon enactment.

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HOUSE FILE 500

AN ACT

RELATING TO REQUIREMENTS FOR CHILD DAY CARE FAMILY HOMES, AND FACILITIES AND PROGRAMS INCLUDING BUT NOT LIMITED TO THOSE OPERATED IN A SCHOOL BUILDING IN WHICH CHILD DAY CARE IS AN ADJUNCT TO THE PRIMARY PURPOSE OF THE BUILDING AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 237A.1, subsection 7, Code 1991, is amended by adding the following new paragraphs:

NEW PARAGRAPH. e. A nonprofit program operated by volunteers for no charge for not more than two hours during any twenty-four hour period.

NEW PARAGRAPH. f. A program provided by the state or a political subdivision, which provides recreational classes for a period of less than two hours per day.

Sec. 2. Section 237A.3, subsection 1, Code 1991, is amended to read as follows:

1. A person who operates or establishes a family day care home may apply to the department for registration under 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 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. However, a registered or unregistered family

day care home may provide care for more than six but less than twelve children at any one time for a period of less than two hours, but shall not do so unless the home does not provide care at any one time for more than six children who are not attending school full-time on a regular basis. In determining the number of children cared for at any one time in a registered or unregistered family day care home, if the person who operates or establishes the home is a child's parent, guardian, relative, or custodian and the child is not attending school full-time on a regular basis or is not receiving child day care full-time on a regular basis from another person, the child shall be considered to be receiving child day care from the person and shall be counted as one of the children cared for in the home. The registration process may be repeated on an annual basis. A child day care provider or program 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 this chapter.

Sec. 3. Section 237A.12, Code 1991, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. If a school district or accredited nonpublic school building complies with standards adopted by the state fire marshal for school buildings under chapter 100, the building is considered appropriate for use by a child day care facility caring for school age children. The rules adopted by the administrator under this section shall not require the facility to comply with building requirements which differ from requirements for use of the building as a school.

NEW UNNUMBERED PARAGRAPH. Standards and requirements set by a city or county for a school building used as a child day care facility as an adjunct to the primary purpose of the building shall take into consideration that children are

received for temporary care only and shall not differ from standards and requirements set for the primary purpose of the building.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 500, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 9, 1991

TERRY E. BRANSTAD
Governor