

JAN 10 1994

HUMAN RESOURCES

(P. 295) 2/16/94 Do Pass  
(P. 424) 2/28/94 Senate - Human Res.  
(P. 742) 3-17-94 Senate - Amend/Do Pass  
w/55254

HOUSE FILE 2003

BY HAVERLAND

(P. 353) 2/24/94  
Passed House, Date  
Vote: Ayes 74 Nays 0

(P. 847) 3-28-94  
Passed Senate, Date  
Vote: Ayes 47 Nays 0

Approved April 28, 1994  
Passed 4-5-94  
Vote 95-2 (P. 1159)  
A BILL FOR

- 1 An Act relating to child day care building and nutrition
- 2 requirements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HF 2003

1 Section 1. Section 237A.12, subsection 3, Code 1993, is  
2 amended to read as follows:

3 3. The adequacy of activity programs and food services  
4 available to the children. The administrator shall not  
5 restrict the use of or apply nutritional standards to a lunch  
6 or other meal which is brought to the center or family day  
7 care home by a school-age child for the child's consumption.

8 Sec. 2. Section 237A.12, unnumbered paragraphs 2, 3, 4,  
9 and 5, Code 1993, are amended to read as follows:

10 Rules ~~promulgated~~ adopted by the state fire marshal for  
11 buildings, other than school buildings, used as child care  
12 centers as an adjunct to the primary purpose of the building  
13 shall take into consideration that children are received for  
14 temporary care only and shall not differ from rules  
15 ~~promulgated~~ adopted for these buildings when they are used by  
16 groups of persons congregating from time to time in the  
17 primary use and occupancy of the buildings. However, the  
18 rules may require a fire-rated separation from the remaining  
19 portion of the building if the fire marshal determines that  
20 the separation is necessary for the protection of children  
21 from a specific flammable hazard.

22 Rules relating to fire safety shall be adopted under this  
23 chapter by the state fire marshal in consultation with the  
24 department. Rules adopted by the state fire marshal for a  
25 building which is owned or leased by a school district or  
26 accredited nonpublic school and used as a child day care  
27 facility shall not differ from standards adopted by the state  
28 fire marshal for school buildings under chapter 100. Rules  
29 relating to sanitation shall be adopted by the department in  
30 consultation with the director of public health. All rules  
31 shall be developed in consultation with the state child day  
32 care advisory council. The state fire marshal shall inspect  
33 the facilities.

34 If a building is owned or leased by a school district or  
35 accredited nonpublic school building and complies with

1 standards adopted by the state fire marshal for school  
2 buildings under chapter 100, the building is considered  
3 appropriate for use by a child day care facility caring for  
4 school age children. The rules adopted by the administrator  
5 under this section shall not require the facility to comply  
6 with building requirements which differ from requirements for  
7 use of the building as a school.

8 Standards and requirements set by a city or county for a  
9 ~~school~~ building which is owned or leased by a school district  
10 or accredited nonpublic school and used as a child day care  
11 ~~facility as-an-adjunct-to-the-primary-purpose-of-the-building~~  
12 shall take into consideration that children are received for  
13 temporary care only and shall not differ from standards and  
14 requirements set for ~~the-primary-purpose~~ use of the building  
15 as a school.

16 EXPLANATION

17 This bill relates to child day care requirements under the  
18 authority of the department of human services.

19 Section 1 relates to food service requirements in child  
20 care centers and family day care homes. The department is  
21 prohibited from applying restrictions to or requiring  
22 nutritional standards for a lunch or other meal that a school-  
23 age child brings for their own consumption.

24 Section 2 amends various provisions involving building  
25 requirements for child care facilities which are located in  
26 facilities owned or leased by a school. The department, state  
27 fire marshal, and local governments are required to apply the  
28 same standards that would be applied to the use of the  
29 building as a school.

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## HOUSE FILE 2003

S-5254

1 Amend House File 2003, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 237A.1, subsection 8, paragraph  
6 b, Code Supplement 1993, is amended to read as  
7 follows:

8 b. "Group day care home" means a facility  
9 providing child day care for more than six but less  
10 than twelve children, or for less than sixteen  
11 children at any one time as authorized in accordance  
12 with section 237A.3, subsection 3, provided each child  
13 in excess of six children is attending school full-  
14 time-on-a-regular-basis in kindergarten or a higher  
15 grade level.

16 Sec. \_\_\_\_\_. Section 237A.3, subsection 1, paragraph  
17 b, Code Supplement 1993, is amended to read as  
18 follows:

19 b. No greater number of children than is  
20 authorized by the registration certificate shall be  
21 kept in the family day care home at any one time.  
22 However, a registered or unregistered family day care  
23 home may provide care for more than six but less than  
24 twelve children at any one time for a period of less  
25 than two hours, provided that each child in excess of  
26 six children is attending school full-time-on-a  
27 regular-basis in kindergarten or a higher grade level.

28 Sec. \_\_\_\_\_. Section 237A.3, subsection 1, paragraph  
29 d, Code Supplement 1993, is amended to read as  
30 follows:

31 d. In determining the number of children cared for  
32 at any one time in a registered or unregistered family  
33 day care home, if the person who operates or  
34 establishes the home is a child's parent, guardian,  
35 relative, or custodian and the child is not attending  
36 school full-time-on-a-regular-basis in kindergarten or  
37 a higher grade level or is not receiving child day  
38 care full-time on a regular basis from another person,  
39 the child shall be considered to be receiving child  
40 day care from the person and shall be counted as one  
41 of the children cared for in the home."

42 2. Title page, line 1, by inserting after the  
43 word "care" the following: "provisions involving age  
44 and school status of the children receiving care and".

45 3. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES  
ELAINE SZYMONIAK, Chairperson

S-5254 FILED MARCH 17, 1994

*Adopted 3/28/94*  
*(p. 847)*

## SENATE AMENDMENT TO HOUSE FILE 2003

H-5737

1 Amend House File 2003, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_\_. Section 237A.1, subsection 8, paragraph  
6 b, Code Supplement 1993, is amended to read as  
7 follows:

8 b. "Group day care home" means a facility  
9 providing child day care for more than six but less  
10 than twelve children, or for less than sixteen  
11 children at any one time as authorized in accordance  
12 with section 237A.3, subsection 3, provided each child  
13 in excess of six children is attending school full-  
14 time-on-a-regular-basis in kindergarten or a higher  
15 grade level.

16 Sec. \_\_\_\_\_. Section 237A.3, subsection 1, paragraph  
17 b, Code Supplement 1993, is amended to read as  
18 follows:

19 b. No greater number of children than is  
20 authorized by the registration certificate shall be  
21 kept in the family day care home at any one time.  
22 However, a registered or unregistered family day care  
23 home may provide care for more than six but less than  
24 twelve children at any one time for a period of less  
25 than two hours, provided that each child in excess of  
26 six children is attending school full-time-on-a  
27 regular-basis in kindergarten or a higher grade level.

28 Sec. \_\_\_\_\_. Section 237A.3, subsection 1, paragraph  
29 d, Code Supplement 1993, is amended to read as  
30 follows:

31 d. In determining the number of children cared for  
32 at any one time in a registered or unregistered family  
33 day care home, if the person who operates or  
34 establishes the home is a child's parent, guardian,  
35 relative, or custodian and the child is not attending  
36 school full-time-on-a-regular-basis in kindergarten or  
37 a higher grade level or is not receiving child day  
38 care full-time on a regular basis from another person,  
39 the child shall be considered to be receiving child  
40 day care from the person and shall be counted as one  
41 of the children cared for in the home."

42 2. Title page, line 1, by inserting after the  
43 word "care" the following: "provisions involving age  
44 and school status of the children receiving care and".

45 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5737 FILED MARCH 28, 1994

*House Concurred 4-5-94  
(P. 1159)*

child in excess of six children is attending school full-time on-a-regular-basis in kindergarten or a higher grade level.

Sec. 2. Section 237A.3, subsection 1, paragraph b, Code Supplement 1993, is amended to read as follows:

b. No greater number of children than is authorized by the registration 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, provided that each child in excess of six children is attending school full-time-on-a-regular-basis in kindergarten or a higher grade level.

Sec. 3. Section 237A.3, subsection 1, paragraph d, Code Supplement 1993, is amended to read as follows:

d. 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 in kindergarten or a higher grade level 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.

Sec. 4. Section 237A.12, subsection 3, Code 1993, is amended to read as follows:

3. The adequacy of activity programs and food services available to the children. The administrator shall not restrict the use of or apply nutritional standards to a lunch or other meal which is brought to the center or family day care home by a school-age child for the child's consumption.

Sec. 5. Section 237A.12, unnumbered paragraphs 2, 3, 4, and 5, Code 1993, are amended to read as follows:

Rules promulgated adopted by the state fire marshal for buildings, other than school buildings, used as child care

HOUSE FILE 2003

AN ACT

RELATING TO CHILD DAY CARE PROVISIONS INVOLVING AGE AND SCHOOL STATUS OF THE CHILDREN RECEIVING CARE AND BUILDING AND NUTRITION REQUIREMENTS.

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

Section 1. Section 237A.1, subsection 8, paragraph b, Code Supplement 1993, is amended to read as follows:

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3, provided each

centers 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 rules promulgated adopted for these buildings when they are used by groups of persons congregating from time to time in the primary use and occupancy of the buildings. However, the rules may require a fire-rated separation from the remaining portion of the building if the fire marshal determines that the separation is necessary for the protection of children from a specific flammable hazard.

Rules relating to fire safety shall be adopted under this chapter by the state fire marshal in consultation with the department. Rules adopted by the state fire marshal for a building which is owned or leased by a school district or accredited nonpublic school and used as a child day care facility shall not differ from standards adopted by the state fire marshal for school buildings under chapter 100. Rules relating to sanitation shall be adopted by the department in consultation with the director of public health. All rules shall be developed in consultation with the state child day care advisory council. The state fire marshal shall inspect the facilities.

If a building is owned or leased by a school district or accredited nonpublic school building and 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.

Standards and requirements set by a city or county for a school building which is owned or leased by a school district or accredited nonpublic school and 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 use of the building as a school.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2003, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 28, 1994

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TERRY E. BRANSTAD  
Governor