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SENATE FILE 541
BY IVERSON and GRONSTAL

Passed Senate, Date 4/23/97 (p.1353) Passed House, Date 4-29-97
Vote: Ayes 46 Nays 1 Vote: Ayes 97 Nays 0
Approved May 19, 1997 (P.1702)

A BILL FOR

1 An Act relating to child day care provisions involving group day
2 care homes and establishing a child care home pilot project.

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

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S.F. 541

027

1 Section 1. Section 237A.1, subsection 8, paragraph b, Code
2 1997, is amended to read as follows:

3 b. "Group day care home" means a facility providing child
4 day care for more than six but less than twelve children as
5 authorized in accordance with section 237A.3, subsection 2, or
6 for less than sixteen children at any one time as authorized
7 in accordance with section 237A.3, subsection 3, provided each
8 child in excess of six children is attending school in
9 kindergarten or a higher grade level.

10 Sec. 2. Section 237A.3, subsection 2, Code 1997, is
11 amended to read as follows:

12 2. a. A person shall not operate or establish a group day
13 care home unless the person obtains a certificate of
14 registration under this chapter. ~~In order to be registered,~~
15 ~~the group day care home shall have at least one responsible~~
16 ~~individual, age fourteen or older, on duty to assist the group~~
17 ~~day care home provider when there are more than six children~~
18 ~~present for more than a two-hour period. Two persons who~~
19 comply with the individual requirements for registration as a
20 group day care provider may request that the certificate be
21 issued to the two persons jointly and the department shall
22 issue the joint certificate provided the group day care home
23 requirements for registration are met. All other requirements
24 of this chapter for registered family day care homes and the
25 rules adopted under this chapter for registered family day
26 care homes apply to group day care homes. In addition, the
27 department shall adopt rules relating to the provision in
28 group day care homes for a separate area for sick children.
29 In consultation with the state fire marshal, the department
30 shall adopt rules relating to the provision of fire
31 extinguishers, smoke detectors, and two exits accessible to
32 children.

33 b. Except as provided in subsection 3, a group day care
34 home shall not provide child day care to more than eleven
35 children at any one time. If there are more than six children

1 present for a period of two hours or more, the group day care
2 home must have at least one responsible individual who is at
3 least fourteen years of age present to assist the group day
4 care provider in accordance with either of the following
5 conditions:

6 (1) If the responsible individual is a joint holder of the
7 certificate of registration, not more than six of the children
8 present shall be less than two years and not more than ten of
9 the children present shall be two years of age or older but
10 not attending school in kindergarten or a higher grade level.

11 (2) If the responsible individual is not a joint holder of
12 the certificate of registration, but is at least fourteen
13 years of age, not more than four of the children shall be less
14 than two years of age and each child in excess of six children
15 shall be attending school in kindergarten or a higher grade
16 level.

17 Sec. 3. NEW SECTION. 237A.3A REGISTRATION OF CHILD CARE
18 HOMES.

19 1. PILOT PROJECT. The department shall implement a pilot
20 project applying the provisions of this section to registered
21 family or group day care homes located in one county of this
22 state. The provisions of this section shall not apply to
23 unregistered family day care homes located in the pilot
24 project county. The county selected for the pilot project
25 shall be a rural county where there is interest among child
26 day care providers and consumers in implementing the pilot
27 project. In addition, if deemed feasible by the department,
28 the department may implement the pilot project in one
29 additional urban or mixed rural and urban county where there
30 is interest in implementing the pilot project. The department
31 shall implement the pilot project on or after July 1, 1997.
32 If a definition in section 237A.1, a provision in section
33 237A.3, or an administrative rule adopted under this chapter
34 is in conflict with this section, this section and the rules
35 adopted to implement this section shall apply to the pilot

1 project.

2 2. DEFINITIONS. For the purposes of this section, unless
3 the context otherwise requires:

4 a. "Child care home" means a person registered under this
5 section to provide child day care in a pilot project county.

6 b. "Children receiving care on a part-time basis" means
7 children who are present in a child care home for ninety hours
8 per month or less.

9 c. "Infant" means a child who is less than two years of
10 age.

11 d. "School" means kindergarten or a higher grade level.

12 3. REGISTRATION.

13 a. The registration process for a child care home under
14 this section may be repeated on an annual basis as provided by
15 rule.

16 b. A person who is a child foster care licensee under
17 chapter 237 must register as a child care home provider in
18 order to operate or establish a child care home in a pilot
19 project county.

20 c. A person or program in a pilot project county which
21 provides care, supervision, or guidance to a child which is
22 not defined as child day care under section 237A.1, may be
23 issued a certificate of registration under this section.

24 d. Four levels of registration requirements are applicable
25 to registered child care homes in accordance with subsections
26 10 through 13 and rules adopted to implement this section.
27 The rules shall apply requirements to each level for the
28 amount of space available per child, provider qualifications
29 and training, and other minimum standards.

30 4. NUMBER OF CHILDREN. In determining the number of
31 children cared for at any one time in a child care home, each
32 child present in the child care home shall be considered to be
33 receiving care unless the child is described by one of the
34 following exceptions:

35 a. The child's parent, guardian, or custodian operates or

1 established the child care home and the child is attending
2 school or the child receives child day care full-time on a
3 regular basis from another person.

4 b. The child has been present in the child care home for
5 more than seventy-two consecutive hours and meets the
6 requirements of paragraph "a" as though the person who
7 operates or established the child care home is the child's
8 parent, guardian, or custodian.

9 5. REGISTRATION CERTIFICATE. The department shall issue a
10 certificate of registration upon receipt of a statement from
11 the child care home or an inspection verifying that the child
12 care home complies with rules adopted by the department. The
13 certificate of registration shall be posted in a conspicuous
14 place in the child care home and shall state the name of the
15 registrant, the registration level of the child care home, the
16 number of children who may be present for care at any one
17 time, and the address of the child care home. In addition,
18 the certificate shall include a check list of registration
19 compliances.

20 6. REVOCATION OR DENIAL OF REGISTRATION. If the
21 department has denied or revoked a certificate of registration
22 because a person has continually or repeatedly failed to
23 operate a registered or licensed child day care facility in
24 compliance with this chapter and rules adopted pursuant to
25 this chapter, the person shall not operate or establish a
26 registered child care home for a period of six months from the
27 date the registration or license is denied or revoked. The
28 department shall not act on an application for registration
29 submitted by the person during the six-month period.

30 7. INCLEMENT WEATHER EXCEPTION. If school classes have
31 been cancelled due to inclement weather, a registered child
32 care home may have additional children present in accordance
33 with the authorization for the registration level of the child
34 care home and subject to all of the following conditions:

35 a. The child care home has prior written approval from the

1 parent or guardian of each child present in the child care
2 home concerning the presence of additional children in the
3 child care home.

4 b. The child care home has a responsible individual, age
5 fourteen or older, on duty to assist the care provider as
6 required for the registration level of the child care home
7 pursuant to subsections 10 through 13.

8 c. One or more of the following conditions is applicable
9 to each of the additional children present in the child care
10 home:

11 (1) The child care home provides care to the child on a
12 regular basis for periods of less than two hours.

13 (2) If the child was not present in the child care home,
14 the child would be unattended.

15 (3) The child care home regularly provides care to a
16 sibling of the child.

17 8. FIRE SAFETY. In consultation with the state fire
18 marshal, the department shall adopt rules relating to the
19 provision of fire extinguishers, smoke detectors, and two
20 exits accessible to children in a registered child care home.

21 9. SICK CHILDREN. The department shall adopt rules
22 relating to the provision of a separate area for sick children
23 in those child care homes which are registered at levels III
24 and IV.

25 10. LEVEL I REGISTRATION. All of the following
26 requirements shall apply to a level I registered child care
27 home:

28 a. Except as otherwise provided in this subsection, not
29 more than six children shall be present at any one time.

30 b. Not more than three children who are infants shall be
31 present at any one time.

32 c. In addition to the number of children authorized in
33 paragraph "a", not more than two children who attend school
34 may be present for a period of less than two hours at any one
35 time.

1 d. Not more than eight children shall be present at any
2 one time when an inclement weather exception is in effect.

3 11. LEVEL II REGISTRATION. All of the following
4 requirements shall apply to a level II registered child care
5 home:

6 a. Except as otherwise provided in this subsection, not
7 more than six children shall be present at any one time.

8 b. Not more than three children who are infants shall be
9 present at any one time.

10 c. In addition to the number of children authorized in
11 paragraph "a", not more than four children who attend school
12 may be present for a period of less than two hours at any one
13 time.

14 d. In addition to the number of children authorized in
15 paragraph "a", not more than two children who are receiving
16 care on a part-time basis may be present.

17 e. Not more than twelve children shall be present at any
18 one time when an inclement weather exception is in effect.
19 However, if more than eight children are present during an
20 inclement weather exception, the provider shall be assisted by
21 a responsible individual who is at least fourteen years of
22 age.

23 12. LEVEL III REGISTRATION. All of the following
24 requirements shall apply to a level III registered child care
25 home:

26 a. Except as otherwise provided in this subsection, not
27 more than six children shall be present at any one time.

28 b. Not more than three children who are infants shall be
29 present at any one time.

30 c. In addition to the number of children authorized in
31 paragraph "a", not more than four children who attend school
32 may be present.

33 d. In addition to the number of children authorized in
34 paragraph "a", not more than two children who are receiving
35 care on a part-time basis may be present.

1 e. Not more than twelve children shall be present at any
2 one time when an inclement weather exception is in effect.

3 f. If more than eight children are present at any one
4 time, the provider shall be assisted by a responsible
5 individual who is at least fourteen years of age.

6 13. LEVEL IV REGISTRATION. All of the following
7 requirements shall apply to a level IV registered child care
8 home:

9 a. Except as otherwise provided in this subsection, not
10 more than twelve children shall be present at any one time.
11 If more than seven children are present, a second person must
12 be present who meets the individual qualifications for child
13 care home registration established by rule of the department.

14 b. Not more than four children who are infants shall be
15 present at any one time.

16 c. In addition to the number of children authorized in
17 paragraph "a", not more than two children who attend school
18 may be present for a period of less than two hours at any one
19 time.

20 d. In addition to the number of children authorized in
21 paragraph "a", not more than two children who are receiving
22 care on a part-time basis may be present.

23 e. Not more than sixteen children shall be present at any
24 one time when an inclement weather exception is in effect. If
25 more than eight children are present at any one time during an
26 inclement weather exception, the provider shall be assisted by
27 a responsible individual who is at least eighteen years of
28 age.

29 Sec. 4. PILOT PROJECT REPORT. The department of human
30 services shall periodically report to the general assembly
31 concerning the pilot project implemented pursuant to this Act.
32 The report shall include findings and recommendations as to
33 the advantages and disadvantages of the pilot project
34 approach. An initial report shall be submitted in February
35 1998 and a progress report shall be submitted in December

1 1998. The reports shall address the feasibility of
2 implementing the pilot project statewide.

3 EXPLANATION

4 The definition of "group day care home" in Code section
5 237A.1 is amended to strike a requirement that if more than
6 six children are present in the home, those additional
7 children must be attending school in kindergarten or a higher
8 grade level. The stricken requirement is modified and
9 reinserted in the regulatory provisions for group day care
10 homes in Code section 237A.3.

11 The amendment to Code section 237A.3 affects group day care
12 homes in two ways. The first allows two persons who meet
13 group day care home registration requirements to be issued a
14 joint registration certificate. The second is directed to
15 requirements when there are more than six children present for
16 a period of two hours or more. In this situation, the
17 amendment sets the ages of children cared for in a group day
18 care home based upon the registration status of the
19 responsible individual assisting the care provider. If the
20 assistant is the joint holder of the certificate of
21 registration, the home may care for not more than six children
22 who are less than two years of age and not more than 10
23 children who are two years of age or more but not attending
24 school at the kindergarten or a higher grade level. If the
25 assistant is at least 14 years of age, a limitation of not
26 more than four children who are less than two years of age
27 applies, plus the requirement in current law that if more than
28 six children are present, the additional children must be
29 attending school at the kindergarten or a higher grade level.

30 The bill also relates to child care provisions for group
31 day care homes and establishes a pilot project.

32 New Code section 237A.3A directs the department of human
33 services to implement a one-county pilot project applicable to
34 the registered family and group day care home regulatory
35 classifications. The county selected is to be rural, where

1 there is interest in the pilot project among providers and
2 consumers of registered child day care services. In addition,
3 the department may select another interested county which is
4 an urban or mixed rural and urban county for participation in
5 the pilot project.

6 The pilot project combines the two regulatory
7 classifications of family and group day care homes into a
8 single classification referred to as a "child care home". The
9 new classification is divided into four levels with different
10 requirements applied to each level as to the number of
11 children who may be present.

12 Numbers of children are authorized for each of the four
13 levels of registration based upon the ages, amount of time in
14 care, and school status of the children, the presence of
15 inclement weather conditions, and the number and
16 qualifications of the care providers. Level I is authorized
17 for up to eight children, levels II and III for up to 12
18 children, and level IV for up to 16 children. The difference
19 between a level II and a level III provider is that the level
20 III provider may keep school age children who are in addition
21 to the basic number for more than two hours.

22 Current law outlining minimum requirements for a home care
23 provider to care for additional children during inclement
24 weather when schools have been closed is retained in the pilot
25 project but the number of children allowed depends upon the
26 registration level of the care provider. The term "infant" is
27 defined as children who are less than two years of age.

28 A new care classification is created for children who
29 receive care for 90 hours per month or less. Levels II, III,
30 and IV may provide care to two children in this care
31 classification without affecting the basic number of children
32 to whom the child care homes within these levels are
33 authorized to provide care.

34 The department is authorized to adopt rules for the
35 registration levels to include outlining the amount of space

1 per child, provider qualifications and training, and other
2 minimum standards.

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SENATE FILE 541

S-3699

- 1 Amend Senate File 541 as follows:
- 2 1. Page 2, line 8, by striking the words "two
3 years" and inserting the following: "twenty-four
4 months of age".
- 5 2. Page 2, line 9, by striking the words "two
6 years" and inserting the following: "twenty-four
7 months".
- 8 3. Page 2, line 14, by striking the words "two
9 years" and inserting the following: "twenty-four
10 months".
- 11 4. Page 3, line 9, by striking the words "two
12 years" and inserting the following: "twenty-four
13 months".
- 14 5. Page 7, line 14, by striking the word "four"
15 and inserting the following: "six".
- 16 6. Page 8, by inserting after line 2 the
17 following:
- 18 "Sec. ____ . EMERGENCY RULES. The department of
19 human services may adopt administrative rules under
20 section 17A.4, subsection 2, and section 17A.5,
21 subsection 2, paragraph "b", to implement the
22 provisions of this Act and the rules shall become
23 effective immediately upon filing, unless the
24 effective date is delayed by the administrative rules
25 review committee, notwithstanding section 17A.4,
26 subsection 5, and section 17A.8, subsection 9, or a
27 later effective date is specified in the rules. Any
28 rules adopted in accordance with this section shall
29 not take effect before the rules are reviewed by the
30 administrative rules review committee. Any rules
31 adopted in accordance with the provisions of this
32 section shall also be published as a notice of
33 intended action as provided in section 17A.4."
- 34 7. By renumbering as necessary.

By MERLIN E. BARTZ

S-3699 FILED APRIL 23, 1997

ADOPTED (p. 1353)

SENATE FILE 541

S-3678

- 1 Amend Senate File 541 as follows:
- 2 1. Page 3, by striking lines 27 through 29 and
3 inserting the following: "The rules shall apply
4 requirements to each level for provider qualifications
5 and training."
- 6 2. Page 5, by striking lines 21 through 24.
- 7 3. By renumbering as necessary.

By JEFF ANGELO

S-3678 FILED APRIL 22, 1997

w/d 4/23/97 (p. 1353)

1 Section 1. Section 237A.1, subsection 8, paragraph b, Code
2 1997, is amended to read as follows:

3 b. "Group day care home" means a facility providing child
4 day care for more than six but less than twelve children as
5 authorized in accordance with section 237A.3, subsection 2, or
6 for less than sixteen children at any one time as authorized
7 in accordance with section 237A.3, subsection 3~~provided each~~
8 ~~child in excess of six children is attending school in~~
9 ~~kindergarten or a higher grade level.~~

10 Sec. 2. Section 237A.3, subsection 2, Code 1997, is
11 amended to read as follows:

12 2. a. A person shall not operate or establish a group day
13 care home unless the person obtains a certificate of
14 registration under this chapter. ~~In order to be registered,~~
15 ~~the group day care home shall have at least one responsible~~
16 ~~individual, age fourteen or older, on duty to assist the group~~
17 ~~day care home provider when there are more than six children~~
18 ~~present for more than a two-hour period.~~ Two persons who
19 comply with the individual requirements for registration as a
20 group day care provider may request that the certificate be
21 issued to the two persons jointly and the department shall
22 issue the joint certificate provided the group day care home
23 requirements for registration are met. All other requirements
24 of this chapter for registered family day care homes and the
25 rules adopted under this chapter for registered family day
26 care homes apply to group day care homes. In addition, the
27 department shall adopt rules relating to the provision in
28 group day care homes for a separate area for sick children.
29 In consultation with the state fire marshal, the department
30 shall adopt rules relating to the provision of fire
31 extinguishers, smoke detectors, and two exits accessible to
32 children.

33 b. Except as provided in subsection 3, a group day care
34 home shall not provide child day care to more than eleven
35 children at any one time. If there are more than six children

1 present for a period of two hours or more, the group day care
2 home must have at least one responsible individual who is at
3 least fourteen years of age present to assist the group day
4 care provider in accordance with either of the following
5 conditions:

6 (1) If the responsible individual is a joint holder of the
7 certificate of registration, not more than six of the children
8 present shall be less than twenty-four months of age and not
9 more than ten of the children present shall be twenty-four
10 months of age or older but not attending school in
11 kindergarten or a higher grade level.

12 (2) If the responsible individual is not a joint holder of
13 the certificate of registration, but is at least fourteen
14 years of age, not more than four of the children shall be less
15 than twenty-four months of age and each child in excess of six
16 children shall be attending school in kindergarten or a higher
17 grade level.

18 Sec. 3. NEW SECTION. 237A.3A REGISTRATION OF CHILD CARE
19 HOMES.

20 1. PILOT PROJECT. The department shall implement a pilot
21 project applying the provisions of this section to registered
22 family or group day care homes located in one county of this
23 state. The provisions of this section shall not apply to
24 unregistered family day care homes located in the pilot
25 project county. The county selected for the pilot project
26 shall be a rural county where there is interest among child
27 day care providers and consumers in implementing the pilot
28 project. In addition, if deemed feasible by the department,
29 the department may implement the pilot project in one
30 additional urban or mixed rural and urban county where there
31 is interest in implementing the pilot project. The department
32 shall implement the pilot project on or after July 1, 1997.
33 If a definition in section 237A.1, a provision in section
34 237A.3, or an administrative rule adopted under this chapter
35 is in conflict with this section, this section and the rules

1 adopted to implement this section shall apply to the pilot
2 project.

3 2. DEFINITIONS. For the purposes of this section, unless
4 the context otherwise requires:

5 a. "Child care home" means a person registered under this
6 section to provide child day care in a pilot project county.

7 b. "Children receiving care on a part-time basis" means
8 children who are present in a child care home for ninety hours
9 per month or less.

10 c. "Infant" means a child who is less than twenty-four
11 months of age.

12 d. "School" means kindergarten or a higher grade level.

13 3. REGISTRATION.

14 a. The registration process for a child care home under
15 this section may be repeated on an annual basis as provided by
16 rule.

17 b. A person who is a child foster care licensee under
18 chapter 237 must register as a child care home provider in
19 order to operate or establish a child care home in a pilot
20 project county.

21 c. A person or program in a pilot project county which
22 provides care, supervision, or guidance to a child which is
23 not defined as child day care under section 237A.1, may be
24 issued a certificate of registration under this section.

25 d. Four levels of registration requirements are applicable
26 to registered child care homes in accordance with subsections
27 10 through 13 and rules adopted to implement this section.
28 The rules shall apply requirements to each level for the
29 amount of space available per child, provider qualifications
30 and training, and other minimum standards.

31 4. NUMBER OF CHILDREN. In determining the number of
32 children cared for at any one time in a child care home, each
33 child present in the child care home shall be considered to be
34 receiving care unless the child is described by one of the
35 following exceptions:

1 a. The child's parent, guardian, or custodian operates or
2 established the child care home and the child is attending
3 school or the child receives child day care full-time on a
4 regular basis from another person.

5 b. The child has been present in the child care home for
6 more than seventy-two consecutive hours and meets the
7 requirements of paragraph "a" as though the person who
8 operates or established the child care home is the child's
9 parent, guardian, or custodian.

10 5. REGISTRATION CERTIFICATE. The department shall issue a
11 certificate of registration upon receipt of a statement from
12 the child care home or an inspection verifying that the child
13 care home complies with rules adopted by the department. The
14 certificate of registration shall be posted in a conspicuous
15 place in the child care home and shall state the name of the
16 registrant, the registration level of the child care home, the
17 number of children who may be present for care at any one
18 time, and the address of the child care home. In addition,
19 the certificate shall include a check list of registration
20 compliances.

21 6. REVOCATION OR DENIAL OF REGISTRATION. If the
22 department has denied or revoked a certificate of registration
23 because a person has continually or repeatedly failed to
24 operate a registered or licensed child day care facility in
25 compliance with this chapter and rules adopted pursuant to
26 this chapter, the person shall not operate or establish a
27 registered child care home for a period of six months from the
28 date the registration or license is denied or revoked. The
29 department shall not act on an application for registration
30 submitted by the person during the six-month period.

31 7. INCLEMENT WEATHER EXCEPTION. If school classes have
32 been cancelled due to inclement weather, a registered child
33 care home may have additional children present in accordance
34 with the authorization for the registration level of the child
35 care home and subject to all of the following conditions:

1 a. The child care home has prior written approval from the
2 parent or guardian of each child present in the child care
3 home concerning the presence of additional children in the
4 child care home.

5 b. The child care home has a responsible individual, age
6 fourteen or older, on duty to assist the care provider as
7 required for the registration level of the child care home
8 pursuant to subsections 10 through 13.

9 c. One or more of the following conditions is applicable
10 to each of the additional children present in the child care
11 home:

12 (1) The child care home provides care to the child on a
13 regular basis for periods of less than two hours.

14 (2) If the child was not present in the child care home,
15 the child would be unattended.

16 (3) The child care home regularly provides care to a
17 sibling of the child.

18 8. FIRE SAFETY. In consultation with the state fire
19 marshal, the department shall adopt rules relating to the
20 provision of fire extinguishers, smoke detectors, and two
21 exits accessible to children in a registered child care home.

22 9. SICK CHILDREN. The department shall adopt rules
23 relating to the provision of a separate area for sick children
24 in those child care homes which are registered at levels III
25 and IV.

26 10. LEVEL I REGISTRATION. All of the following
27 requirements shall apply to a level I registered child care
28 home:

29 a. Except as otherwise provided in this subsection, not
30 more than six children shall be present at any one time.

31 b. Not more than three children who are infants shall be
32 present at any one time.

33 c. In addition to the number of children authorized in
34 paragraph "a", not more than two children who attend school
35 may be present for a period of less than two hours at any one

1 time.

2 d. Not more than eight children shall be present at any
3 one time when an inclement weather exception is in effect.

4 11. LEVEL II REGISTRATION. All of the following
5 requirements shall apply to a level II registered child care
6 home:

7 a. Except as otherwise provided in this subsection, not
8 more than six children shall be present at any one time.

9 b. Not more than three children who are infants shall be
10 present at any one time.

11 c. In addition to the number of children authorized in
12 paragraph "a", not more than four children who attend school
13 may be present for a period of less than two hours at any one
14 time.

15 d. In addition to the number of children authorized in
16 paragraph "a", not more than two children who are receiving
17 care on a part-time basis may be present.

18 e. Not more than twelve children shall be present at any
19 one time when an inclement weather exception is in effect.
20 However, if more than eight children are present during an
21 inclement weather exception, the provider shall be assisted by
22 a responsible individual who is at least fourteen years of
23 age.

24 12. LEVEL III REGISTRATION. All of the following
25 requirements shall apply to a level III registered child care
26 home:

27 a. Except as otherwise provided in this subsection, not
28 more than six children shall be present at any one time.

29 b. Not more than three children who are infants shall be
30 present at any one time.

31 c. In addition to the number of children authorized in
32 paragraph "a", not more than four children who attend school
33 may be present.

34 d. In addition to the number of children authorized in
35 paragraph "a", not more than two children who are receiving

1 care on a part-time basis may be present.

2 e. Not more than twelve children shall be present at any
3 one time when an inclement weather exception is in effect.

4 f. If more than eight children are present at any one
5 time, the provider shall be assisted by a responsible
6 individual who is at least fourteen years of age.

7 13. LEVEL IV REGISTRATION. All of the following
8 requirements shall apply to a level IV registered child care
9 home:

10 a. Except as otherwise provided in this subsection, not
11 more than twelve children shall be present at any one time.
12 If more than seven children are present, a second person must
13 be present who meets the individual qualifications for child
14 care home registration established by rule of the department.

15 b. Not more than six children who are infants shall be
16 present at any one time.

17 c. In addition to the number of children authorized in
18 paragraph "a", not more than two children who attend school
19 may be present for a period of less than two hours at any one
20 time.

21 d. In addition to the number of children authorized in
22 paragraph "a", not more than two children who are receiving
23 care on a part-time basis may be present.

24 e. Not more than sixteen children shall be present at any
25 one time when an inclement weather exception is in effect. If
26 more than eight children are present at any one time during an
27 inclement weather exception, the provider shall be assisted by
28 a responsible individual who is at least eighteen years of
29 age.

30 Sec. 4. PILOT PROJECT REPORT. The department of human
31 services shall periodically report to the general assembly
32 concerning the pilot project implemented pursuant to this Act.
33 The report shall include findings and recommendations as to
34 the advantages and disadvantages of the pilot project
35 approach. An initial report shall be submitted in February

1 1998 and a progress report shall be submitted in December
2 1998. The reports shall address the feasibility of
3 implementing the pilot project statewide.

4 Sec. 5. EMERGENCY RULES. The department of human services
5 may adopt administrative rules under section 17A.4, subsection
6 2, and section 17A.5, subsection 2, paragraph "b", to
7 implement the provisions of this Act and the rules shall
8 become effective immediately upon filing, unless the effective
9 date is delayed by the administrative rules review committee,
10 notwithstanding section 17A.4, subsection 5, and section
11 17A.8, subsection 9, or a later effective date is specified in
12 the rules. Any rules adopted in accordance with this section
13 shall not take effect before the rules are reviewed by the
14 administrative rules review committee. Any rules adopted in
15 accordance with the provisions of this section shall also be
16 published as a notice of intended action as provided in
17 section 17A.4.

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SENATE FILE 541

AN ACT

RELATING TO CHILD DAY CARE PROVISIONS INVOLVING GROUP DAY CARE HOMES AND ESTABLISHING A CHILD CARE HOME PILOT PROJECT.

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

Section 1. Section 237A.1, subsection 8, paragraph b, Code 1997, 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 as authorized in accordance with section 237A.3, subsection 2, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3; provided each child in excess of six children is attending school in kindergarten or a higher grade level.

Sec. 2. Section 237A.3, subsection 2, Code 1997, is amended to read as follows:

2. a. 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. Two persons who comply with the individual requirements for registration as a group day care provider may request that the certificate be issued to the two persons jointly and the department shall issue the joint certificate provided the group day care home requirements for registration are met. 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.

b. Except as provided in subsection 3, a group day care home shall not provide child day care to more than eleven children at any one time. If there are more than six children present for a period of two hours or more, the group day care home must have at least one responsible individual who is at least fourteen years of age present to assist the group day care provider in accordance with either of the following conditions:

(1) If the responsible individual is a joint holder of the certificate of registration, not more than four of the children present shall be less than twenty-four months of age and not more than ten of the children present shall be twenty-four months of age or older but not attending school in kindergarten or a higher grade level.

(2) If the responsible individual is not a joint holder of the certificate of registration, but is at least fourteen years of age, not more than four of the children shall be less than twenty-four months of age and each child in excess of six children shall be attending school in kindergarten or a higher grade level.

Sec. 3. NEW SECTION. 237A.3A REGISTRATION OF CHILD CARE HOMES.

1. PILOT PROJECT. The department shall implement a pilot project applying the provisions of this section to registered family or group day care homes located in one county of this state. The provisions of this section shall not apply to unregistered family day care homes located in the pilot project county. The county selected for the pilot project shall be a rural county where there is interest among child day care providers and consumers in implementing the pilot project. In addition, if deemed feasible by the department, the department may implement the pilot project in one additional urban or mixed rural and urban county where there

is interest in implementing the pilot project. The department shall implement the pilot project on or after July 1, 1997. If a definition in section 237A.1, a provision in section 237A.3, or an administrative rule adopted under this chapter is in conflict with this section, this section and the rules adopted to implement this section shall apply to the pilot project.

2. DEFINITIONS. For the purposes of this section, unless the context otherwise requires:

a. "Child care home" means a person registered under this section to provide child day care in a pilot project county.

b. "Children receiving care on a part-time basis" means children who are present in a child care home for ninety hours per month or less.

c. "Infant" means a child who is less than twenty-four months of age.

d. "School" means kindergarten or a higher grade level.

3. REGISTRATION.

a. The registration process for a child care home under this section shall be repeated on an annual basis as provided by rule.

b. A person who is a child foster care licensee under chapter 237 must register as a child care home provider in order to operate or establish a child care home in a pilot project county.

c. A person or program in a pilot project county which provides care, supervision, or guidance to a child which is not defined as child day care under section 237A.1, may be issued a certificate of registration under this section.

d. Four levels of registration requirements are applicable to registered child care homes in accordance with subsections 10 through 13 and rules adopted to implement this section. The rules shall apply requirements to each level for the amount of space available per child, provider qualifications and training, and other minimum standards.

4. NUMBER OF CHILDREN. In determining the number of children cared for at any one time in a child care home, each

child present in the child care home shall be considered to be receiving care unless the child is described by one of the following exceptions:

a. The child's parent, guardian, or custodian operates or established the child care home and the child is attending school or the child receives child day care full-time on a regular basis from another person.

b. The child has been present in the child care home for more than seventy-two consecutive hours and meets the requirements of paragraph "a" as though the person who operates or established the child care home is the child's parent, guardian, or custodian.

5. REGISTRATION CERTIFICATE. The department shall issue a certificate of registration upon receipt of a statement from the child care home or an inspection verifying that the child care home complies with rules adopted by the department. The certificate of registration shall be posted in a conspicuous place in the child care home and shall state the name of the registrant, the registration level of the child care home, the number of children who may be present for care at any one time, and the address of the child care home. In addition, the certificate shall include a check list of registration compliances.

6. REVOCATION OR DENIAL OF REGISTRATION. If the department has denied or revoked a certificate of registration because a person has continually or repeatedly failed to operate a registered or licensed child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not operate or establish a registered child care home for a period of six months from the date the registration or license is denied or revoked. The department shall not act on an application for registration submitted by the person during the six-month period.

7. INCLEMENT WEATHER EXCEPTION. If school classes have been cancelled due to inclement weather, a registered child care home may have additional children present in accordance with the authorization for the registration level of the child care home and subject to all of the following conditions:

a. The child care home has prior written approval from the parent or guardian of each child present in the child care home concerning the presence of additional children in the child care home.

b. The child care home has a responsible individual, age fourteen or older, on duty to assist the care provider as required for the registration level of the child care home pursuant to subsections 10 through 13.

c. One or more of the following conditions is applicable to each of the additional children present in the child care home:

(1) The child care home provides care to the child on a regular basis for periods of less than two hours.

(2) If the child was not present in the child care home, the child would be unattended.

(3) The child care home regularly provides care to a sibling of the child.

8. FIRE SAFETY. 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 in a registered child care home.

9. SICK CHILDREN. The department shall adopt rules relating to the provision of a separate area for sick children in those child care homes which are registered at levels III and IV.

10. LEVEL I REGISTRATION. All of the following requirements shall apply to a level I registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

b. Not more than three children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than two children who attend school may be present for a period of less than two hours at any one time.

d. Not more than eight children shall be present at any one time when an inclement weather exception is in effect.

11. LEVEL II REGISTRATION. All of the following requirements shall apply to a level II registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

b. Not more than three children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than four children who attend school may be present for a period of less than two hours at any one time.

d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.

e. Not more than twelve children shall be present at any one time when an inclement weather exception is in effect. However, if more than eight children are present during an inclement weather exception, the provider shall be assisted by a responsible individual who is at least fourteen years of age.

12. LEVEL III REGISTRATION. All of the following requirements shall apply to a level III registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

b. Not more than three children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than four children who attend school may be present.

d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.

e. Not more than twelve children shall be present at any one time when an inclement weather exception is in effect.

f. If more than eight children are present at any one time, the provider shall be assisted by a responsible individual who is at least fourteen years of age.

13. LEVEL IV REGISTRATION. All of the following requirements shall apply to a level IV registered child care home:

a. Except as otherwise provided in this subsection, not more than twelve children shall be present at any one time. If more than seven children are present, a second person must be present who meets the individual qualifications for child care home registration established by rule of the department.

b. Not more than four children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than two children who attend school may be present for a period of less than two hours at any one time.

d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.

e. Not more than sixteen children shall be present at any one time when an inclement weather exception is in effect. If more than eight children are present at any one time during an inclement weather exception, the provider shall be assisted by a responsible individual who is at least eighteen years of age.

Sec. 4. PILOT PROJECT REPORT. The department of human services shall periodically report to the general assembly concerning the pilot project implemented pursuant to this Act. The report shall include findings and recommendations as to the advantages and disadvantages of the pilot project approach. An initial report shall be submitted in February 1998 and a progress report shall be submitted in December 1998. The reports shall address the feasibility of implementing the pilot project statewide.

Sec. 5. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection

2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 541, Seventy-seventh General Assembly.

Approved May 19, 1997

MARY PAT GUNDERSON
Secretary of the Senate

TERRY E. BRANSTAD
Governor