

*Survey, ch  
Boal  
Buckta*

*HSB 129*

HUMAN RESOURCES

SUCCESS BY

SF/HE *129*

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED DEPARTMENT OF  
HUMAN SERVICES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child care provisions administered by the  
2 department of human services and to the terminology used to  
3 describe child care, making an appropriation of civil  
4 penalties, and including an effective date and applicability  
5 provisions.

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

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

20002  
74172

DIVISION I

CHAPTER 237A REWRITE

1  
2  
3 Section 1. Section 237A.1, Code 1999, is amended to read  
4 as follows:

5 237A.1 DEFINITIONS.

6 As used in this chapter unless the context otherwise  
7 requires:

8 1. "Administrator" means the administrator of the division  
9 of the department designated by the director to administer  
10 this chapter.

11 2. "Child" means a person under eighteen years of age.

12 3. "Child care center" or "center" means a facility  
13 providing child day care or preschool services for seven or  
14 more children, except when the facility is registered as a  
15 family-day child care home or-group-day-care-home.

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

23 a. An instructional program for children who are attending  
24 prekindergarten as defined by the state board of education  
25 under section 256.11 or a higher grade level and are at least  
26 four years of age administered by a any of the following:

27 (1) A public or nonpublic school system accredited by the  
28 department of education or the state board of regents. or-a

29 (2) A nonpublic school system which is not accredited by  
30 the department of education or the state board of regents.

31 b. A program provided under section 279.49 or 280.3A.

32 ~~b.~~ c. A Any of the following church-related programs:

33 (1) An instructional program of-not-more-than-one-day-per  
34 week.

35 (2) A youth program other than a preschool, before or

1 after school child care program, or other child care program.

2 (3) A program providing care to children on church  
3 premises while the children's parents are attending church-  
4 related or church-sponsored activities on the church premises.

5 e. d. Short-term classes of less than two weeks' duration  
6 held between school terms or during a break within a school  
7 term.

8 d. e. A child care center for sick children operated as  
9 part of a pediatrics unit in a hospital licensed by the  
10 department of inspections and appeals pursuant to chapter  
11 135B.

12 e. f. A nonprofit program operated not more than one day  
13 per week by volunteers for-no-charge which meets all of the  
14 following conditions:

15 (1) Not more than eleven children are served per  
16 volunteer.

17 (2) The program operates for not-more less than two four  
18 hours during any twenty-four-hour twenty-four-hour period.

19 (3) The program is provided at no cost to the children's  
20 parent, guardian, or custodian.

21 ~~f.---A-program-provided-by-the-state-or-a-political~~  
22 ~~subdivision,which-provides-recreational-classes-for-a-period~~  
23 ~~of-less-than-two-hours-per-day.~~

24 g. A program administered by a political subdivision of  
25 the state which is primarily for recreational or social  
26 purposes and is limited to children who are five years of age  
27 or older and attending school.

28 ~~h.---An-instructional-program-administered-by-a-nonpublic~~  
29 ~~school-system-which-is-not-accredited-by-the-department-of~~  
30 ~~education-or-the-state-board-of-regents.~~

31 h. An after school program continuously offered throughout  
32 the school year calendar to children who are at least five  
33 years of age and are enrolled in school, and attend the  
34 program intermittently. The program must be provided through  
35 a nominal membership fee or at no cost.

- 1 i. A special activity program which meets less than four  
2 hours per day for the sole purpose of the special activity.  
3 Special activity programs include but are not limited to music  
4 or dance classes, organized athletic or sports programs,  
5 recreational classes, scouting programs, and hobby or craft  
6 clubs or classes.
- 7 j. A nationally accredited camp.
- 8 k. A structured program for the purpose of providing  
9 therapeutic, rehabilitative, or supervisory services to  
10 children under any of the following:
- 11 (1) A purchase of service or managed care contract with  
12 the department.
- 13 (2) A contract approved by a local decategorization  
14 governance board created under section 232.188.
- 15 (3) An arrangement approved by a juvenile court order.
- 16 1. Care provided on-site to children of parents residing  
17 in an emergency, homeless, or domestic violence shelter.
- 18 5. "Child day care facility" or "facility" means a child  
19 care center, ~~group-day-care-home~~ preschool, or a registered  
20 ~~family-day~~ child care home.
- 21 6. "Child care home" means a person or program providing  
22 child care as authorized under section 237A.3A.
- 23 7. "Children receiving care on a part-time basis" means  
24 children who are present in a child care home for ninety hours  
25 per month or less.
- 26 ~~6.~~ 8. "Department" means the department of human services.
- 27 ~~7.~~ 9. "Director" means the director of human services.
- 28 ~~8. a. "Family-day-care-home" means a person or program~~  
29 ~~which provides child day care to less than seven children at~~  
30 ~~any one time or to less than twelve children at any one time~~  
31 ~~as authorized by section 237A.37, subsection 1.~~
- 32 ~~b. "Group-day-care-home" means a facility providing child~~  
33 ~~day care for more than six but less than twelve children as~~  
34 ~~authorized in accordance with section 237A.37, subsection 2, or~~  
35 ~~for less than sixteen children at any one time as authorized~~

1 in-accordance-with-section-237A.3-subsection-3.

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

4 9: 11. "Licensed center" means a center issued a full or  
5 provisional license by the department under the provisions of  
6 this chapter or a center for which a license is being  
7 processed.

8 ~~10:--"Low-income-family" means a family whose monthly gross~~  
9 ~~income is less than the lower of:~~

10 ~~a:--Eighty percent of the median income of a family of four~~  
11 ~~in this state adjusted to take into account the size of the~~  
12 ~~family; or~~

13 ~~b:--The median income of a family of four in the fifty~~  
14 ~~states and the District of Columbia adjusted to take into~~  
15 ~~account the size of the family;~~

16 ~~11: 12. "Preschool" means a child day care facility which~~  
17 ~~provides to children ages three through five, for periods of~~  
18 ~~time not exceeding three hours per day, programs designed to~~  
19 ~~help the children to develop intellectual skills, social~~  
20 ~~skills, and motor skills, and to extend their interest and~~  
21 ~~understanding of the world about them.~~

22 ~~12:--"Relative" means a person who by marriage, blood, or~~  
23 ~~adoption is a parent, grandparent, brother, sister,~~  
24 ~~stepfather, stepmother, stepbrother, stepsister, uncle, aunt,~~  
25 ~~first cousin, or guardian.~~

26 13. "School" means kindergarten or a higher grade level.

27 ~~13: 14. "State child day care advisory council" means the~~  
28 ~~state child day care advisory council established pursuant to~~  
29 ~~sections 237A.21 and 237A.22.~~

30 Sec. 2. Section 237A.2, Code 1999, is amended to read as  
31 follows:

32 237A.2 LICENSING OF CHILD CARE CENTERS.

33 1. A person shall not establish or operate a child care  
34 center without obtaining a license under the provisions of  
35 this chapter. A center may operate for a specified period of

1 time, to be established by rule of the department, if  
2 application for a license has been made. If the department  
3 denies an application for an initial license, notwithstanding  
4 section 17A.8, the applicant center shall not continue to  
5 provide child care pending the outcome of an evidentiary  
6 hearing. The department shall issue a license if it  
7 determines that all of the following conditions have been met:

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

11 2- b. The center is maintained to comply with state health  
12 and fire laws.

13 3- c. The center is maintained to comply with rules  
14 promulgated adopted under section 237A.12.

15 2. A person denied a license under the provisions of this  
16 section shall receive written notice of the denial stating the  
17 reasons for denial and shall be provided with an opportunity  
18 for an evidentiary hearing. Licenses granted under this  
19 chapter shall be valid for one year from the date of issuance  
20 unless revoked or suspended in accordance with the provisions  
21 of section 237A.8 or reduced to a provisional license under  
22 subsection 3. A record of the license shall be kept by the  
23 department. The license shall be posted in a conspicuous  
24 place in the center and shall state the particular premises in  
25 which child day care may be offered and the number of  
26 individuals who may be received for care at any one time. No  
27 A greater number of children than is authorized by the license  
28 shall not be kept in the center at any one time.

29 3. The administrator may reduce a previously issued  
30 license to a provisional license or issue a provisional  
31 license for a period of time not to exceed one year if the  
32 center does not meet standards required under this section. A  
33 provisional license shall not be renewable in regard to the  
34 same standards for more than two consecutive years. A  
35 provisional license shall be posted in a conspicuous place in

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

6 4. A program which is not a child care center by reason of  
7 the exceptions to the definition of child day care in section  
8 237A.1, subsection 4, but which provides care, supervision, or  
9 and guidance to a child may be issued a license if the program  
10 complies with all the provisions of this chapter.

11 5. If the department has denied or revoked a license  
12 because the applicant or person has continually or repeatedly  
13 failed to operate a licensed center in compliance with this  
14 chapter and rules adopted pursuant to this chapter, the person  
15 shall not own or operate a child care center for a period of  
16 six months from the date the license is denied or revoked.  
17 The department shall not act on an application for a license  
18 submitted by the applicant or person during the six-month  
19 period.

20 6. The administrator may adopt rules in accordance with  
21 chapter 17A establishing civil penalties for a licensee's or  
22 registrant's failure to comply with key standards for the  
23 operation and maintenance of a child care facility. In  
24 developing the rules, the department shall consult with the  
25 state child care advisory council, child care facility  
26 providers, families, and other interested parties. The rules  
27 shall specify the offenses or acts which are subject to a  
28 civil penalty. The amount of a civil penalty shall be within  
29 the discretion of the department but shall not exceed one  
30 thousand dollars. Any civil penalty collected under this  
31 subsection is appropriated to the department and shall be used  
32 to defray the costs of regulatory staffing under this chapter  
33 or for other activities designed to improve child care  
34 quality.

35 Sec. 3. Section 237A.3A, subsection 1, Code 1999, is

1 amended by striking the subsection and inserting in lieu  
2 thereof the following:

3 1. REGISTRATION. A person who operates or establishes a  
4 child care home may apply to the department for registration  
5 as a child care home. Registration is not required unless the  
6 number of children cared for at any one time in a child care  
7 home meets or exceeds the requirements applicable to any level  
8 of registration outlined in this section. Two or more persons  
9 who comply with the individual requirements for registration  
10 as a child care home provider may request that the certificate  
11 of registration be issued to the two or more persons jointly  
12 and the department shall issue the joint certificate provided  
13 the child care home requirements for registration are met.

14 Sec. 4. Section 237A.3A, subsection 2, Code 1999, is  
15 amended by striking the subsection and renumbering the  
16 succeeding subsections.

17 Sec. 5. Section 237A.3A, subsection 3, paragraph c, Code  
18 1999, is amended to read as follows:

19 c. A person or program ~~in-a-pilot-project-county~~ which  
20 provides care, supervision, or and guidance to a child which  
21 is not defined as child day care under section 237A.17, may be  
22 issued a certificate of registration ~~under-this-section~~ as a  
23 child care home.

24 Sec. 6. Section 237A.3A, subsection 3, paragraph d,  
25 subparagraph (2), Code 1999, is amended to read as follows:

26 (2) The rules shall allow a child day care home to be  
27 registered at level II, III, or IV for which the provider is  
28 qualified even though the amount of space required to be  
29 available for the maximum number of children authorized for  
30 that level exceeds the actual amount of space available in  
31 that child care home. However, the total number of children  
32 authorized for the child care home at that level of  
33 registration shall be limited by the amount of space available  
34 per child.

35 Sec. 7. Section 237A.3A, subsection 4, paragraph a, Code



1 1999, is amended to read as follows:

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

6 Sec. 8. Section 237A.3A, subsection 6, Code 1999, is  
7 amended to read as follows:

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

18 Sec. 9. Section 237A.3A, subsection 7, unnumbered  
19 paragraph 1, Code 1999, is amended to read as follows:

20 If school classes have been cancelled due to inclement  
21 weather, a registered or unregistered child care home may have  
22 additional children present. An unregistered child care home  
23 shall comply with the requirements for inclement weather  
24 applicable to a level I registration. A registered child care  
25 home shall operate in accordance with the authorization for  
26 the registration level of the child care home and is subject  
27 to all of the following conditions:

28 Sec. 10. Section 237A.4, Code 1999, is amended to read as  
29 follows:

30 237A.4 INSPECTION AND EVALUATION.

31 The department shall make periodic inspections of licensed  
32 centers to insure ensure compliance with licensing  
33 requirements provided in this chapter, and the local boards of  
34 health may make periodic inspections of licensed centers to  
35 insure ensure compliance with health-related licensing

1 requirements provided in this chapter. The administrator may  
2 inspect records maintained by a licensed center and may  
3 inquire into matters concerning these centers and the persons  
4 in charge. The administrator shall require that the center be  
5 inspected by the state fire marshal or a designee for  
6 compliance with rules relating to fire safety before a license  
7 is granted or renewed. The administrator or a designee may  
8 periodically visit registered family-day child care homes for  
9 the purpose of evaluation of an inquiry into matters  
10 concerning compliance with rules adopted under section  
11 237A.12. Evaluation of family-day child care homes under this  
12 section may include consultative services provided pursuant to  
13 section 237A.6.

14 Sec. 11. Section 237A.5, subsections 1, 2, 6, and 7, Code  
15 1999, are amended to read as follows:

16 1. All personnel in licensed or registered facilities  
17 shall have good health as evidenced by a report following a  
18 preemployment physical examination taken within six months  
19 prior to beginning employment. The examination shall include  
20 communicable disease tests conducted by a licensed physician  
21 as defined in section 135C.1 and , licensed physician  
22 assistant, or an advanced registered nurse practitioner. The  
23 examiner shall determine whether the employee's health status  
24 would impede or limit the employee's ability to care for  
25 children in a child care environment. The physical  
26 examination shall be repeated every three years after initial  
27 employment. ~~Controlled-medical~~ Medical conditions which would  
28 not affect the performance of the employee in the capacity  
29 employed or the health and safety of children shall not  
30 prohibit employment.

31 2. a. If a person is being considered for licensure or  
32 registration under this chapter, or for employment involving  
33 direct responsibility for a child or with access to a child  
34 when the child is alone, by a child day care facility subject  
35 to licensure or registration under this chapter, or if a

1 person will reside in a facility, and if the person has been  
 2 convicted of a crime or has a record of founded child abuse,  
 3 the department ~~and-the-licensee-or-registrant-for-an-employee~~  
 4 ~~of-the-licensee-or-registrant~~ shall perform an evaluation to  
 5 determine whether the crime or founded child abuse warrants  
 6 prohibition of licensure, registration, employment, or  
 7 residence in the facility. The department shall conduct  
 8 criminal and child abuse record checks in this state and may  
 9 conduct these checks in other states. The evaluation shall be  
 10 performed in accordance with procedures adopted for this  
 11 purpose by the department.

12 b. If the department determines that a person has  
 13 committed a crime or has a record of founded child abuse and  
 14 is licensed, employed by a licensee or registrant or  
 15 registered under this chapter, or resides in a licensed or  
 16 registered facility the department shall notify the licensee  
 17 or registrant that an evaluation will be conducted to  
 18 determine whether prohibition of the person's licensure,  
 19 registration, employment, or residence is warranted.

20 c. In an evaluation, the department ~~and-the-licensee-or~~  
 21 ~~registrant-for-an-employee-of-the-licensee-or-registrant~~ shall  
 22 consider the nature and seriousness of the crime or founded  
 23 child abuse in relation to the position sought or held, the  
 24 time elapsed since the commission of the crime or founded  
 25 child abuse, the circumstances under which the crime or  
 26 founded child abuse was committed, the degree of  
 27 rehabilitation, the likelihood that the person will commit the  
 28 crime or founded child abuse again, and the number of crimes  
 29 or founded child abuses committed by the person involved. The  
 30 department may permit a person who is evaluated to be  
 31 licensed, registered, employed, or to reside, or to continue  
 32 to be licensed, registered, employed, or to reside in a  
 33 licensed facility, if the person complies with the  
 34 department's conditions relating to the person's licensure,  
 35 registration, employment, or residence, which may include

1 completion of additional training. ~~For an employee of a~~  
2 ~~licensee or registrant, these conditional requirements shall~~  
3 ~~be developed with the licensee or registrant.~~ The department  
4 has final authority in determining whether prohibition of the  
5 person's licensure, registration, employment, or residence is  
6 warranted and in developing any conditional requirements under  
7 this paragraph.

8 d. If the department determines that the person has  
9 committed a crime or has a record of founded child abuse which  
10 warrants prohibition of licensure, registration, employment,  
11 or residence, the person shall not be licensed or registered  
12 under this chapter to operate a child day care facility and  
13 shall not be employed by a licensee or registrant or reside in  
14 a facility licensed or registered under this chapter.

15 e. If it has been determined that a child receiving child  
16 care from a child care facility is the victim of founded child  
17 abuse committed by an employee, licensee or registration  
18 holder, or resident of the child care facility for which a  
19 report is placed in the central registry pursuant to section  
20 232.71D, the administrator shall provide notification at the  
21 time of the determination to the parents, guardians, and  
22 custodians of children receiving care from the facility. A  
23 notification made under this paragraph shall identify the type  
24 of abuse but shall not identify the victim or perpetrator or  
25 circumstances of the founded abuse.

26 6. A person who receives public funds for providing child  
27 day care and who is not registered or licensed under this  
28 chapter and individuals who reside with the person shall be  
29 subject to the provisions of subsection 2 as though the person  
30 either is being considered for registration or is registered  
31 to provide child day care under this chapter. If the person  
32 or individual residing with the person would be prohibited  
33 from licensure, registration, employment, or residence under  
34 subsection 2, the person shall not provide child day care and  
35 is not eligible to receive public funds to do so. A person

1 who continues to provide child day care in violation of this  
2 subsection is subject to penalty under section 237A.19 and  
3 injunction under section 237A.20.

4 7. A person who serves as an unpaid volunteer in a child  
5 day care facility shall not be required to complete training  
6 as a mandatory reporter of child abuse under section 232.69 or  
7 under any other requirement.

8 Sec. 12. Section 237A.7, unnumbered paragraph 1, Code  
9 1999, is amended to read as follows:

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

18 Sec. 13. Section 237A.8, Code 1999, is amended to read as  
19 follows:

20 237A.8 SUSPENSION-AND-REVOCAATION VIOLATIONS -- ACTIONS  
21 AGAINST LICENSE OR REGISTRATION.

22 The administrator, after notice and opportunity for an  
23 evidentiary hearing before the department of inspections and  
24 appeals, may suspend or revoke a license or certificate of  
25 registration issued under this chapter or may reduce a license  
26 to a provisional license if the person to whom a license or  
27 certificate is issued violates a provision of this chapter or  
28 if the person makes false reports regarding the operation of  
29 the child day care facility to the administrator or a designee  
30 of the administrator. The administrator shall notify the  
31 parent, guardian, or legal custodian of each child for whom  
32 the person provides child day care, ~~if the license or~~  
33 ~~certificate of registration is suspended or revoked or if~~  
34 ~~there has been a substantiated child abuse case against an~~  
35 ~~employee, owner, or operator of the child day care facility at~~

1 the time of action to suspend or revoke a license or  
2 certificate of registration.

3 Sec. 14. Section 237A.12, Code 1999, is amended to read as  
4 follows:

5 237A.12 RULES.

6 1. Subject to the provisions of chapter 17A, the  
7 administrator shall ~~promulgate~~ adopt rules setting minimum  
8 standards to provide quality child day care in the operation  
9 and maintenance of child care centers and registered family  
10 day child care homes, relating to all of the following:

11 ~~1-~~ a. The number and qualifications of personnel necessary  
12 to assure the health, safety, and welfare of children in the  
13 facilities. Rules for facilities which are preschools shall  
14 be drawn so that any staff-to-children ratios which relate to  
15 the age of the children enrolled shall be based on the age of  
16 the majority of the children served by a particular class  
17 rather than on the age of the youngest child served.

18 ~~2-~~ b. Physical facilities.

19 ~~3-~~ c. The adequacy of activity programs and food services  
20 available to the children. The administrator shall not  
21 restrict the use of or apply nutritional standards to a lunch  
22 or other meal which is brought to the center or family-day  
23 child care home by a school-age child for the child's  
24 consumption.

25 ~~4-~~ d. Policies established by the center for parental  
26 participation.

27 ~~5-~~ e. Programs for education and in-service training of  
28 staff.

29 ~~6-~~ f. Records kept by the facilities.

30 ~~7-~~ g. Administration.

31 ~~8-~~ h. Health, safety, and medical policies for children.

32 2. Rules adopted by the state fire marshal for buildings,  
33 other than school buildings, used as child care centers as an  
34 adjunct to the primary purpose of the building shall take into  
35 consideration that children are received for temporary care

1 only and shall not differ from rules adopted for these  
 2 buildings when they are used by groups of persons congregating  
 3 from time to time in the primary use and occupancy of the  
 4 buildings. However, the rules may require a fire-rated  
 5 separation from the remaining portion of the building if the  
 6 fire marshal determines that the separation is necessary for  
 7 the protection of children from a specific flammable hazard.

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

20 4. If a building is owned or leased by a school district  
 21 or accredited nonpublic school and complies with standards  
 22 adopted by the state fire marshal for school buildings under  
 23 chapter 100, the building is considered appropriate for use by  
 24 a child day care facility. The rules adopted by the  
 25 administrator under this section shall not require the  
 26 facility to comply with building requirements which differ  
 27 from requirements for use of the building as a school.

28 5. Standards and requirements set by a city or county for  
 29 a building which is owned or leased by a school district or  
 30 accredited nonpublic school and used as a child day care  
 31 facility shall take into consideration that children are  
 32 received for temporary care only and shall not differ from  
 33 standards and requirements set for use of the building as a  
 34 school.

35 Sec. 15. Section 237A.19, unnumbered paragraph 2, Code

1 1999, is amended to read as follows:

2 A If registration is required under section 237A.3A, a  
3 person who establishes, conducts, manages, or operates a group  
4 day child care home without registering ~~under this chapter~~ or  
5 a person who operates a family-day child care home contrary to  
6 section 237A.5, is guilty of a simple misdemeanor. Each day  
7 of continuing violation after conviction, or notice from the  
8 department by certified mail of the violation, is a separate  
9 offense. A single charge alleging continuing violation may be  
10 made in lieu of filing charges for each day of violation.

11 Sec. 16. Section 237A.20, Code 1999, is amended to read as  
12 follows:

13 237A.20 INJUNCTION.

14 A person who establishes, conducts, manages, or operates a  
15 center without a license or a group-day child care home  
16 without a certificate of registration, if registration is  
17 required under section 237A.3A, may be restrained by temporary  
18 or permanent injunction. A person who has been convicted of a  
19 crime against a person or a person with a record of founded  
20 child abuse may be restrained by temporary or permanent  
21 injunction from providing unregistered, registered, or  
22 licensed child day care. The action may be instituted by the  
23 state, the county attorney, a political subdivision of the  
24 state, or an interested person.

25 Sec. 17. Section 237A.21, Code 1999, is amended to read as  
26 follows:

27 237A.21 STATE CHILD DAY CARE ADVISORY COUNCIL.

28 1. A state child day care advisory council is established  
29 consisting of not more than thirty-five members from urban and  
30 rural areas across the state. The membership shall include,  
31 but is not limited to, all of the following persons or  
32 representatives with an interest in child day care: a  
33 licensed center, a registered family-day child care home from  
34 a county with a population of less than twenty-two thousand,  
35 an unregistered family-day child care home, a parent of a



1 child in child day care, appropriate governmental agencies,  
2 and other members as deemed necessary by the director. The  
3 members are eligible for reimbursement of their actual and  
4 necessary expenses while engaged in performance of their  
5 official duties.

6 2. Members shall be appointed by the director from a list  
7 of names submitted by a nominating committee to consist of one  
8 member of the state council established pursuant to this  
9 section, one member of the department's child day care staff,  
10 three consumers of child day care, and one member of a  
11 professional child day care organization. Two names shall be  
12 submitted for each appointment. Members shall be appointed  
13 for terms of three years but no member shall be appointed to  
14 more than two consecutive terms. The state council shall  
15 develop its own operational policies which are subject to  
16 departmental approval.

17 3. The membership of the council shall be appointed in a  
18 manner so as to provide equitable representation of persons  
19 with an interest in child day care and shall include all of  
20 the following:

21 a. Two parents of a child served by a family-or-group-day  
22 registered child care home.

23 b. Two parents of a child served by a licensed center.

24 c. Two not-for-profit child day care providers.

25 d. Two for-profit child day care providers.

26 e. Two family-day child care home providers who are  
27 registered at level I or level II.

28 f. Two group-day child care home providers who are  
29 registered at level III or level IV.

30 g. One child day care resource and referral service  
31 grantee.

32 h. One nongovernmental child advocacy group  
33 representative.

34 i. One designee of the department of human services or the  
35 Iowa department of public health.

1 j. One designee of the department of education.

2 k. One head start program provider.

3 l. Two legislators appointed in a manner so that both  
4 major political parties are represented.

5 Sec. 18. Section 237A.22, Code 1999, is amended to read as  
6 follows:

7 237A.22 DUTIES OF STATE CHILD DAY CARE ADVISORY COUNCIL.

8 The state child day care advisory council shall do all of  
9 the following:

10 1. Consult with and make recommendations to the department  
11 concerning policy issues relating to child day care.

12 2. Advise the department concerning services relating to  
13 child day care, including but not limited to any of the  
14 following:

15 a. Resource and referral services.

16 b. Provider training.

17 c. Quality improvement.

18 d. Public-private partnerships.

19 e. Standards review and development.

20 3. Assist the department in developing an implementation  
21 plan to provide seamless service to recipients of public  
22 assistance which includes child day care services. For the  
23 purposes of this subsection, "seamless service" means  
24 coordination, where possible, of the federal and state  
25 requirements which apply to child day care.

26 4. Advise and provide technical services to the director  
27 of the department of education or the director's designee,  
28 upon request, relating to prekindergarten, kindergarten, and  
29 before and after school programming and facilities.

30 Sec. 19. Section 237A.26, Code 1999, is amended to read as  
31 follows:

32 237A.26 STATEWIDE RESOURCE AND REFERRAL SERVICES --  
33 GRANTS.

34 1. The department shall administer a statewide grant  
35 program for child day care resource and referral services.

1 Grants shall only be awarded to community-based nonprofit  
2 incorporated agencies and public agencies. Grants shall be  
3 awarded to facilitate the establishment of regional resource  
4 and referral agencies throughout the state, based upon the  
5 distribution of the child population in the state.

6 2. The department shall provide oversight of and annually  
7 evaluate an agency which is awarded a grant to provide  
8 resource and referral services to a region.

9 3. An agency which receives a grant to provide resource  
10 and referral services shall perform both of the following  
11 functions:

12 a. Organize assistance to family-and-group-day child care  
13 homes utilizing training levels based upon the homes' degrees  
14 of experience and interest.

15 b. Operate in partnership with both public and private  
16 interests and coordinate resource and referral services with  
17 existing community services.

18 4. An agency, to be eligible to receive a grant to provide  
19 resource and referral services, must match the grant with  
20 financial resources equal to at least twenty-five percent of  
21 the amount of the grant. The financial resources may include  
22 a private donation, an in-kind contribution, or a public  
23 funding source other than a separate state grant for child  
24 care service improvement.

25 5. An agency, to be eligible to receive a grant to provide  
26 resource and referral services, must have a board of directors  
27 if the agency is an incorporated nonprofit agency or must have  
28 an advisory board if the agency is a public agency, to oversee  
29 the provision of resource and referral services. The board  
30 shall include providers, consumers, and other persons  
31 interested in the provision or delivery of child day care  
32 services.

33 6. An agency which receives a child care resource and  
34 referral grant shall provide all of the following services:

35 a. Assist families in selecting quality child care. The

1 agency must provide referrals to registered and licensed child  
2 day care facilities, and to persons providing care,  
3 supervision, or and guidance of a child which is not defined  
4 as child day care under section 237A.1 and may provide  
5 referrals to unregistered providers.

6 b. Assist child day care providers in adopting appropriate  
7 program and business practices to provide quality child care  
8 services.

9 c. Provide information to the public regarding the  
10 availability of child day care services in the communities  
11 within the agency's region.

12 d. Actively encourage the development of new and expansion  
13 of existing child day care facilities in response to  
14 identified community needs.

15 e. Provide specialized services to employers, including  
16 the provision of resource and referral services to employee  
17 groups identified by the employer and the provision of  
18 technical assistance to develop employer-supported child day  
19 care programs.

20 f. Refer eligible child day care facilities to the federal  
21 child care food programs.

22 g. Loan toys, other equipment, and resource materials to  
23 child day care facilities.

24 h. Administer funding designated within the grant to  
25 provide a substitute caregiver program for registered family  
26 ~~and-group-day~~ child care homes to provide substitute care in a  
27 home when the home provider is ill, on vacation, receiving  
28 training, or is otherwise unable to provide the care.

29 7. The department may contract with an agency receiving a  
30 child day care resource and referral grant to perform any of  
31 the following functions relating to publicly funded services  
32 providing care, supervision, or and guidance of a child:

33 a. Determine an individual's eligibility for the services  
34 in accordance with income requirements.

35 b. Administer a voucher, certificate, or other system for

1 reimbursing an eligible provider of the services.

2 Sec. 20. Section 237A.27, Code 1999, is amended to read as  
3 follows:

4 237A.27 CRISIS CHILD CARE.

5 The department shall establish a special child care  
6 registration or licensure classification for crisis child care  
7 which is provided on a temporary emergency basis to a child  
8 when there is reason to believe that the child may be subject  
9 to abuse or neglect. The special classification is not  
10 subject to the definitional restrictions of child day care in  
11 this chapter relating to the provision of child day care for a  
12 period of less than twenty-four hours per day on a regular  
13 basis. However, the provision of crisis child care shall be  
14 limited to a period of not more than seventy-two hours for a  
15 child during any single stay. A person providing crisis child  
16 care must be registered or licensed under this chapter and  
17 must be participating or have previously participated in the  
18 federal crisis nursery pilot project. The department shall  
19 adopt rules pursuant to chapter 17A to implement this section.

20 Sec. 21. Section 237A.28, Code 1999, is amended to read as  
21 follows:

22 237A.28 CHILD DAY CARE CREDIT FUND.

23 A child day care credit fund is created in the state  
24 treasury under the authority of the department of human  
25 services. The moneys in the fund shall consist of moneys  
26 deposited pursuant to section 422.100 and shall be used for  
27 child day care services as annually directed appropriated by  
28 the general assembly.

29 Sec. 22. Section 237A.29, Code 1999, is amended to read as  
30 follows:

31 237A.29 STATE AND FEDERAL FUNDING OF CHILD DAY CARE.

32 State funds and federal funds provided to the state in  
33 accordance with federal requirements shall not be used to pay  
34 for the care, supervision, ~~or~~ and guidance of a child for  
35 periods of less than twenty-four hours per day on a regular

1 basis ~~in-a-place-other-than-the-child's-home~~ unless the care,  
2 supervision, or and guidance is defined as child day care as  
3 used in this chapter.

4 DIVISION II

5 CONFORMING AMENDMENTS

6 Sec. 23. Section 232.69, subsection 1, paragraph b,  
7 subparagraph (7), Code 1999, is amended to read as follows:

8 (7) An employee or operator of a licensed child care  
9 center or registered ~~group-day-care-home-or-registered-family~~  
10 day child care home.

11 Sec. 24. Section 234.6, subsection 6, paragraph a, Code  
12 1999, is amended to read as follows:

13 a. Day Child care for children or day care for adults, in  
14 facilities which are licensed or are approved as meeting  
15 standards for licensure.

16 Sec. 25. Section 237.1, subsection 4, paragraph d, Code  
17 1999, is amended to read as follows:

18 d. Child day care furnished by a child care center, ~~group~~  
19 ~~day-care-home,~~ or family-day a child care home as defined in  
20 section 237A.1.

21 Sec. 26. Section 256.9, subsection 35, unnumbered  
22 paragraph 2, Code 1999, is amended to read as follows:

23 Standards and materials developed shall include materials  
24 which employ developmentally appropriate practices and  
25 incorporate substantial parental involvement. The materials  
26 and standards shall include alternative teaching approaches  
27 including collaborative teaching and alternative dispute  
28 resolution training. The department shall consult with the  
29 child development coordinating council, the state day child  
30 care advisory committee council, the department of human  
31 services, the state board of regents center for early  
32 developmental education, the area education agencies, the  
33 department of child development in the college of family and  
34 consumer sciences at Iowa state university of science and  
35 technology, the early childhood elementary division of the

1 college of education at the university of Iowa, and the  
2 college of education at the university of northern Iowa, in  
3 developing these standards and materials.

4 Sec. 27. Section 256C.3, subsection 5, Code 1999, is  
5 amended to read as follows:

6 5. Training, technical assistance, and other support by  
7 the family resource center staff to family-day child care home  
8 providers in the community. The center may serve as an  
9 information and referral clearinghouse for other child care  
10 needs and services in the community and shall coordinate the  
11 center's information and efforts with any child care delivery  
12 systems that may already exist in the community. The center  
13 may also provide an adolescent pregnancy prevention program,  
14 and other programs as the community determines, for  
15 adolescents emphasizing responsible decision making and  
16 communication skills.

17 Sec. 28. Section 692A.13, subsection 3, paragraph c,  
18 unnumbered paragraph 1, Code 1999, is amended to read as  
19 follows:

20 For offenders who have been classified as "at-risk" in this  
21 state pursuant to an assessment conducted as provided in  
22 subsection 6, the department or a criminal or juvenile justice  
23 agency may also release the offender's name, a photograph,  
24 locations frequented by the offender, and relevant Iowa  
25 criminal history information from the registry to public and  
26 private schools, child day care centers, family-day child care  
27 home providers, businesses, and organizations that serve  
28 primarily children, women, or vulnerable adults, and neighbors  
29 and community groups, or to the public at large. The extent  
30 of public disclosure of the information shall be rationally  
31 related to the following:

32 Sec. 29. AMENDMENTS TO TERMS "CHILD DAY CARE" AND "DAY  
33 CARE" -- DIRECTIVE TO CODE EDITOR.

34 1. Sections 7I.5, 7I.7, 10A.202, 137F.1, 232.71D, 232.78,  
35 232.188, 235A.15, 239B.7, 239B.8, 239B.10, 256C.3, 279.49,

1 279.51, 280.3A, 285.1, 298A.12, and 422.100, Code 1999, are  
2 amended by striking from the sections the words "child day  
3 care" or "child day-care" and inserting in lieu thereof the  
4 words "child care".

5 2. Sections 15.285, 15.329, 217.12, 232.69, 235C.3,  
6 256A.3, 256C.3, 260C.69, and 279.51, Code 1999, are amended by  
7 striking from the sections the words "day care" or "day-care"  
8 or "Day care" and inserting in lieu thereof, as appropriate,  
9 the words "child care" or "Child care".

10 3. The Code editor shall substitute the words "child care"  
11 for the words "child day care" or "child day-care" anywhere in  
12 the Code if there appears to be no doubt as to the intent to  
13 refer to child care as defined in chapter 237A, as amended by  
14 this Act.

15 4. The Code editor shall substitute the words "child care"  
16 for the words "day care" anywhere in the Code if there appears  
17 to be no doubt as to the intent to refer to child care as  
18 defined in chapter 237A, as amended by this Act.

19 DIVISION III

20 REPEAL -- EFFECTIVE DATE -- APPLICABILITY TRANSITION

21 Sec. 28.

22 1. Section 237A.3, Code 1999, is repealed June 30, 2000.

23 2. This Act takes effect July 1, 1999. However, the  
24 provisions of section 237A.3 and associated administrative  
25 rules adopted under that section shall remain applicable to a  
26 family or group child day care home registered as of June 30,  
27 1999, until the renewal date of the registration or upon  
28 request of the home for registration under the provisions of  
29 section 237A.3A, as amended by this Act, whichever is earlier.

30 3. For unregistered family child day care homes, the  
31 provisions of section 237A.3 and associated administrative  
32 rules shall remain applicable through June 30, 2000, unless an  
33 unregistered home applies for registration on or after July 1,  
34 1999. The child care home provisions of section 237A.3A, as  
35 amended by this Act, shall apply to initial applications for



1 registration under chapter 237A received on or after July 1,  
2 1999.

3 EXPLANATION

4 This bill relates to child care provisions administered by  
5 the department of human services, expands statewide a pilot  
6 project establishing levels for child care home registrations,  
7 the terminology used to describe child care, and makes an  
8 appropriation of certain civil penalties collected by the  
9 department.

10 Division I makes numerous changes to Code chapter 237A,  
11 relating to regulation of child care by the department of  
12 human services. The terms "child day care" and "day care" are  
13 changed to "child care" throughout the chapter and a pilot  
14 project for registration of home providers of child care is  
15 expanded statewide.

16 Code section 237A.1, relating to definitions, is amended to  
17 strike, rewrite, and add to the list of exceptions to the  
18 definition of child care. The bill provides that care  
19 provided by a relative of a child and care provided in the  
20 child's home would be considered to be child care for purposes  
21 of Code chapter 237A. Definitions of "family day care home"  
22 and "group day care home" are revised to "child care home".  
23 The definitions of "low-income family", and "relative" which  
24 are no longer used in Code chapter 237A, or are no longer used  
25 in the definitions are stricken.

26 Code section 237A.2, relating to licensing of child care  
27 centers, is amended to number and letter paragraphs. In  
28 addition, authority for renewal of a one-year provisional  
29 license, allowed when a center does not meet standards, is  
30 limited to not more than two consecutive years for the same  
31 standard.

32 The bill includes a new subsection 6 in Code section 237A.2  
33 which authorizes the administrator to adopt rules applying  
34 civil penalties to child care facilities which do not comply  
35 with key standards. The amount of a civil penalty is within

1 the discretion of the department but cannot exceed \$1,000.  
2 Any civil penalties collected are appropriated to the  
3 department for personnel costs associated with regulation of  
4 child care and other activities designed to improve child care  
5 quality.

6 Code section 237A.3A, relating to a pilot project for child  
7 care homes, is amended to make the terminology changes. Under  
8 current law, the pilot project is limited to not more than two  
9 counties and establishes four registration levels to a new  
10 registration category of "child care home". The bill expands  
11 the pilot project to apply statewide to all home child care  
12 providers and replaces all references to family and group day  
13 homes with the new category. The current law for home  
14 registration, Code section 237A.3, is repealed effective July  
15 1, 2000.

16 The bill amends Code section 237A.3A to include authority  
17 for a registration certificate to be issued to two or more  
18 qualified persons. The bill provides that the inclement  
19 weather exception which allows additional children to be  
20 present in child care homes when schools are closed for  
21 weather reasons is the same for unregistered child care homes  
22 as for level I registered child care homes.

23 Code section 237A.4, relating to inspection of child care  
24 facilities and homes, is amended to make the terminology  
25 changes.

26 Code section 237A.5, relating to requirements for personnel  
27 of child care facilities, is amended to make the terminology  
28 changes. In addition, the type of health practitioners  
29 authorized to perform health examinations is expanded to  
30 include licensed physician assistants and advanced registered  
31 nurse practitioners and the criteria for the examinations are  
32 revised.

33 Code section 237A.5 requirements involving criminal and  
34 child abuse record checks are amended. Under current law, the  
35 department is required to perform an evaluation if record

1 checks indicate persons involved with child care have been  
 2 convicted of a crime or have a record of founded abuse. The  
 3 bill removes a requirement for the employer of a person to  
 4 participate in the evaluation. In addition, if it is  
 5 determined that a child receiving care from a child care  
 6 facility is the victim of founded child abuse placed in the  
 7 central registry that was committed by a registration or  
 8 license holder or an employee of the facility or someone  
 9 residing in the facility, the department is required to notify  
 10 the parents, guardians, and custodians of the children  
 11 receiving care from the facility. However, the notification  
 12 cannot identify the victim or perpetrator or circumstances of  
 13 the founded abuse.

14 Code section 237A.7, relating to requirements for keeping  
 15 information confidential concerning recipients of child care  
 16 and their relatives, is amended to make the terminology  
 17 changes.

18 Code section 237A.8, relating to provisions for suspension  
 19 and revocation of a license or certificate of registration, is  
 20 amended to make the terminology changes and to allow the  
 21 department to reduce a child care license to a provisional  
 22 license. In addition, the requirement to notify the parents  
 23 of children receiving care if there has been a substantiated  
 24 child abuse case against the provider is stricken in this Code  
 25 section and moved by the bill to Code section 237A.5.

26 Code section 237A.12, relating to the child care rules  
 27 adopted by the department, is amended to make the terminology  
 28 changes and to number currently unnumbered paragraphs.

29 Code section 237A.20, relating to injunctions for  
 30 restraining persons from providing unauthorized child care, is  
 31 amended to make the terminology changes. In addition, the  
 32 county attorney is specifically authorized to bring an action  
 33 for an injunction.

34 Code sections 237A.21, 237A.22, 237A.26, 237A.27, 237A.28,  
 35 and 237A.29 are amended to make the terminology changes and

1 other changes involving the elimination of family and group  
2 child care home registration classifications.

3 Division II provides for conforming amendments to make the  
4 terminology changes throughout the Code, including general  
5 authority for the Code editor to apply the changes where  
6 clearly warranted.

7 Division III of the bill includes special effective dates  
8 and applicability provisions in transition to the new system  
9 of registration of child care homes during fiscal year 1999-  
10 2000. The new registration approach would be applicable upon  
11 initial application for registration, at registration renewal,  
12 or upon request of the registrant during that fiscal year.  
13 Code section 237A.3 remains applicable to unregistered  
14 providers during the transition year.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

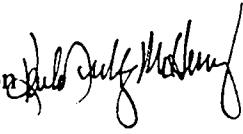


THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES  
CHARLES M. PALMER, DIRECTOR

DATE: January 22, 1999

TO: Members of the General Assembly

FROM: Karla Fultz McHenry, Legislative Liaison   
Department of Human Services

The Department of Human Services (DHS) is proposing legislation to rewrite Chapter 237A regarding the regulation of child care facilities.

This proposal makes terminology changes throughout all sections of the chapter to update "child day care" to "child care". This is to use terminology which is consistent with that used nationally.

Following is specific information related to each section of the proposed bill:

**DIVISION I**

**Section 1**

Provides clarification to the definitions of child care center and the service of child care. Clarifies existing and adds new child care settings that are exempt from regulation.

Deletes the word "relative" and "in a place other than the child's home" from the exclusions in the definition of child care. The Code currently states that child care is the "care, supervision or guidance of a child by a person *other than* the child's parent, guardian, relative or custodian ....in a place *other than the child's home*." Removing the word "relative" clarifies that care, supervision and guidance provided by a relative is child care by definition and therefore subject to reimbursement from the child care assistance program and to the provisions of registration when applicable. The Child Care Development Fund requires that relatives are an eligible provider and recipient of federal child care funds.

Eliminates the terminology "family day care home" and "group day care home" and replaces it with the terminology "child care home." The tiered registration system no longer distinguishes between a family and group care home on the basis of numbers served, but rather categorizes providers into tiers based on experience, training, the number and ages of children served, etc.

Provides definitions for "infant," "school," "child care home," and "children receiving care on a part-time basis" relative to the new tiered registration system.

129  
Section 2

Allows the Department to downgrade a license to a provisional license if violations warrant a change during the license year. The action affords the Department a more timely administrative remedy to respond to centers found to be out-of-compliance during the license year.

Limits a one-year provisional license of a child care center to not more than two consecutive years for the same deficiency. It is our belief that two years is adequate time for correcting deficiencies.

Prevents the continued operation of a new child care center, pending the outcome of an evidentiary hearing, if the Department denies the initial application for license. Doing so prevents children from remaining in a potentially harmful environment that from its inception has been determined inadequate to provide care. Currently, a center denied an initial license can remain in operation for months, sometimes into years, pending appeal.

Authorizes the Department to establish civil penalties for child care providers who violate key standards that pose a jeopardy to children's health and safety. The Department will consult with the State Child Care Advisory Council, providers, families, and other interested parties prior to promulgating rules. Funds obtained would be used to support the costs of regulatory staffing or for quality improvement activities in the child care system. Building consensus on key standards of compliance and the enforcement of a financial penalty for noncompliance reinforces to providers the importance of providing quality environments to children. Currently, no timely administrative or legal remedy of significant consequence exists to respond to providers offering poor quality care.

Section 3

Eliminates the tiered registration pilot project and implements the tiered registration requirements on a state-wide basis.

Section 6

Expands on the tiered registration available to registered child care providers.

Section 9

Authorizes unregistered child care homes to comply with the requirements for inclement weather applicable to registered child care homes.

Section 11

Expands the type of health practitioners authorized to perform health examinations to include licensed physician assistants and advanced registered nurse practitioners and the criteria for the examinations are revised. This is consistent with current practices and recommendations from the Department of Public Health.

Removes the requirement for the employer of an individual with a criminal conviction or a record of founded abuse to formally participate in the evaluation process. Logistically, this requirement is cumbersome and does not play out in actual practice. Employers can and do participate informally in the evaluation process by providing collateral information to the Department that impacts the decision, making their own determinations on the employability of the staff, developing their own corrective action plans for staff, etc.

Requires the department to make timely notification to parents, guardians, and custodians of children receiving care in a facility if it is determined that a child receiving care in that facility is the victim of founded and registered child abuse by an employee of the facility. The notification would only specify the type of abuse and would not identify the perpetrator or the child. Notification to parents at the time of determination of a founded abuse allows parents to assess any residual impact on their own children, particularly relative to sexual and physical abuse. Doing so also supports our efforts to keep parents well informed and allow them to make decisions regarding their own children's welfare based on more comprehensive information.

Section 13

Clarifies under "Actions Against License or Registration" that notification will be provided to parents at the time of the Department's action to suspend or revoke a license or registration. Again, this supports our efforts of keeping parents informed regarding concerns that may arise regarding the environment in which their child is being served and allows them to make informed consumer decisions about child care.

Section 15

Clarifies the legal ramifications for those child care providers who are required to be registered operating a child care home without registering or those providers who are operating a child care home out of compliance.

Section 16

Adds county attorneys to those authorized to bring an action for an injunction for restraining persons from providing unauthorized child care. This was requested by county attorneys who felt this clarification was necessary.

Section 17

Expands upon the membership requirements of the State Child Care Advisory Council to make it consistent with the tiered level registration program.

**DIVISION II**

Provides for conforming amendments to make the terminology changes throughout the Code. Nationally, the terminology now used is "child care," and it is important to be consistent when dealing with other states and the federal government.

**DIVISION III**

The effective date for the elimination of the pilot project and the implementation of the tiered registration's requirements will be July 1, 1999. However, the administrative rules shall remain applicable to family or group child care homes registered as of June 30, 1999 until the renewal date of the registration or upon request of the registered home. In addition, the new registration approach will be applicable upon initial application for registration, at registration renewal, or upon request of the registrant during that fiscal year.