

House File 761

Bill Text

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1 1 HOUSE FILE 761
1 2
1 3 AN ACT
1 4 RELATING TO CHILD CARE PROVISIONS ADMINISTERED BY THE
1 5 DEPARTMENT OF HUMAN SERVICES AND TO THE TERMINOLOGY USED
1 6 TO DESCRIBE CHILD CARE, AND INCLUDING EFFECTIVE DATES AND
1 7 APPLICABILITY PROVISIONS.
1 8
1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 10
1 11 DIVISION I
1 12 CHAPTER 237A REWRITE
1 13 Section 1. Section [237A.1](#), Code 1999, is amended to read
1 14 as follows:
1 15 237A.1 DEFINITIONS.
1 16 As used in this chapter unless the context otherwise
1 17 requires:
1 18 1. "Administrator" means the administrator of the division
1 19 of the department designated by the director to administer
1 20 this chapter.
1 21 2. "Child" means a person under eighteen years of age.
1 22 3. "Child care center" or "center" means a facility
1 23 providing child
.
~~day~~
- care or preschool services for seven or
1 24 more children, except when the facility is registered as a
1 25
.
~~family day~~
- child care home
.
~~or group day care home~~
-
1 26 4. "Child
.
~~day~~
- care" means the care, supervision,
.
~~or~~
- and
1 27 guidance of a child by a person other than the child's parent,
1 28 guardian,
.
~~relative,~~
- or custodian for periods of less than
1 29 twenty-four hours per day per child on a regular basis
.
~~in a~~
-
1 30
.
~~place other than the child's home~~
-, but does not include care,
1 31 supervision,
.

~~or~~

- and guidance of a child by any of the

1 32 following:

1 33 a. An instructional program for children who are attending

1 34 prekindergarten as defined by the state board of education

1 35 under section 256.11 or a higher grade level and are at least

2 1 four years of age administered by

~~a~~

- any of the following:

2 2 (1) A public or nonpublic school system accredited by the

2 3 department of education or the state board of regents.

~~or a~~

-

2 4 (2) A nonpublic school system which is not accredited by

2 5 the department of education or the state board of regents.

2 6 b. A program provided under section 279.49 or 280.3A.

2 7

~~b.~~

- c.

~~A~~

- Any of the following church-related programs:

2 8 (1) An instructional program

~~of not more than one day per~~

-

2 9

~~week~~

-

2 10 (2) A youth program other than a preschool, before or

2 11 after school child care program, or other child care program.

2 12 (3) A program providing care to children on church

2 13 premises while the children's parents are attending church-

2 14 related or church-sponsored activities on the church premises.

2 15

~~e.~~

- d. Short-term classes of less than two weeks' duration

2 16 held between school terms or during a break within a school

2 17 term.

2 18

~~d.~~

- e. A child care center for sick children operated as

2 19 part of a pediatrics unit in a hospital licensed by the

2 20 department of inspections and appeals pursuant to chapter

2 21 135B.

2 22

~~e.~~

- f. A

~~nonprofit~~

- program operated not more than one day

2 23 per week by volunteers

~~for no charge~~

- which meets all of the

2 24 following conditions:

2 25 (1) Not more than eleven children are served per

2 26 volunteer.

2 27 (2) The program operates for

~~not more~~
- less than

~~two~~
- four
2 28 hours during any

~~twenty-four hour~~
- twenty-four-hour period.
2 29 (3) The program is provided at no cost to the children's
2 30 parent, guardian, or custodian.
2 31

~~f. A program provided by the state or a political~~
-
2 32

~~subdivision, which provides recreational classes for a period~~
-
2 33

~~of less than two hours per day.~~
-

2 34 g. A program administered by a political subdivision of
2 35 the state which is primarily for recreational or social
3 1 purposes and is limited to children who are five years of age
3 2 or older and attending school.
3 3

~~h. An instructional program administered by a nonpublic~~
-
3 4

~~school system which is not accredited by the department of~~
-
3 5

~~education or the state board of regents.~~
-

3 6 h. An after school program continuously offered throughout
3 7 the school year calendar to children who are at least five
3 8 years of age and are enrolled in school, and attend the
3 9 program intermittently. The program must be provided through
3 10 a nominal membership fee or at no cost.

3 11 i. A special activity program which meets less than four
3 12 hours per day for the sole purpose of the special activity.
3 13 Special activity programs include but are not limited to music
3 14 or dance classes, organized athletic or sports programs,
3 15 recreational classes, scouting programs, and hobby or craft
3 16 clubs or classes.

3 17 j. A nationally accredited camp.

3 18 k. A structured program for the purpose of providing
3 19 therapeutic, rehabilitative, or supervisory services to
3 20 children under any of the following:

3 21 (1) A purchase of service or managed care contract with
3 22 the department.

3 23 (2) A contract approved by a local decategorization
3 24 governance board created under section 232.188.

3 25 (3) An arrangement approved by a juvenile court order.

3 26 l. Care provided on-site to children of parents residing
3 27 in an emergency, homeless, or domestic violence shelter.

3 28 5. "Child

~~day~~

- care facility" or "facility" means a child
3 29 care center,

~~group day care home~~

- preschool, or a registered

3 30

~~family day~~

- child care home.

3 31 6. "Child care home" means a person or program providing

3 32 child care as a family child care home or a group child care

3 33 home as authorized under section 237A.3.

3 34 7. "Children receiving care on a part-time basis" means

3 35 children who are present in a child care home for ninety hours

4 1 per month or less.

4 2

~~6.~~

- 8. "Department" means the department of human services.

4 3

~~7.~~

- 9. "Director" means the director of human services.

4 4 8. a. "Family

~~day~~

- child care home" means a person or

4 5 program which provides child

~~day~~

- care to less than seven

4 6 children at any one time or to less than twelve children at

4 7 any one time as authorized by section 237A.3, subsection 1.

4 8 b. "Group

~~day~~

- child care home" means a facility providing

4 9 child

~~day~~

- care for more than six but less than twelve children

4 10 as authorized in accordance with section 237A.3, subsection 2,

4 11 or for less than sixteen children at any one time as

4 12 authorized in accordance with section 237A.3, subsection 3.

4 13 11. "Infant" means a child who is less than twenty-four

4 14 months of age.

4 15

~~9.~~

- 12. "Licensed center" means a center issued a full or

4 16 provisional license by the department under the provisions of

4 17 this chapter or a center for which a license is being

4 18 processed.

4 19

~~10. "Low income family" means a family whose monthly gross~~

~~income is less than the lower of:~~

~~income is less than the lower of:~~

~~4 20~~

~~a. Eighty percent of the median income of a family of four~~

~~4 21~~

~~in this state adjusted to take into account the size of the~~

~~4 22~~

4 23

~~family; or~~

4 24

~~b. The median income of a family of four in the fifty~~

4 25

~~states and the District of Columbia adjusted to take into~~

4 26

~~account the size of the family.~~

4 27

~~11.~~

~~13. "Preschool" means a child~~

~~day~~

~~care facility which~~

4 28 provides to children ages three through five, for periods of

4 29 time not exceeding three hours per day, programs designed to

4 30 help the children to develop intellectual skills, social

4 31 skills, and motor skills, and to extend their interest and

4 32 understanding of the world about them.

4 33

~~12. "Relative" means a person who by marriage, blood, or~~

4 34

~~adoption is a parent, grandparent, brother, sister,~~

4 35

~~stepfather, stepmother, stepbrother, stepsister, uncle, aunt,~~

5 1

~~first cousin, or guardian.~~

5 2

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

5 3

~~13.~~

~~15. "State child~~

~~day~~

~~care advisory council" means the~~

5 4 state child

~~day~~

~~care advisory council established pursuant to~~

5 5 sections 237A.21 and 237A.22.

5 6 Sec. 2. Section [237A.2](#), Code 1999, is amended to read as

5 7 follows:

5 8 237A.2 LICENSING OF CHILD CARE CENTERS.

5 9 1. A person shall not establish or operate a child care

5 10 center without obtaining a license under the provisions of

5 11 this chapter. A center may operate for a specified period of

5 12 time, to be established by rule of the department, if

5 13 application for a license has been made. If the department

5 14 denies an application for an initial license, notwithstanding

5 15 section 17A.8, the applicant center shall not continue to

5 16 provide child care pending the outcome of an evidentiary

5 17 hearing. The department shall issue a license if it
5 18 determines that all of the following conditions have been met:
5 19

~~1.~~

- a. An application for a license or a renewal has been
5 20 filed with the administrator on forms provided by the
5 21 department.
5 22

~~2.~~

- b. The center is maintained to comply with state health
5 23 and fire laws.
5 24

~~3.~~

- c. The center is maintained to comply with rules
5 25

~~promulgated~~

- adopted under section 237A.12.

5 26 2. A person denied a license under the provisions of this
5 27 section shall receive written notice of the denial stating the
5 28 reasons for denial and shall be provided with an opportunity
5 29 for an evidentiary hearing. Licenses granted under this
5 30 chapter shall be valid for one year from the date of issuance
5 31 unless revoked or suspended in accordance with the provisions
5 32 of section 237A.8 or reduced to a provisional license under
5 33 subsection 3. A record of the license shall be kept by the
5 34 department. The license shall be posted in a conspicuous
5 35 place in the center and shall state the particular premises in
6 1 which child

~~day~~

- care may be offered and the number of
6 2 individuals who may be received for care at any one time.

~~No~~

6 3 A greater number of children than is authorized by the license
6 4 shall not be kept in the center at any one time.

6 5 3. The administrator may reduce a previously issued
6 6 license to a provisional license or issue a provisional
6 7 license for a period of time not to exceed one year if the
6 8 center does not meet standards required under this section. A
6 9 provisional license shall not be renewable in regard to the
6 10 same standards for more than two consecutive years. A
6 11 provisional license shall be posted in a conspicuous place in
6 12 the center as provided in this section. If written plans to
6 13 bring the center up to standards, giving specific dates for
6 14 completion of work, are submitted to and approved by the
6 15 department

~~promulgating the regulations~~

- , the provisional

6 16 license shall be renewable as provided in this subsection.

6 17 4. A program which is not a child care center by reason of
6 18 the exceptions to the definition of child

~~day~~

- care in section

6 19 237A.1, subsection 4, but which provides care, supervision,

~~or~~

6 20 and guidance to a child may be issued a license if the program
6 21 complies with all the provisions of this chapter.

6 22 5. If the department has denied or revoked a license
6 23 because the applicant or person has continually or repeatedly
6 24 failed to operate a licensed center in compliance with this
6 25 chapter and rules adopted pursuant to this chapter, the person
6 26 shall not own or operate a child care center for a period of
6 27 six months from the date the license is denied or revoked.
6 28 The department shall not act on an application for a license
6 29 submitted by the applicant or person during the six-month
6 30 period.

6 31 Sec. 3. Section [237A.3](#), Code 1999, is amended to read as
6 32 follows:

6 33 237A.3 REGISTRATION OF

~~FAMILY AND GROUP DAY~~

- CHILD CARE

6 34 HOMES.

6 35 1. a. A person who operates or establishes a family

~~day~~

7 1 child care home may apply to the department for registration
7 2 under this chapter. The department shall issue a certificate
7 3 of registration upon receipt of a statement from the family
7 4

~~day~~

- child care home that the home complies with rules adopted
7 5 by the department. The registration certificate shall be
7 6 posted in a conspicuous place in the family

~~day~~

- child care

7 7 home, shall state the name of the registrant, the number of
7 8 individuals who may be received for care at any one time, and
7 9 the address of the home, and shall include a check list of
7 10 registration compliances.
7 11 b. No greater number of children than is authorized by the
7 12 registration certificate shall be kept in the family

~~day~~

- child

7 13 care home at any one time. However, a registered or
7 14 unregistered family

~~day~~

- child care home may provide care for

7 15 more than six but less than twelve children at any one time
7 16 for a period of less than two hours, provided that each child
7 17 in excess of six children is attending school in kindergarten
7 18 or a higher grade level.

7 19 c. A family

~~day~~

- child care home may provide care in

7 20 accordance with this subsection for more than six but less
7 21 than twelve children for two hours or more during a day with
7 22 inclement weather following the cancellation of school
7 23 classes. The home must have prior written approval from the
7 24 parent or guardian of each child present in the home
7 25 concerning the presence of excess children in the home
7 26 pursuant to this paragraph. The home must have a responsible
7 27 individual, age fourteen or older, on duty to assist the home
7 28 provider when more than six children are present in accordance
7 29 with the provisions of this paragraph. In addition, one or
7 30 more of the following conditions shall apply to each child
7 31 present in the home in excess of six children:

7 32 (1) The home provides care to the child on a regular basis

7 33 for periods of less than two hours.

7 34 (2) If the child was not present in the family

~~day~~

- child

7 35 care home, the child would be unattended.

8 1 (3) The home regularly provides care to a sibling of the
8 2 child.

8 3 d. In determining the number of children cared for at any
8 4 one time in a registered or unregistered family

~~day~~

- child care

8 5 home, if the person who operates or establishes the home is a
8 6 child's parent, guardian,

~~relative,~~

- or custodian and the child

8 7 is not attending school in kindergarten or a higher grade
8 8 level or is not receiving child

~~day~~

- care full-time on a

8 9 regular basis from another person, the child shall be
8 10 considered to be receiving child

~~day~~

- care from the person and

8 11 shall be counted as one of the children cared for in the home.
8 12 e. The registration process may be repeated on an annual
8 13 basis.

8 14 f. A child

~~day~~

- care home provider or program which is not
8 15 a family

~~day~~

- child care home by reason of the definition of
8 16 child

~~day~~

- care in section 237A.1,

~~subsection 4,~~

- but which

8 17 provides care, supervision, or guidance to a child may be
8 18 issued a certificate of registration under this chapter.

8 19 2. a. A person shall not operate or establish a group

~~day~~

-
8 20 child care home unless the person obtains a certificate of
8 21 registration under this chapter. Two persons who comply with
8 22 the individual requirements for registration as a group

~~day~~

-
8 23 child care provider may request that the certificate be issued
8 24 to the two persons jointly and the department shall issue the
8 25 joint certificate provided the group

~~day~~

- child care home

8 26 requirements for registration are met. All other requirements
8 27 of this chapter for registered family

~~day~~

- child care homes and
8 28 the rules adopted under this chapter for registered family

~~day~~

- 8 29 child care homes apply to group

~~day~~

- child care homes. In
8 30 addition, the department shall adopt rules relating to the
8 31 provision in group

~~day~~

- child care homes for a separate area
8 32 for sick children. In consultation with the state fire
8 33 marshal, the department shall adopt rules relating to the
8 34 provision of fire extinguishers, smoke detectors, and two
8 35 exits accessible to children.
9 1 b. Except as provided in subsection 3, a group

~~day~~

- child
9 2 care home shall not provide child

~~day~~

- care to more than eleven
9 3 children at any one time. If there are more than six children
9 4 present for a period of two hours or more, the group

~~day~~

- child
9 5 care home must have at least one responsible individual who is
9 6 at least fourteen years of age present to assist the group

~~day~~

- 9 7 child care provider in accordance with either of the following
9 8 conditions:
9 9 (1) If the responsible individual is a joint holder of the
9 10 certificate of registration, not more than four of the
9 11 children present shall be less than twenty-four months of age
9 12 and not more than ten of the children present shall be twenty-
9 13 four months of age or older but not attending school in
9 14 kindergarten or a higher grade level.
9 15 (2) If the responsible individual is not a joint holder of
9 16 the certificate of registration, but is at least fourteen
9 17 years of age, not more than four of the children shall be less
9 18 than twenty-four months of age and each child in excess of six
9 19 children shall be attending school in kindergarten or a higher
9 20 grade level.
9 21 3. A registered group

~~day~~

- child care home may provide care
9 22 in accordance with this subsection for more than eleven but
9 23 less than sixteen children for a period of less than two hours
9 24 or for a period of two hours or more during a day with
9 25 inclement weather following the cancellation of school
9 26 classes. The home must have the prior written approval from
9 27 the parent or guardian of each child present in the home
9 28 concerning the presence of excess children in the home. In
9 29 addition, one or more of the following conditions shall apply
9 30 to each child present in the home in excess of eleven children
9 31 during a period of inclement weather:
9 32 a. The group

~~day~~

- child care home provides care to the
9 33 child on a regular basis for periods of less than two hours.
9 34 b. If the child was not present in the group

~~day~~

- child
9 35 care home, the child would be unattended.
10 1 c. The group

~~day~~

- child care home provides care to a
10 2 sibling of the child.
10 3 4. A person who operates or establishes a

~~family day care~~

-
10 4

~~home or a group day~~

- child care home and who is a child foster
10 5 care licensee under chapter 237 shall register with the
10 6 department under this chapter. For purposes of registration
10 7 and determination of the maximum number of children who can be
10 8 provided child

~~day~~

- care by the

~~family day care home or group~~

-
10 9

~~day~~

- child care home, the children receiving child foster care
10 10 shall be considered the children of the person operating the
10 11

~~family day care home or group day~~

- child care home.
10 12 5. If the department has denied or revoked a registration
10 13 because the applicant or person has continually or repeatedly
10 14 failed to operate a registered child

~~day~~

- care facility in
10 15 compliance with this chapter and rules adopted pursuant to
10 16 this chapter, the person shall not own or operate a registered
10 17 facility for a period of six months from the date the
10 18 registration is denied or revoked. The department shall not
10 19 act on an application for registration submitted by the
10 20 applicant or person during the six-month period.
10 21 Sec. 4. Section [237A.3A](#), subsection 1, Code 1999, is
10 22 amended to read as follows:
10 23 1. PILOT PROJECT. The department shall implement a pilot
10 24 project applying the provisions of this section to registered
10 25 family or group

~~day~~

- child care homes located in one county of
10 26 this state. The provisions of this section shall not apply to
10 27 unregistered family

~~day~~

- child care homes located in the pilot
10 28 project county. The county selected for the pilot project
10 29 shall be a rural county where there is interest among child

10 30

~~day~~

- care providers and consumers in implementing the pilot
10 31 project.

~~In addition, if deemed feasible by the department,~~

10 32 During the fiscal year beginning July 1, 1999, the department
10 33

~~may~~

- shall implement the pilot project in one

~~additional urban~~

10 34

~~or mixed rural and urban~~

- county in each of the department's
10 35 regions where there is interest in implementing the pilot
11 1 project.

~~The department shall implement the pilot project on~~

11 2

~~or after July 1, 1997.~~

- In addition, the department may

11 3 implement the pilot project in one other county in each of the
11 4 department's regions where there is interest in implementing
11 5 the pilot project. If a definition in section 237A.1, a
11 6 provision in section 237A.3, or an administrative rule adopted
11 7 under this chapter is in conflict with this section, this
11 8 section and the rules adopted to implement this section shall
11 9 apply to the pilot project.

11 10 Sec. 5. Section 237A.3A, subsection 2, Code 1999, is
11 11 amended by striking the subsection and inserting in lieu
11 12 thereof the following:

11 13 2. DEFINITION. For the purposes of this section, unless
11 14 the context otherwise requires, "child care home" means a
11 15 person registered under this section to provide child care in
11 16 a pilot project county.

11 17 Sec. 6. Section 237A.3A, subsection 3, paragraph c, Code
11 18 1999, is amended to read as follows:

11 19 c. A person or program in a pilot project county which
11 20 provides care, supervision,

~~or~~

- and guidance to a child which
11 21 is not defined as child

~~day~~

- care under section 237A.1

~~,~~
- may be

11 22 issued a certificate of registration under this section.

11 23 Sec. 7. Section 237A.3A, subsection 3, paragraph d,
11 24 subparagraph (2), Code 1999, is amended to read as follows:

11 25 (2) The rules shall allow a child

~~day~~

- care home to be

11 26 registered at level II, III, or IV for which the provider is
11 27 qualified even though the amount of space required to be
11 28 available for the maximum number of children authorized for

11 29 that level exceeds the actual amount of space available in
11 30 that child care home. However, the total number of children
11 31 authorized for the child care home at that level of
11 32 registration shall be limited by the amount of space available
11 33 per child.

11 34 Sec. 8. Section [237A.3A](#), subsection 4, paragraph a, Code
11 35 1999, is amended to read as follows:

12 1 a. The child's parent, guardian, or custodian operates or
12 2 established the child care home and the child is attending
12 3 school or the child receives child

~~day~~

- care full-time on a

12 4 regular basis from another person.

12 5 Sec. 9. Section [237A.3A](#), subsection 6, Code 1999, is
12 6 amended to read as follows:

12 7 6. REVOCATION OR DENIAL OF REGISTRATION. If the
12 8 department has denied or revoked a certificate of registration
12 9 because a person has continually or repeatedly failed to
12 10 operate a registered or licensed child

~~day~~

- care facility in

12 11 compliance with this chapter and rules adopted pursuant to
12 12 this chapter, the person shall not operate or establish a
12 13 registered child care home for a period of six months from the
12 14 date the registration or license is denied or revoked. The
12 15 department shall not act on an application for registration
12 16 submitted by the person during the six-month period.

12 17 Sec. 10. Section [237A.3A](#), subsection 11, paragraph c, Code
12 18 1999, is amended to read as follows:

12 19 c. In addition to the number of children authorized in
12 20 paragraph "a", not more than four children who attend school
12 21 may be present for a period of

~~less~~

- ~~more~~ than two hours at any

12 22 one time.

12 23 Sec. 11. Section [237A.3A](#), subsection 12, paragraph f, Code
12 24 1999, is amended to read as follows:

12 25 f. If more than eight children are present at any one time
12 26 for a period of more than two hours, the provider shall be
12 27 assisted by a responsible individual who is at least fourteen
12 28 years of age.

12 29 Sec. 12. Section [237A.4](#), Code 1999, is amended to read as
12 30 follows:

12 31 237A.4 INSPECTION AND EVALUATION.

12 32 The department shall make periodic inspections of licensed
12 33 centers to

~~insure~~

- ~~ensure~~ compliance with licensing

12 34 requirements provided in this chapter, and the local boards of
12 35 health may make periodic inspections of licensed centers to
13 1

~~insure~~

- ~~ensure~~ compliance with health-related licensing

13 2 requirements provided in this chapter. The administrator may
13 3 inspect records maintained by a licensed center and may
13 4 inquire into matters concerning these centers and the persons
13 5 in charge. The administrator shall require that the center be
13 6 inspected by the state fire marshal or a designee for
13 7 compliance with rules relating to fire safety before a license
13 8 is granted or renewed. The administrator or a designee may
13 9 periodically visit registered

~~family day~~

- child care homes for

13 10 the purpose of evaluation of an inquiry into matters
13 11 concerning compliance with rules adopted under section
13 12 237A.12. Evaluation of

~~family day~~

- child care homes under this

13 13 section may include consultative services provided pursuant to
13 14 section 237A.6.

13 15 Sec. 13. Section [237A.5](#), subsections 2, 6, and 7, Code
13 16 1999, are amended to read as follows:

13 17 2. a. If a person is being considered for licensure or
13 18 registration under this chapter, or for employment involving
13 19 direct responsibility for a child or with access to a child
13 20 when the child is alone, by a child

~~day~~

- care facility subject

13 21 to licensure or registration under this chapter, or if a
13 22 person will reside in a facility, and if the person has been
13 23 convicted of a crime or has a record of founded child abuse,
13 24 the department

~~and the licensee or registrant for an employee~~

-

13 25

~~of the licensee or registrant~~

- shall perform an evaluation to

13 26 determine whether the crime or founded child abuse warrants
13 27 prohibition of licensure, registration, employment, or
13 28 residence in the facility. The department shall conduct
13 29 criminal and child abuse record checks in this state and may
13 30 conduct these checks in other states. The evaluation shall be
13 31 performed in accordance with procedures adopted for this
13 32 purpose by the department.

13 33 b. If the department determines that a person has
13 34 committed a crime or has a record of founded child abuse and
13 35 is licensed, employed by a licensee or registrant or
14 1 registered under this chapter, or resides in a licensed or
14 2 registered facility the department shall notify the licensee
14 3 or registrant that an evaluation will be conducted to
14 4 determine whether prohibition of the person's licensure,
14 5 registration, employment, or residence is warranted.

14 6 c. In an evaluation, the department

~~and the licensee or~~

-

14 7

~~registrant for an employee of the licensee or registrant~~

- shall

14 8 consider the nature and seriousness of the crime or founded
14 9 child abuse in relation to the position sought or held, the
14 10 time elapsed since the commission of the crime or founded
14 11 child abuse, the circumstances under which the crime or
14 12 founded child abuse was committed, the degree of
14 13 rehabilitation, the likelihood that the person will commit the
14 14 crime or founded child abuse again, and the number of crimes
14 15 or founded child abuses committed by the person involved. The
14 16 department may permit a person who is evaluated to be
14 17 licensed, registered, employed, or to reside, or to continue
14 18 to be licensed, registered, employed, or to reside in a
14 19 licensed facility, if the person complies with the
14 20 department's conditions relating to the person's licensure,
14 21 registration, employment, or residence, which may include

14 22 completion of additional training.

~~For an employee of a~~

14 23

~~licensee or registrant, these conditional requirements shall~~

14 24

~~be developed with the licensee or registrant.~~

- The department

14 25 has final authority in determining whether prohibition of the
14 26 person's licensure, registration, employment, or residence is
14 27 warranted and in developing any conditional requirements under
14 28 this paragraph.

14 29 d. If the department determines that the person has
14 30 committed a crime or has a record of founded child abuse which
14 31 warrants prohibition of licensure, registration, employment,
14 32 or residence, the person shall not be licensed or registered
14 33 under this chapter to operate a child

~~day~~

- care facility and

14 34 shall not be employed by a licensee or registrant or reside in
14 35 a facility licensed or registered under this chapter.

15 1 e. If it has been determined that a child receiving child
15 2 care from a child care facility is the victim of founded child
15 3 abuse committed by an employee, license or registration
15 4 holder, or resident of the child care facility for which a
15 5 report is placed in the central registry pursuant to section
15 6 232.71D, the administrator shall provide notification at the
15 7 time of the determination to the parents, guardians, and
15 8 custodians of children receiving care from the facility. A
15 9 notification made under this paragraph shall identify the type
15 10 of abuse but shall not identify the victim or perpetrator or
15 11 circumstances of the founded abuse.

15 12 6. A person who receives public funds for providing child
15 13

~~day~~

- care and who is not registered or licensed under this

15 14 chapter and individuals who reside with the person shall be
15 15 subject to the provisions of subsection 2 as though the person
15 16 either is being considered for registration or is registered
15 17 to provide child

~~day~~

- care under this chapter. If the person

15 18 or individual residing with the person would be prohibited
15 19 from licensure, registration, employment, or residence under
15 20 subsection 2, the person shall not provide child

~~day~~

- care and

15 21 is not eligible to receive public funds to do so. A person
15 22 who continues to provide child

~~day~~

- care in violation of this

15 23 subsection is subject to penalty under section 237A.19 and
15 24 injunction under section 237A.20.

15 25 7. A person who serves as an unpaid volunteer in a child
15 26

~~day~~

- care facility shall not be required to complete training

15 27 as a mandatory reporter of child abuse under section 232.69 or
15 28 under any other requirement.
15 29 Sec. 14. Section [237A.7](#), unnumbered paragraph 1, Code
15 30 1999, is amended to read as follows:
15 31 Anyone who acquires through the administration of this
15 32 chapter information relative to an individual in a child

~~day~~

15 33 care facility or to a relative of the individual shall not,
15 34 directly or indirectly, disclose the information except upon
15 35 inquiry before a court of law or with the written consent of
16 1 the individual or, in the case of a child, the written consent
16 2 of the parent or guardian or as otherwise specifically
16 3 required or allowed by law.
16 4 Sec. 15. Section [237A.8](#), Code 1999, is amended to read as
16 5 follows:
16 6 [237A.8](#)

~~SUSPENSION AND REVOCATION~~

~~VIOLATIONS ACTIONS~~

16 7 AGAINST LICENSE OR REGISTRATION.
16 8 The administrator, after notice and opportunity for an
16 9 evidentiary hearing before the department of inspections and
16 10 appeals, may suspend or revoke a license or certificate of
16 11 registration issued under this chapter or may reduce a license
16 12 to a provisional license if the person to whom a license or
16 13 certificate is issued violates a provision of this chapter or
16 14 if the person makes false reports regarding the operation of
16 15 the child

~~day~~

~~care facility to the administrator or a designee~~
16 16 of the administrator. The administrator shall notify the
16 17 parent, guardian, or legal custodian of each child for whom
16 18 the person provides child

~~day~~

~~care~~

~~, if the license or~~

16 19

~~certificate of registration is suspended or revoked or if~~

16 20

~~there has been a substantiated child abuse case against an~~

16 21

~~employee, owner, or operator of the child day care facility~~

~~at~~

16 22 the time of action to suspend or revoke a license or
16 23 certificate of registration.

16 24 Sec. 16. Section [237A.12](#), Code 1999, is amended to read as
16 25 follows:

16 26 [237A.12](#) RULES.

16 27 1. Subject to the provisions of chapter 17A, the
16 28 administrator shall

~~promulgate~~

~~adopt~~ rules setting minimum

16 29 standards to provide quality child

~~day~~

- care in the operation
16 30 and maintenance of child care centers and registered

~~family~~

-
16 31

~~day~~

- child care homes, relating to all of the following:

16 32

~~1.~~

- a. The number and qualifications of personnel necessary
16 33 to assure the health, safety, and welfare of children in the
16 34 facilities. Rules for facilities which are preschools shall
16 35 be drawn so that any staff-to-children ratios which relate to
17 1 the age of the children enrolled shall be based on the age of
17 2 the majority of the children served by a particular class
17 3 rather than on the age of the youngest child served.
17 4

~~2.~~

- b. Physical facilities.

17 5

~~3.~~

- c. The adequacy of activity programs and food services
17 6 available to the children. The administrator shall not
17 7 restrict the use of or apply nutritional standards to a lunch
17 8 or other meal which is brought to the center or

~~family day~~

-
17 9 child care home by a school-age child for the child's
17 10 consumption.
17 11

~~4.~~

- d. Policies established by the center for parental
17 12 participation.

17 13

~~5.~~

- e. Programs for education and in-service training of
17 14 staff.

17 15

~~6.~~

- f. Records kept by the facilities.

17 16

~~7.~~

- g. Administration.

17 17

~~8.~~

- h. Health, safety, and medical policies for children.
17 18 2. Rules adopted by the state fire marshal for buildings,
17 19 other than school buildings, used as child care centers as an
17 20 adjunct to the primary purpose of the building shall take into
17 21 consideration that children are received for temporary care
17 22 only and shall not differ from rules adopted for these
17 23 buildings when they are used by groups of persons congregating
17 24 from time to time in the primary use and occupancy of the
17 25 buildings. However, the rules may require a fire-rated
17 26 separation from the remaining portion of the building if the
17 27 fire marshal determines that the separation is necessary for

17 28 the protection of children from a specific flammable hazard.
17 29 3. Rules relating to fire safety shall be adopted under
17 30 this chapter by the state fire marshal in consultation with
17 31 the department. Rules adopted by the state fire marshal for a
17 32 building which is owned or leased by a school district or
17 33 accredited nonpublic school and used as a child

~~day~~

- care

17 34 facility shall not differ from standards adopted by the state
17 35 fire marshal for school buildings under chapter 100. Rules
18 1 relating to sanitation shall be adopted by the department in
18 2 consultation with the director of public health. All rules
18 3 shall be developed in consultation with the state child

~~day~~

-
18 4 care advisory council. The state fire marshal shall inspect
18 5 the facilities.
18 6 4. If a building is owned or leased by a school district
18 7 or accredited nonpublic school and complies with standards
18 8 adopted by the state fire marshal for school buildings under
18 9 chapter 100, the building is considered appropriate for use by
18 10 a child

~~day~~

- care facility. The rules adopted by the
18 11 administrator under this section shall not require the
18 12 facility to comply with building requirements which differ
18 13 from requirements for use of the building as a school.
18 14 5. Standards and requirements set by a city or county for
18 15 a building which is owned or leased by a school district or
18 16 accredited nonpublic school and used as a child

~~day~~

- care
18 17 facility shall take into consideration that children are
18 18 received for temporary care only and shall not differ from
18 19 standards and requirements set for use of the building as a
18 20 school.
18 21 Sec. 17. Section [237A.19](#), unnumbered paragraph 2, Code
18 22 1999, is amended to read as follows:
18 23

~~A~~

- If registration is required under section 237A.3, a
18 24 person who establishes, conducts, manages, or operates a

~~group~~

-
18 25

~~day~~

- child care home without registering

~~under this chapter~~

- or

18 26 a person who operates a

~~family day~~

- child care home contrary to
18 27 section 237A.5, is guilty of a simple misdemeanor. Each day
18 28 of continuing violation after conviction, or notice from the
18 29 department by certified mail of the violation, is a separate
18 30 offense. A single charge alleging continuing violation may be
18 31 made in lieu of filing charges for each day of violation.
18 32 Sec. 18. Section [237A.20](#), Code 1999, is amended to read as

18 33 follows:

18 34 237A.20 INJUNCTION.

18 35 A person who establishes, conducts, manages, or operates a

19 1 center without a license or a

~~group day~~

- child care home

19 2 without a certificate of registration, if registration is

19 3 required under section 237A.3, may be restrained by temporary

19 4 or permanent injunction. A person who has been convicted of a

19 5 crime against a person or a person with a record of founded

19 6 child abuse may be restrained by temporary or permanent

19 7 injunction from providing unregistered, registered, or

19 8 licensed child

~~day~~

- care. The action may be instituted by the

19 9 state, the county attorney, a political subdivision of the

19 10 state, or an interested person.

19 11 Sec. 19. Section 237A.21, Code 1999, is amended to read as

19 12 follows:

19 13 237A.21 STATE CHILD

~~DAY~~

- CARE ADVISORY COUNCIL.

19 14 1. A state child

~~day~~

- care advisory council is established

19 15 consisting of not more than thirty-five members from urban and

19 16 rural areas across the state. The membership shall include,

19 17 but is not limited to, all of the following persons or

19 18 representatives with an interest in child

~~day~~

- care: a

19 19 licensed center, a registered

~~family day~~

- child care home from

19 20 a county with a population of less than twenty-two thousand,

19 21 an unregistered

~~family day~~

- child care home, a parent of a

19 22 child in child

~~day~~

- care, appropriate governmental agencies,

19 23 and other members as deemed necessary by the director. The

19 24 members are eligible for reimbursement of their actual and

19 25 necessary expenses while engaged in performance of their

19 26 official duties.

19 27 2. Members shall be appointed by the director from a list

19 28 of names submitted by a nominating committee to consist of one

19 29 member of the state council established pursuant to this

19 30 section, one member of the department's child

~~day~~

- care staff,

19 31 three consumers of child

~~day~~

- care, and one member of a

19 32 professional child

~~day~~

- care organization. Two names shall be
19 33 submitted for each appointment. Members shall be appointed
19 34 for terms of three years but no member shall be appointed to
19 35 more than two consecutive terms. The state council shall
20 1 develop its own operational policies which are subject to
20 2 departmental approval.
20 3 3. The membership of the council shall be appointed in a
20 4 manner so as to provide equitable representation of persons
20 5 with an interest in child

~~day~~

- care and shall include all of
20 6 the following:
20 7 a. Two parents of a child served by a

~~family or group day~~

-
20 8 registered child care home.
20 9 b. Two parents of a child served by a licensed center.
20 10 c. Two not-for-profit child

~~day~~

- care providers.
20 11 d. Two for-profit child

~~day~~

- care providers.
20 12 e. Two family

~~day~~

- child care home providers.
20 13 f. Two group

~~day~~

- child care home providers.
20 14 g. One child

~~day~~

- care resource and referral service
20 15 grantee.
20 16 h. One nongovernmental child advocacy group
20 17 representative.
20 18 i. One designee of the department of human services

~~or the~~

-
20 19

~~Iowa department of public health~~

-
20 20 j. One designee of the Iowa department of public health.
20 21 k. One designee of the department of education.
20 22

~~k~~

- l. One head start program provider.
20 23

~~l~~

- m. Two legislators appointed in a manner so that both
20 24 major political parties are represented.
20 25 Sec. 20. Section [237A.22](#), Code 1999, is amended to read as
20 26 follows:
20 27 237A.22 DUTIES OF STATE CHILD

~~DAY~~

- CARE ADVISORY COUNCIL.

20 28 The state child

~~day~~

- care advisory council shall do all of
20 29 the following:

20 30 1. Consult with and make recommendations to the department
20 31 concerning policy issues relating to child

~~day~~

- care.

20 32 2. Advise the department concerning services relating to
20 33 child

~~day~~

- care, including but not limited to any of the
20 34 following:

20 35 a. Resource and referral services.

21 1 b. Provider training.

21 2 c. Quality improvement.

21 3 d. Public-private partnerships.

21 4 e. Standards review and development.

21 5 3. Assist the department in developing an implementation

21 6 plan to provide seamless service to recipients of public

21 7 assistance which includes child

~~day~~

- care services. For the

21 8 purposes of this subsection, "seamless service" means

21 9 coordination, where possible, of the federal and state

21 10 requirements which apply to child

~~day~~

- care.

21 11 4. Advise and provide technical services to the director
21 12 of the department of education or the director's designee,
21 13 upon request, relating to prekindergarten, kindergarten, and
21 14 before and after school programming and facilities.

21 15 Sec. 21. NEW SECTION. 237A.24 CHILD CARE TRAINING AND
21 16 DEVELOPMENT SYSTEM.

21 17 1. The departments of education, health, and human
21 18 services shall jointly establish a leadership council for
21 19 child care training and development in this state. In
21 20 addition to representatives of the three departments, the
21 21 leadership council shall include but is not limited to
21 22 representatives of community colleges, institutions of higher
21 23 learning under the state board of regents and private
21 24 institutions of higher education, the Iowa cooperative
21 25 extension service in agriculture and home economics, and child
21 26 care resource and referral service agencies.

21 27 2. The charge of the council is to develop a proposal for
21 28 a statewide child care training and development system and to
21 29 monitor implementation of the proposal. The purpose of the
21 30 system is to improve support for persons providing or
21 31 administering child care services. The system shall be
21 32 developed in a manner so as to incorporate and enhance
21 33 existing efforts to provide this support.

21 34 3. The proposal for the child care training and
21 35 development system shall include all of the following
22 1 elements:

22 2 a. Identification of core competencies for providers and
22 3 administrators that may be incorporated into professional
22 4 standards.

22 5 b. Establishing levels for professional development.

22 6 c. Implementing a professional experience registry to
22 7 track the training, educational attainment, and experience of
22 8 providers and administrators.

22 9 d. Implementing a unified training and technical

22 10 assistance approach for identifying needs, ensuring equal
22 11 access, and establishing minimum requirements for training and
22 12 trainers.

22 13 e. Establishing an articulation process to permit
22 14 recognition of training provided by entities that do not grant
22 15 academic credit by entities that do grant academic credit.

22 16 f. Implementing a financing structure to support the
22 17 training registry.

22 18 g. Identifying other means for enhancing the training and
22 19 development of persons who provide and administer child care.

22 20 4. The proposal shall include an implementation plan and
22 21 budget provisions and may provide for implementation through a
22 22 contract with a private nonprofit agency.

22 23 Sec. 22. Section [237A.26](#), Code 1999, is amended to read as
22 24 follows:

22 25 237A.26 STATEWIDE RESOURCE AND REFERRAL SERVICES
22 26 GRANTS.

22 27 1. The department shall administer a statewide grant
22 28 program for child

~~day~~

- care resource and referral services.

22 29 Grants shall only be awarded to community-based nonprofit
22 30 incorporated agencies and public agencies. Grants shall be
22 31 awarded to facilitate the establishment of regional resource
22 32 and referral agencies throughout the state, based upon the
22 33 distribution of the child population in the state.

22 34 2. The department shall provide oversight of and annually
22 35 evaluate an agency which is awarded a grant to provide

23 1 resource and referral services to a region.

23 2 3. An agency which receives a grant to provide resource
23 3 and referral services shall perform both of the following

23 4 functions:

23 5 a. Organize assistance to

~~family and group day~~

- child care

23 6 homes utilizing training levels based upon the homes' degrees
23 7 of experience and interest.

23 8 b. Operate in partnership with both public and private
23 9 interests and coordinate resource and referral services with
23 10 existing community services.

23 11 4. An agency, to be eligible to receive a grant to provide
23 12 resource and referral services, must match the grant with
23 13 financial resources equal to at least twenty-five percent of
23 14 the amount of the grant. The financial resources may include
23 15 a private donation, an in-kind contribution, or a public
23 16 funding source other than a separate state grant for child
23 17 care service improvement.

23 18 5. An agency, to be eligible to receive a grant to provide
23 19 resource and referral services, must have a board of directors
23 20 if the agency is an incorporated nonprofit agency or must have
23 21 an advisory board if the agency is a public agency, to oversee
23 22 the provision of resource and referral services. The board
23 23 shall include providers, consumers, and other persons
23 24 interested in the provision or delivery of child

~~day~~

- care

23 25 services.

23 26 6. An agency which receives a child care resource and
23 27 referral grant shall provide all of the following services:

23 28 a. Assist families in selecting quality child care. The
23 29 agency must provide referrals to registered and licensed child

23 30

~~day~~

- care facilities, and to persons providing care,
23 31 supervision,

~~or~~

- and guidance of a child which is not defined
23 32 as child

~~day~~

- care under section 237A.1 and may provide
23 33 referrals to unregistered providers.
23 34 b. Assist child

~~day~~

- care providers in adopting appropriate
23 35 program and business practices to provide quality child care
24 1 services.
24 2 c. Provide information to the public regarding the
24 3 availability of child

~~day~~

- care services in the communities
24 4 within the agency's region.
24 5 d. Actively encourage the development of new and expansion
24 6 of existing child

~~day~~

- care facilities in response to
24 7 identified community needs.
24 8 e. Provide specialized services to employers, including
24 9 the provision of resource and referral services to employee
24 10 groups identified by the employer and the provision of
24 11 technical assistance to develop employer-supported child

~~day~~

-
24 12 care programs.
24 13 f. Refer eligible child

~~day~~

- care facilities to the federal
24 14 child care food programs.
24 15 g. Loan toys, other equipment, and resource materials to
24 16 child

~~day~~

- care facilities.
24 17 h. Administer funding designated within the grant to
24 18 provide a substitute caregiver program for registered

~~family~~

-
24 19

~~and group day~~

- child care homes to provide substitute care in a
24 20 home when the home provider is ill, on vacation, receiving
24 21 training, or is otherwise unable to provide the care.
24 22 7. The department may contract with an agency receiving a
24 23 child

~~day~~

- care resource and referral grant to perform any of
24 24 the following functions relating to publicly funded services
24 25 providing care, supervision,

~~or~~

- and guidance of a child:

24 26 a. Determine an individual's eligibility for the services
24 27 in accordance with income requirements.

24 28 b. Administer a voucher, certificate, or other system for
24 29 reimbursing an eligible provider of the services.

24 30 Sec. 23. Section [237A.27](#), Code 1999, is amended to read as
24 31 follows:

24 32 237A.27 CRISIS CHILD CARE.

24 33 The department shall establish a special child care
24 34 registration or licensure classification for crisis child care
24 35 which is provided on a temporary emergency basis to a child
25 1 when there is reason to believe that the child may be subject
25 2 to abuse or neglect. The special classification is not
25 3 subject to the definitional restrictions of child

~~day~~

- care in
25 4 this chapter relating to the provision of child

~~day~~

- care for a
25 5 period of less than twenty-four hours per day on a regular
25 6 basis. However, the provision of crisis child care shall be
25 7 limited to a period of not more than seventy-two hours for a
25 8 child during any single stay. A person providing crisis child
25 9 care must be registered or licensed under this chapter and
25 10 must be participating or have previously participated in the
25 11 federal crisis nursery pilot project. The department shall
25 12 adopt rules pursuant to chapter 17A to implement this section.

25 13 Sec. 24. Section [237A.28](#), Code 1999, is amended to read as
25 14 follows:

25 15 237A.28 CHILD

~~DAY~~

- CARE CREDIT FUND.

25 16 A child

~~day~~

- care credit fund is created in the state
25 17 treasury under the authority of the department of human
25 18 services. The moneys in the fund shall consist of moneys
25 19 deposited pursuant to section 422.100 and shall be used for
25 20 child

~~day~~

- care services as annually

~~directed~~

- appropriated by

25 21 the general assembly.

25 22 Sec. 25. Section [237A.29](#), Code 1999, is amended to read as
25 23 follows:

25 24 237A.29 STATE AND FEDERAL FUNDING OF CHILD

~~DAY~~

- CARE.

25 25 State funds and federal funds provided to the state in
25 26 accordance with federal requirements shall not be used to pay
25 27 for the care, supervision,

~~or~~

- and guidance of a child for

25 28 periods of less than twenty-four hours per day on a regular
25 29 basis

~~in a place other than the child's home~~

- unless the care,
25 30 supervision,

~~or~~

- and guidance is defined as child

~~day~~

- care as

25 31 used in this chapter.

25 32 Sec. 26. REPEAL. 1998 Iowa Acts, chapter 1127, section 4,
25 33 is repealed.

25 34

DIVISION II

25 35

CONFORMING AMENDMENTS

26 1 Sec. 27. Section [232.69](#), subsection 1, paragraph b,

26 2 subparagraph (7), Code 1999, is amended to read as follows:

26 3 (7) An employee or operator of a licensed child care

26 4 center or registered

~~group day care home or registered family~~

26 5

~~day~~

- child care home.

26 6 Sec. 28. Section [234.6](#), subsection 6, paragraph a, Code

26 7 1999, is amended to read as follows:

26 8 a.

~~Day~~

- Child care for children or day care for adults, in

26 9 facilities which are licensed or are approved as meeting

26 10 standards for licensure.

26 11 Sec. 29. Section [237.1](#), subsection 4, paragraph d, Code

26 12 1999, is amended to read as follows:

26 13 d. Child

~~day~~

- care furnished by a child care center

~~, group~~

26 14

~~day care home,~~

- or

~~family day~~

- a child care home as defined in

26 15 section 237A.1.

26 16 Sec. 30. Section [256.9](#), subsection 35, unnumbered

26 17 paragraph 2, Code 1999, is amended to read as follows:

26 18 Standards and materials developed shall include materials

26 19 which employ developmentally appropriate practices and

26 20 incorporate substantial parental involvement. The materials

26 21 and standards shall include alternative teaching approaches

26 22 including collaborative teaching and alternative dispute

26 23 resolution training. The department shall consult with the

26 24 child development coordinating council, the state

~~day~~

- child

26 25 care advisory

~~committee~~

- council, the department of human

26 26 services, the state board of regents center for early

26 27 developmental education, the area education agencies, the

26 28 department of child development in the college of family and

26 29 consumer sciences at Iowa state university of science and

26 30 technology, the early childhood elementary division of the
26 31 college of education at the university of Iowa, and the
26 32 college of education at the university of northern Iowa, in
26 33 developing these standards and materials.
26 34 Sec. 31. Section [256C.3](#), subsection 5, Code 1999, is
26 35 amended to read as follows:
27 1 5. Training, technical assistance, and other support by
27 2 the family resource center staff to

~~family day~~

- child care home

27 3 providers in the community. The center may serve as an
27 4 information and referral clearinghouse for other child care
27 5 needs and services in the community and shall coordinate the
27 6 center's information and efforts with any child care delivery
27 7 systems that may already exist in the community. The center
27 8 may also provide an adolescent pregnancy prevention program,
27 9 and other programs as the community determines, for
27 10 adolescents emphasizing responsible decision making and
27 11 communication skills.

27 12 Sec. 32. Section [692A.13](#), subsection 3, paragraph c,
27 13 unnumbered paragraph 1, Code 1999, is amended to read as
27 14 follows:

27 15 For offenders who have been classified as "at-risk" in this
27 16 state pursuant to an assessment conducted as provided in
27 17 subsection 6, the department or a criminal or juvenile justice
27 18 agency may also release the offender's name, a photograph,
27 19 locations frequented by the offender, and relevant Iowa
27 20 criminal history information from the registry to public and
27 21 private schools, child

~~day~~

- care centers,

~~family day~~

- child care

27 22 home providers, businesses, and organizations that serve
27 23 primarily children, women, or vulnerable adults, and neighbors
27 24 and community groups, or to the public at large. The extent
27 25 of public disclosure of the information shall be rationally
27 26 related to the following:

27 27 Sec. 33. AMENDMENTS TO TERMS "CHILD DAY CARE" AND "DAY
27 28 CARE" DIRECTIVE TO CODE EDITOR.

27 29 1. Sections 7I.5, 7I.7, 10A.202, 137F.1, 232.71D, 232.78,
27 30 232.188, 235A.15, 239B.7, 239B.8, 239B.10, 256C.3, 279.49,
27 31 279.51, 280.3A, 285.1, 298A.12, and 422.100, Code 1999, are
27 32 amended by striking from the sections the words "child day
27 33 care" or "child day-care" and inserting in lieu thereof the
27 34 words "child care".

27 35 2. Sections 15.285, 15.329, 217.12, 232.69, 235C.3,
28 1 256A.3, 256C.3, 260C.69, and 279.51, Code 1999, are amended by
28 2 striking from the sections the words "day care" or "day-care"
28 3 or "Day care" and inserting in lieu thereof, as appropriate,
28 4 the words "child care" or "Child care".

28 5 3. The Code editor shall substitute the words "child care"
28 6 for the words "child day care" or "child day-care" anywhere in
28 7 the Code if there appears to be no doubt as to the intent to
28 8 refer to child care as defined in chapter 237A, as amended by
28 9 this Act.

28 10 4. The Code editor shall substitute the words "child care"
28 11 for the words "day care" anywhere in the Code if there appears
28 12 to be no doubt as to the intent to refer to child care as
28 13 defined in chapter 237A, as amended by this Act.

28 14 DIVISION III

28 15 SEAMLESS CHILD CARE SYSTEM

28 16 Sec. 34. Section [239B.7](#), subsection 3, Code 1999, is
28 17 amended by striking the subsection.

28 18 Sec. 35. NEW SECTION. 239B.24 STATE CHILD CARE
28 19 ASSISTANCE ELIGIBILITY.

28 20 1. The following persons are deemed to be eligible for
28 21 benefits under the state child care assistance program
28 22 administered by the department, notwithstanding the program's
28 23 eligibility requirements or any waiting list:

28 24 a. A participant who is employed.

28 25 b. Any other person whose earned income is considered in
28 26 determining eligibility and benefits for a participant.

28 27 c. A person who is participating in activities approved
28 28 under the JOBS program.

28 29 2. A person who is deemed to be eligible for state child
28 30 care assistance program benefits under this section is subject
28 31 to all other state child care assistance requirements,
28 32 including but not limited to provider requirements under
28 33 chapter 237A, provider reimbursement methodology and rates,
28 34 and any other requirements established by the department in
28 35 rule.

29 1 Sec. 36. STATE CHILD CARE ASSISTANCE ELIGIBILITY
29 2 IMPLEMENTATION PROVISIONS.

29 3 1. Effective July 1, 1999, to implement the repeal of
29 4 section 239B.7, subsection 3, in accordance with this division
29 5 of this Act, the department of human services shall eliminate
29 6 the child day care deduction used for determining family
29 7 investment program eligibility and assistance amounts for
29 8 program participants and applicants.

29 9 2. Any person receiving transitional child care program
29 10 benefits under section 239B.23, Code Supplement 1997, as of
29 11 June 30, 1999, shall continue to receive the benefits until
29 12 the person's eligibility expires or the person fails to meet
29 13 the program's requirements.

29 14 3. Implementation of this division is intended to
29 15 establish a seamless child day care system by revising state
29 16 requirements for publicly funded child day care benefits so
29 17 that the requirements are seamless to those receiving the
29 18 benefits.

29 19 4. The department of human services may adopt
29 20 administrative rules under section 17A.4, subsection 2, and
29 21 section 17A.5, subsection 2, paragraph "b", to implement the
29 22 provisions of this division and the rules shall become
29 23 effective immediately upon filing, unless the effective date
29 24 is delayed by the administrative rules review committee,
29 25 notwithstanding section 17A.4, subsection 5, and section
29 26 17A.8, subsection 9, or a later effective date is specified in
29 27 the rules. Any rules adopted in accordance with this
29 28 subsection shall not take effect before the rules are reviewed
29 29 by the administrative rules review committee. Any rules
29 30 adopted in accordance with the provisions of this subsection
29 31 shall also be published as notice of intended action as
29 32 provided in section 17A.4.

29 33 DIVISION IV

29 34 REPEAL EFFECTIVE DATES APPLICABILITY TRANSITION

29 35 Sec. 37.

30 1 1. The following transition exception shall apply to child
30 2 care home providers registering in pilot project counties
30 3 under section 237A.3A on or after July 1, 1999, and in lieu of
30 4 the transition exception authorized in 1998 Iowa Acts, chapter
30 5 1127, section 4, for child care homes that were under that
30 6 transition exception prior to July 1, 1999:

30 7 a. If a child care home is providing child care to four
30 8 infants at the time of registration under section 237A.3A, the
30 9 child care home may continue to provide child care to those
30 10 four infants. However, if the child care home no longer
30 11 provides child care to one or more of the four infants or one
30 12 or more of the four infants reaches the age of twenty-four
30 13 months, the exception authorized in this subsection shall no
30 14 longer apply. This exception does not affect the overall

30 15 limitation on the number of children for which the child care
30 16 home is authorized to provide child care.

30 17 b. If, at the time of registration under section 237A.3A,
30 18 a child care home is providing child care to school age
30 19 children in excess of the number of school age children
30 20 authorized for the registration level, the child care home may
30 21 continue to provide child care to those children and the child
30 22 care home provider may exceed the total number of children
30 23 authorized for the level of registration by the number of
30 24 school age children in excess of the number authorized for the
30 25 registration level. This exception is subject to all of the
30 26 following:

30 27 (1) The child care home must comply with the other
30 28 requirements relating to number of children for which the
30 29 child care home is authorized to provide child care at that
30 30 registration level.

30 31 (2) The maximum number of children attributable to the
30 32 authorization for school age children at the applicable
30 33 registration level is five.

30 34 (3) If more than eight children are present at any one
30 35 time for more than two hours, the child care home provider
31 1 shall be assisted by a responsible person who is at least
31 2 fourteen years of age.

31 3 (4) If the child care home no longer provides child care
31 4 to an individual school age child who was receiving child care
31 5 from the child care home at the time of registration under
31 6 section 237A.3A, the excess number of children allowed under
31 7 this exception shall be reduced accordingly.

31 8 2. The department of human services shall pursue every
31 9 available option to secure federal or other funding that may
31 10 be used to make available additional home child care
31 11 consultants to assist in the expanded implementation of
31 12 section 237A.3A pilot projects, as amended by this Act. If
31 13 the department is able to secure additional funding for this
31 14 purpose, the department may expand home child care consultant
31 15 assistance provided by child care resource and referral
31 16 services in pilot project counties accordingly.

31 17 3. The department of human services shall report to the
31 18 governor and general assembly concerning the implementation of
31 19 the expansion of the child care home registration levels pilot
31 20 project under section 237A.3A, as amended by this Act. The
31 21 report shall be submitted in January 2000. The department
31 22 shall work with child care resource and referral services in
31 23 obtaining more information regarding the effects of the pilot
31 24 project, including changes in the quantity of registered and
31 25 unregistered child care home providers and child care slots,
31 26 amount of turnover in active child care home providers, and
31 27 reasons for child care home providers changing their
31 28 registered and unregistered status. The department may
31 29 utilize survey, interview, or other means to collect the data
31 30 for the report.

31 31 4. The department may submit a proposal to the general
31 32 assembly for enactment of administratively applied civil
31 33 penalties for child care registrant or licensee failure to
31 34 comply with key standards for the operation and maintenance of
31 35 a child care facility. In developing the proposal, the
32 1 department shall consult with the state child care advisory
32 2 council, child care facility providers, families, and other
32 3 interested parties. The proposal shall specify the offenses
32 4 or acts which are subject to a civil penalty and the civil
32 5 penalty amounts.

32 6 5. Section 36 of division III of this Act, being deemed of
32 7 immediate importance, takes effect upon enactment.

32 8 Sec. 38. EFFECTIVE DATE PROPOSAL SUBMISSION.

32 9 1. New Code section 237A.24, as enacted by division I of
32 10 this Act, being deemed of immediate importance, takes effect
32 11 upon enactment.

32 12 2. The leadership council created pursuant to section
32 13 237A.24, as enacted by division I of this Act, shall submit
32 14 the initial proposal for a child care training and development
32 15 system to the departments of education, health, and human
32 16 services by December 31, 1999, so that the three departments
32 17 may include funding for implementation of the system in the
32 18 departments' budget recommendations developed for the fiscal
32 19 year beginning July 1, 2001.

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BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

32 31 I hereby certify that this bill originated in the House and
32 32 is known as House File 761, Seventy-eighth General Assembly.

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ELIZABETH ISAACSON
Chief Clerk of the House

33 3 Approved _____, 1999

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33 7 THOMAS J. VILSACK
33 8 Governor