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SENATE FILE 273

BY FLYNN and REHBERG

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, and including an effective date and  
4 applicability provision.

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

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SF 273  
HUMAN RESOURCES

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 ~~c-~~ 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 27 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 Sec. 3. Section 237A.3A, subsection 1, Code 1999, is  
21 amended by striking the subsection and inserting in lieu  
22 thereof the following:

23 1. REGISTRATION. A person who operates or establishes a  
24 child care home may apply to the department for registration  
25 as a child care home. Registration is not required unless the  
26 number of children cared for at any one time in a child care  
27 home meets or exceeds the requirements applicable to any level  
28 of registration outlined in this section. Two or more persons  
29 who comply with the individual requirements for registration  
30 as a child care home provider may request that the certificate  
31 of registration be issued to the two or more persons jointly  
32 and the department shall issue the joint certificate provided  
33 the child care home requirements for registration are met.

34 Sec. 4. Section 237A.3A, subsection 2, Code 1999, is  
35 amended by striking the subsection and renumbering the

1 succeeding subsections.

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

4 c. A person or program ~~in-a-pilot-project-county~~ which  
5 provides care, supervision, or and guidance to a child which  
6 is not defined as child ~~day~~ care under section 237A.17, may be  
7 issued a certificate of registration ~~under-this-section~~ as a  
8 child care home.

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

11 (2) The rules shall allow a child ~~day~~ care home to be  
12 registered at level II, III, or IV for which the provider is  
13 qualified even though the amount of space required to be  
14 available for the maximum number of children authorized for  
15 that level exceeds the actual amount of space available in  
16 that child care home. However, the total number of children  
17 authorized for the child care home at that level of  
18 registration shall be limited by the amount of space available  
19 per child.

20 Sec. 7. Section 237A.3A, subsection 4, paragraph a, Code  
21 1999, is amended to read as follows:

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

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

28 6. REVOCATION OR DENIAL OF REGISTRATION. If the  
29 department has denied or revoked a certificate of registration  
30 because a person has continually or repeatedly failed to  
31 operate a registered or licensed child ~~day~~ care facility in  
32 compliance with this chapter and rules adopted pursuant to  
33 this chapter, the person shall not operate or establish a  
34 registered child care home for a period of six months from the  
35 date the registration or license is denied or revoked. The

1 department shall not act on an application for registration  
2 submitted by the person during the six-month period.

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

5 If school classes have been cancelled due to inclement  
6 weather, a registered or unregistered child care home may have  
7 additional children present. An unregistered child care home  
8 shall comply with the requirements for inclement weather  
9 applicable to a level I registration. A registered child care  
10 home shall operate in accordance with the authorization for  
11 the registration level of the child care home and is subject  
12 to all of the following conditions:

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

15 237A.4 INSPECTION AND EVALUATION.

16 The department shall make periodic inspections of licensed  
17 centers to ~~insure~~ ensure compliance with licensing  
18 requirements provided in this chapter, and the local boards of  
19 health may make periodic inspections of licensed centers to  
20 ~~insure~~ ensure compliance with health-related licensing  
21 requirements provided in this chapter. The administrator may  
22 inspect records maintained by a licensed center and may  
23 inquire into matters concerning these centers and the persons  
24 in charge. The administrator shall require that the center be  
25 inspected by the state fire marshal or a designee for  
26 compliance with rules relating to fire safety before a license  
27 is granted or renewed. The administrator or a designee may  
28 periodically visit registered family-day child care homes for  
29 the purpose of evaluation of an inquiry into matters  
30 concerning compliance with rules adopted under section  
31 237A.12. Evaluation of family-day child care homes under this  
32 section may include consultative services provided pursuant to  
33 section 237A.6.

34 Sec. 11. Section 237A.5, subsections 1, 2, 6, and 7, Code  
35 1999, are amended to read as follows:

1 1. All personnel in licensed or registered facilities  
2 shall have good health as evidenced by a report following a  
3 preemployment physical examination taken within six months  
4 prior to beginning employment. The examination shall include  
5 communicable disease tests conducted by a licensed physician  
6 as defined in section 135C.1 and, licensed physician  
7 assistant, or an advanced registered nurse practitioner. The  
8 examiner shall determine whether the employee's health status  
9 would impede or limit the employee's ability to care for  
10 children in a child care environment. The physical  
11 examination shall be repeated every three years after initial  
12 employment. ~~Controlled-medical~~ Medical conditions which would  
13 not affect the performance of the employee in the capacity  
14 employed or the health and safety of children shall not  
15 prohibit employment.

16 2. a. If a person is being considered for licensure or  
17 registration under this chapter, or for employment involving  
18 direct responsibility for a child or with access to a child  
19 when the child is alone, by a child day care facility subject  
20 to licensure or registration under this chapter, or if a  
21 person will reside in a facility, and if the person has been  
22 convicted of a crime or has a record of founded child abuse,  
23 the department ~~and-the-licensee-or-registrant-for-an-employee~~  
24 ~~of-the-licensee-or-registrant~~ shall perform an evaluation to  
25 determine whether the crime or founded child abuse warrants  
26 prohibition of licensure, registration, employment, or  
27 residence in the facility. The department shall conduct  
28 criminal and child abuse record checks in this state and may  
29 conduct these checks in other states. The evaluation shall be  
30 performed in accordance with procedures adopted for this  
31 purpose by the department.

32 b. If the department determines that a person has  
33 committed a crime or has a record of founded child abuse and  
34 is licensed, employed by a licensee or registrant or  
35 registered under this chapter, or resides in a licensed or

1 registered facility the department shall notify the licensee  
2 or registrant that an evaluation will be conducted to  
3 determine whether prohibition of the person's licensure,  
4 registration, employment, or residence is warranted.

5 c. In an evaluation, the department ~~and the licensee or~~  
6 ~~registrant for an employee of the licensee or registrant~~ shall  
7 consider the nature and seriousness of the crime or founded  
8 child abuse in relation to the position sought or held, the  
9 time elapsed since the commission of the crime or founded  
10 child abuse, the circumstances under which the crime or  
11 founded child abuse was committed, the degree of  
12 rehabilitation, the likelihood that the person will commit the  
13 crime or founded child abuse again, and the number of crimes  
14 or founded child abuses committed by the person involved. The  
15 department may permit a person who is evaluated to be  
16 licensed, registered, employed, or to reside, or to continue  
17 to be licensed, registered, employed, or to reside in a  
18 licensed facility, if the person complies with the  
19 department's conditions relating to the person's licensure,  
20 registration, employment, or residence, which may include  
21 completion of additional training. ~~For an employee of a~~  
22 ~~licensee or registrant, these conditional requirements shall~~  
23 ~~be developed with the licensee or registrant.~~ The department  
24 has final authority in determining whether prohibition of the  
25 person's licensure, registration, employment, or residence is  
26 warranted and in developing any conditional requirements under  
27 this paragraph.

28 d. If the department determines that the person has  
29 committed a crime or has a record of founded child abuse which  
30 warrants prohibition of licensure, registration, employment,  
31 or residence, the person shall not be licensed or registered  
32 under this chapter to operate a child day care facility and  
33 shall not be employed by a licensee or registrant or reside in  
34 a facility licensed or registered under this chapter.

35 e. If it has been determined that a child receiving child

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

11 6. A person who receives public funds for providing child  
12 day care and who is not registered or licensed under this  
13 chapter and individuals who reside with the person shall be  
14 subject to the provisions of subsection 2 as though the person  
15 either is being considered for registration or is registered  
16 to provide child day care under this chapter. If the person  
17 or individual residing with the person would be prohibited  
18 from licensure, registration, employment, or residence under  
19 subsection 2, the person shall not provide child day care and  
20 is not eligible to receive public funds to do so. A person  
21 who continues to provide child day care in violation of this  
22 subsection is subject to penalty under section 237A.19 and  
23 injunction under section 237A.20.

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

28 Sec. 12. Section 237A.7, unnumbered paragraph 1, Code  
29 1999, is amended to read as follows:

30 Anyone who acquires through the administration of this  
31 chapter information relative to an individual in a child day  
32 care facility or to a relative of the individual shall not,  
33 directly or indirectly, disclose the information except upon  
34 inquiry before a court of law or with the written consent of  
35 the individual or, in the case of a child, the written consent

1 of the parent or guardian or as otherwise specifically  
2 required or allowed by law.

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

5 237A.8 ~~SUSPENSION-AND-REVOICATION~~ VIOLATIONS -- ACTIONS  
6 AGAINST LICENSE OR REGISTRATION.

7 The administrator, after notice and opportunity for an  
8 evidentiary hearing before the department of inspections and  
9 appeals, may suspend or revoke a license or certificate of  
10 registration issued under this chapter or may reduce a license  
11 to a provisional license if the person to whom a license or  
12 certificate is issued violates a provision of this chapter or  
13 if the person makes false reports regarding the operation of  
14 the child day care facility to the administrator or a designee  
15 of the administrator. The administrator shall notify the  
16 parent, guardian, or legal custodian of each child for whom  
17 the person provides child day care, ~~if the license or~~  
18 ~~certificate of registration is suspended or revoked or if~~  
19 ~~there has been a substantiated child abuse case against an~~  
20 ~~employee, owner, or operator of the child day care facility at~~  
21 the time of action to suspend or revoke a license or  
22 certificate of registration.

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

25 237A.12 RULES.

26 1. Subject to the provisions of chapter 17A, the  
27 administrator shall ~~promulgate~~ adopt rules setting minimum  
28 standards to provide quality child day care in the operation  
29 and maintenance of child care centers and registered family  
30 day child care homes, relating to all of the following:

31 ~~1-~~ a. The number and qualifications of personnel necessary  
32 to assure the health, safety, and welfare of children in the  
33 facilities. Rules for facilities which are preschools shall  
34 be drawn so that any staff-to-children ratios which relate to  
35 the age of the children enrolled shall be based on the age of

1 the majority of the children served by a particular class  
2 rather than on the age of the youngest child served.  
3 2- b. Physical facilities.  
4 3- c. The adequacy of activity programs and food services  
5 available to the children. The administrator shall not  
6 restrict the use of or apply nutritional standards to a lunch  
7 or other meal which is brought to the center or family-day  
8 child care home by a school-age child for the child's  
9 consumption.  
10 4- d. Policies established by the center for parental  
11 participation.  
12 5- e. Programs for education and in-service training of  
13 staff.  
14 6- f. Records kept by the facilities.  
15 7- g. Administration.  
16 8- h. Health, safety, and medical policies for children.  
17 2. Rules adopted by the state fire marshal for buildings,  
18 other than school buildings, used as child care centers as an  
19 adjunct to the primary purpose of the building shall take into  
20 consideration that children are received for temporary care  
21 only and shall not differ from rules adopted for these  
22 buildings when they are used by groups of persons congregating  
23 from time to time in the primary use and occupancy of the  
24 buildings. However, the rules may require a fire-rated  
25 separation from the remaining portion of the building if the  
26 fire marshal determines that the separation is necessary for  
27 the protection of children from a specific flammable hazard.  
28 3. Rules relating to fire safety shall be adopted under  
29 this chapter by the state fire marshal in consultation with  
30 the department. Rules adopted by the state fire marshal for a  
31 building which is owned or leased by a school district or  
32 accredited nonpublic school and used as a child day care  
33 facility shall not differ from standards adopted by the state  
34 fire marshal for school buildings under chapter 100. Rules  
35 relating to sanitation shall be adopted by the department in

1 consultation with the director of public health. All rules  
2 shall be developed in consultation with the state child day  
3 care advisory council. The state fire marshal shall inspect  
4 the facilities.

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

13     5. Standards and requirements set by a city or county for  
14 a building which is owned or leased by a school district or  
15 accredited nonpublic school and used as a child day care  
16 facility shall take into consideration that children are  
17 received for temporary care only and shall not differ from  
18 standards and requirements set for use of the building as a  
19 school.

20     Sec. 15. Section 237A.19, unnumbered paragraph 2, Code  
21 1999, is amended to read as follows:

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

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

33     237A.20 INJUNCTION.

34     A person who establishes, conducts, manages, or operates a  
35 center without a license or a group-day child care home

1 without a certificate of registration, if registration is  
2 required under section 237A.3A, may be restrained by temporary  
3 or permanent injunction. A person who has been convicted of a  
4 crime against a person or a person with a record of founded  
5 child abuse may be restrained by temporary or permanent  
6 injunction from providing unregistered, registered, or  
7 licensed child day care. The action may be instituted by the  
8 state, the county attorney, a political subdivision of the  
9 state, or an interested person.

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

12 237A.21 STATE CHILD DAY CARE ADVISORY COUNCIL.

13 1. A state child day care advisory council is established  
14 consisting of not more than thirty-five members from urban and  
15 rural areas across the state. The membership shall include,  
16 but is not limited to, all of the following persons or  
17 representatives with an interest in child day care: a  
18 licensed center, a registered family-day child care home from  
19 a county with a population of less than twenty-two thousand,  
20 an unregistered family-day child care home, a parent of a  
21 child in child day care, appropriate governmental agencies,  
22 and other members as deemed necessary by the director. The  
23 members are eligible for reimbursement of their actual and  
24 necessary expenses while engaged in performance of their  
25 official duties.

26 2. Members shall be appointed by the director from a list  
27 of names submitted by a nominating committee to consist of one  
28 member of the state council established pursuant to this  
29 section, one member of the department's child day care staff,  
30 three consumers of child day care, and one member of a  
31 professional child day care organization. Two names shall be  
32 submitted for each appointment. Members shall be appointed  
33 for terms of three years but no member shall be appointed to  
34 more than two consecutive terms. The state council shall  
35 develop its own operational policies which are subject to

1 departmental approval.

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

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

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

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

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

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

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

15 g. One child day care resource and referral service  
16 grantee.

17 h. One nongovernmental child advocacy group  
18 representative.

19 i. One designee of the department of human services or the  
20 Iowa department of public health.

21 j. One designee of the department of education.

22 k. One head start program provider.

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

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

27 237A.22 DUTIES OF STATE CHILD DAY CARE ADVISORY COUNCIL.

28 The state child day care advisory council shall do all of  
29 the following:

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

32 2. Advise the department concerning services relating to  
33 child day care, including but not limited to any of the  
34 following:

35 a. Resource and referral services.

- 1 b. Provider training.
- 2 c. Quality improvement.
- 3 d. Public-private partnerships.
- 4 e. Standards review and development.
- 5 3. Assist the department in developing an implementation
- 6 plan to provide seamless service to recipients of public
- 7 assistance which includes child day care services. For the
- 8 purposes of this subsection, "seamless service" means
- 9 coordination, where possible, of the federal and state
- 10 requirements which apply to child day care.
- 11 4. Advise and provide technical services to the director
- 12 of the department of education or the director's designee,
- 13 upon request, relating to prekindergarten, kindergarten, and
- 14 before and after school programming and facilities.

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

17 237A.26 STATEWIDE RESOURCE AND REFERRAL SERVICES --  
18 GRANTS.

- 19 1. The department shall administer a statewide grant
- 20 program for child day care resource and referral services.
- 21 Grants shall only be awarded to community-based nonprofit
- 22 incorporated agencies and public agencies. Grants shall be
- 23 awarded to facilitate the establishment of regional resource
- 24 and referral agencies throughout the state, based upon the
- 25 distribution of the child population in the state.
- 26 2. The department shall provide oversight of and annually
- 27 evaluate an agency which is awarded a grant to provide
- 28 resource and referral services to a region.
- 29 3. An agency which receives a grant to provide resource
- 30 and referral services shall perform both of the following
- 31 functions:
  - 32 a. Organize assistance to ~~family-and-group-day~~ child care
  - 33 homes utilizing training levels based upon the homes' degrees
  - 34 of experience and interest.
  - 35 b. Operate in partnership with both public and private

1 interests and coordinate resource and referral services with  
2 existing community services.

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

10 5. An agency, to be eligible to receive a grant to provide  
11 resource and referral services, must have a board of directors  
12 if the agency is an incorporated nonprofit agency or must have  
13 an advisory board if the agency is a public agency, to oversee  
14 the provision of resource and referral services. The board  
15 shall include providers, consumers, and other persons  
16 interested in the provision or delivery of child day care  
17 services.

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

20 a. Assist families in selecting quality child care. The  
21 agency must provide referrals to registered and licensed child  
22 day care facilities, and to persons providing care,  
23 supervision, ~~or~~ and guidance of a child which is not defined  
24 as child day care under section 237A.1 and may provide  
25 referrals to unregistered providers.

26 b. Assist child day care providers in adopting appropriate  
27 program and business practices to provide quality child care  
28 services.

29 c. Provide information to the public regarding the  
30 availability of child day care services in the communities  
31 within the agency's region.

32 d. Actively encourage the development of new and expansion  
33 of existing child day care facilities in response to  
34 identified community needs.

35 e. Provide specialized services to employers, including

1 the provision of resource and referral services to employee  
2 groups identified by the employer and the provision of  
3 technical assistance to develop employer-supported child day  
4 care programs.

5 f. Refer eligible child day care facilities to the federal  
6 child care food programs.

7 g. Loan toys, other equipment, and resource materials to  
8 child day care facilities.

9 h. Administer funding designated within the grant to  
10 provide a substitute caregiver program for registered family  
11 and-group-day child care homes to provide substitute care in a  
12 home when the home provider is ill, on vacation, receiving  
13 training, or is otherwise unable to provide the care.

14 7. The department may contract with an agency receiving a  
15 child day care resource and referral grant to perform any of  
16 the following functions relating to publicly funded services  
17 providing care, supervision, ~~or~~ and guidance of a child:

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

20 b. Administer a voucher, certificate, or other system for  
21 reimbursing an eligible provider of the services.

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

24 237A.27 CRISIS CHILD CARE.

25 The department shall establish a special child care  
26 registration or licensure classification for crisis child care  
27 which is provided on a temporary emergency basis to a child  
28 when there is reason to believe that the child may be subject  
29 to abuse or neglect. The special classification is not  
30 subject to the definitional restrictions of child day care in  
31 this chapter relating to the provision of child day care for a  
32 period of less than twenty-four hours per day on a regular  
33 basis. However, the provision of crisis child care shall be  
34 limited to a period of not more than seventy-two hours for a  
35 child during any single stay. A person providing crisis child

1 care must be registered or licensed under this chapter and  
2 must be participating or have previously participated in the  
3 federal crisis nursery pilot project. The department shall  
4 adopt rules pursuant to chapter 17A to implement this section.

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

7 237A.28 CHILD DAY CARE CREDIT FUND.

8 A child day care credit fund is created in the state  
9 treasury under the authority of the department of human  
10 services. The moneys in the fund shall consist of moneys  
11 deposited pursuant to section 422.100 and shall be used for  
12 child day care services as annually directed appropriated by  
13 the general assembly.

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

16 237A.29 STATE AND FEDERAL FUNDING OF CHILD DAY CARE.

17 State funds and federal funds provided to the state in  
18 accordance with federal requirements shall not be used to pay  
19 for the care, supervision, or and guidance of a child for  
20 periods of less than twenty-four hours per day on a regular  
21 basis ~~in-a-place-other-than-the-child's-home~~ unless the care,  
22 supervision, or and guidance is defined as child day care as  
23 used in this chapter.

24 DIVISION II

25 CONFORMING AMENDMENTS

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

28 (7) An employee or operator of a licensed child care  
29 center or registered ~~group-day-care-home-or-registered-family~~  
30 day child care home.

31 Sec. 24. Section 234.6, subsection 6, paragraph a, Code  
32 1999, is amended to read as follows:

33 a. Day Child care for children or day care for adults, in  
34 facilities which are licensed or are approved as meeting  
35 standards for licensure.

1 Sec. 25. Section 237.1, subsection 4, paragraph d, Code  
2 1999, is amended to read as follows:

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

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

8 Standards and materials developed shall include materials  
9 which employ developmentally appropriate practices and  
10 incorporate substantial parental involvement. The materials  
11 and standards shall include alternative teaching approaches  
12 including collaborative teaching and alternative dispute  
13 resolution training. The department shall consult with the  
14 child development coordinating council, the state ~~day~~ child  
15 care advisory ~~committee~~ council, the department of human  
16 services, the state board of regents center for early  
17 developmental education, the area education agencies, the  
18 department of child development in the college of family and  
19 consumer sciences at Iowa state university of science and  
20 technology, the early childhood elementary division of the  
21 college of education at the university of Iowa, and the  
22 college of education at the university of northern Iowa, in  
23 developing these standards and materials.

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

26 5. Training, technical assistance, and other support by  
27 the family resource center staff to ~~family-day~~ child care home  
28 providers in the community. The center may serve as an  
29 information and referral clearinghouse for other child care  
30 needs and services in the community and shall coordinate the  
31 center's information and efforts with any child care delivery  
32 systems that may already exist in the community. The center  
33 may also provide an adolescent pregnancy prevention program,  
34 and other programs as the community determines, for  
35 adolescents emphasizing responsible decision making and

1 communication skills.

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

5 For offenders who have been classified as "at-risk" in this  
6 state pursuant to an assessment conducted as provided in  
7 subsection 6, the department or a criminal or juvenile justice  
8 agency may also release the offender's name, a photograph,  
9 locations frequented by the offender, and relevant Iowa  
10 criminal history information from the registry to public and  
11 private schools, child day care centers, family-day child care  
12 home providers, businesses, and organizations that serve  
13 primarily children, women, or vulnerable adults, and neighbors  
14 and community groups, or to the public at large. The extent  
15 of public disclosure of the information shall be rationally  
16 related to the following:

17 Sec. 29. AMENDMENTS TO TERMS "CHILD DAY CARE" AND "DAY  
18 CARE" -- DIRECTIVE TO CODE EDITOR.

19 1. Sections 7I.5, 7I.7, 10A.202, 137F.1, 232.71D, 232.78,  
20 232.188, 235A.15, 239B.7, 239B.8, 239B.10, 256C.3, 279.49,  
21 279.51, 280.3A, 285.1, 298A.12, and 422.100, Code 1999, are  
22 amended by striking from the sections the words "child day  
23 care" or "child day-care" and inserting in lieu thereof the  
24 words "child care".

25 2. Sections 15.285, 15.329, 217.12, 232.69, 235C.3,  
26 256A.3, 256C.3, 260C.69, and 279.51, Code 1999, are amended by  
27 striking from the sections the words "day care" or "day-care"  
28 or "Day care" and inserting in lieu thereof, as appropriate,  
29 the words "child care" or "Child care".

30 3. The Code editor shall substitute the words "child care"  
31 for the words "child day care" or "child day-care" anywhere in  
32 the Code if there appears to be no doubt as to the intent to  
33 refer to child care as defined in chapter 237A, as amended by  
34 this Act.

35 4. The Code editor shall substitute the words "child care"

1 for the words "day care" anywhere in the Code if there appears  
2 to be no doubt as to the intent to refer to child care as  
3 defined in chapter 237A, as amended by this Act.

4 DIVISION III

5 REPEAL -- EFFECTIVE DATE -- APPLICABILITY TRANSITION

6 Sec. 28.

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

8 2. This Act takes effect July 1, 1999. However, the  
9 provisions of section 237A.3 and associated administrative  
10 rules adopted under that section shall remain applicable to a  
11 family or group child day care home registered as of June 30,  
12 1999, until the renewal date of the registration or upon  
13 request of the home for registration under the provisions of  
14 section 237A.3A, as amended by this Act, whichever is earlier.

15 3. For unregistered family child day care homes, the  
16 provisions of section 237A.3 and associated administrative  
17 rules shall remain applicable through June 30, 2000, unless an  
18 unregistered home applies for registration on or after July 1,  
19 1999. The child care home provisions of section 237A.3A, as  
20 amended by this Act, shall apply to initial applications for  
21 registration under chapter 237A received on or after July 1,  
22 1999.

23 EXPLANATION

24 This bill relates to child care provisions administered by  
25 the department of human services, expands statewide a pilot  
26 project establishing levels for child care home registrations,  
27 the terminology used to describe child care, and makes an  
28 appropriation of certain civil penalties collected by the  
29 department.

30 Division I makes numerous changes to Code chapter 237A,  
31 relating to regulation of child care by the department of  
32 human services. The terms "child day care" and "day care" are  
33 changed to "child care" throughout the chapter and a pilot  
34 project for registration of home providers of child care is  
35 expanded statewide.

1 Code section 237A.1, relating to definitions, is amended to  
2 strike, rewrite, and add to the list of exceptions to the  
3 definition of child care. The bill provides that care  
4 provided by a relative of a child and care provided in the  
5 child's home would be considered to be child care for purposes  
6 of Code chapter 237A. Definitions of "family day care home"  
7 and "group day care home" are revised to "child care home".  
8 The definitions of "low-income family", and "relative" which  
9 are no longer used in Code chapter 237A, or are no longer used  
10 in the definitions are stricken.

11 Code section 237A.2, relating to licensing of child care  
12 centers, is amended to number and letter paragraphs. In  
13 addition, authority for renewal of a one-year provisional  
14 license, allowed when a center does not meet standards, is  
15 limited to not more than two consecutive years for the same  
16 standard.

17 Code section 237A.3A, relating to a pilot project for child  
18 care homes, is amended to make the terminology changes. Under  
19 current law, the pilot project is limited to not more than two  
20 counties and establishes four registration levels to a new  
21 registration category of "child care home". The bill expands  
22 the pilot project to apply statewide to all home child care  
23 providers and replaces all references to family and group day  
24 homes with the new category. The current law for home  
25 registration, Code section 237A.3, is repealed effective July  
26 1, 2000.

27 The bill amends Code section 237A.3A to include authority  
28 for a registration certificate to be issued to two or more  
29 qualified persons. The bill provides that the inclement  
30 weather exception which allows additional children to be  
31 present in child care homes when schools are closed for  
32 weather reasons is the same for unregistered child care homes  
33 as for level I registered child care homes.

34 Code section 237A.4, relating to inspection of child care  
35 facilities and homes, is amended to make the terminology

1 changes.

2 Code section 237A.5, relating to requirements for personnel  
3 of child care facilities, is amended to make the terminology  
4 changes. In addition, the type of health practitioners  
5 authorized to perform health examinations is expanded to  
6 include licensed physician assistants and advanced registered  
7 nurse practitioners and the criteria for the examinations are  
8 revised.

9 Code section 237A.5 requirements involving criminal and  
10 child abuse record checks are amended. Under current law, the  
11 department is required to perform an evaluation if record  
12 checks indicate persons involved with child care have been  
13 convicted of a crime or have a record of founded abuse. The  
14 bill removes a requirement for the employer of a person to  
15 participate in the evaluation. In addition, if it is  
16 determined that a child receiving care from a child care  
17 facility is the victim of founded child abuse placed in the  
18 central registry that was committed by a registration or  
19 license holder or an employee of the facility or someone  
20 residing in the facility, the department is required to notify  
21 the parents, guardians, and custodians of the children  
22 receiving care from the facility. However, the notification  
23 cannot identify the victim or perpetrator or circumstances of  
24 the founded abuse.

25 Code section 237A.7, relating to requirements for keeping  
26 information confidential concerning recipients of child care  
27 and their relatives, is amended to make the terminology  
28 changes.

29 Code section 237A.8, relating to provisions for suspension  
30 and revocation of a license or certificate of registration, is  
31 amended to make the terminology changes and to allow the  
32 department to reduce a child care license to a provisional  
33 license. In addition, the requirement to notify the parents  
34 of children receiving care if there has been a substantiated  
35 child abuse case against the provider is stricken in this Code

1 section and moved by the bill to Code section 237A.5.

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

5 Code section 237A.20, relating to injunctions for  
6 restraining persons from providing unauthorized child care, is  
7 amended to make the terminology changes. In addition, the  
8 county attorney is specifically authorized to bring an action  
9 for an injunction.

10 Code sections 237A.21, 237A.22, 237A.26, 237A.27, 237A.28,  
11 and 237A.29 are amended to make the terminology changes and  
12 other changes involving the elimination of family and group  
13 child care home registration classifications.

14 Division II provides for conforming amendments to make the  
15 terminology changes throughout the Code, including general  
16 authority for the Code editor to apply the changes where  
17 clearly warranted.

18 Division III of the bill includes special effective dates  
19 and applicability provisions in transition to the new system  
20 of registration of child care homes during fiscal year 1999-  
21 2000. The new registration approach would be applicable upon  
22 initial application for registration, at registration renewal,  
23 or upon request of the registrant during that fiscal year.  
24 Code section 237A.3 remains applicable to unregistered  
25 providers during the transition year.

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