

FEB 19 2002
HUMAN RESOURCES

HOUSE FILE 2445
BY FOEGE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child care home registration requirements and
2 including effective date and applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 2445

1 Section 1. Section 139A.8, subsection 2, paragraphs a and
2 b, Code 2001, are amended to read as follows:

3 a. A person shall not be enrolled in any a licensed child
4 care center, registered child care home, or elementary or
5 secondary school in Iowa without evidence of adequate
6 immunizations against diphtheria, pertussis, tetanus,
7 poliomyelitis, rubeola, and rubella.

8 b. Evidence of adequate immunization against haemophilus
9 influenza B shall be required prior to enrollment in any a
10 registered child care home or licensed child care center.

11 Sec. 2. Section 139A.8, subsection 4, unnumbered paragraph
12 1, Code 2001, is amended to read as follows:

13 Immunization is not required for a person's enrollment in
14 any elementary or secondary school, registered child care
15 home, or licensed child care center if either of the following
16 applies:

17 Sec. 3. Section 139A.8, subsection 5, Code 2001, is
18 amended to read as follows:

19 5. A person may be provisionally enrolled in an elementary
20 or secondary school, registered child care home, or licensed
21 child care center if the person has begun the required
22 immunizations and if the person continues to receive the
23 necessary immunizations as rapidly as is medically feasible.
24 The department shall adopt rules relating to the provisional
25 admission of persons to an elementary or secondary school,
26 registered child care home, or licensed child care center.

27 Sec. 4. Section 237A.1, subsection 3, unnumbered paragraph
28 1, Code Supplement 2001, is amended to read as follows:

29 "Child care" means the care, supervision, and guidance of a
30 child by a person other than the child's parent, guardian, or
31 custodian for periods of more than four but less than twenty-
32 four hours per day per child on a regular basis, but does not
33 include care, supervision, and guidance of a child by any of
34 the following:

35 Sec. 5. Section 237A.1, subsection 6, Code Supplement

1 2001, is amended to read as follows:

2 "Child care home" means a person or program providing child
3 care ~~as-a-family-child-care-home-or-a-group-child-care-home~~ as
4 authorized under section 237A.3.

5 Sec. 6. Section 237A.1, subsections 7 and 10, Code
6 Supplement 2001, are amended by striking the subsections.

7 Sec. 7. Section 237A.3, Code Supplement 2001, is amended
8 by striking the section and inserting in lieu thereof the
9 following:

10 237A.3 CHILD CARE HOMES.

11 1. REGISTRATION.

12 a. A person shall not establish or operate a child care
13 home unless the person obtains a certificate of registration.
14 The department shall issue a certificate of registration upon
15 receipt of a statement from the person or upon completion of
16 an inspection conducted by the department or a designee of the
17 department verifying that the person complies with applicable
18 rules adopted by the department pursuant to this section and
19 section 237A.12.

20 b. The certificate of registration shall be posted in a
21 conspicuous place in the child care home and shall state the
22 name of the registrant, the registration category of the child
23 care home, the maximum number of children who may be present
24 for child care at any one time, and the address of the child
25 care home. In addition, the certificate shall include a
26 checklist of registration compliances.

27 c. The registration process for a child care home shall be
28 repeated every twelve months as provided by rule.

29 d. A person who holds a child foster care license under
30 chapter 237 shall register as a child care home provider in
31 order to provide child care.

32 2. REVOCATION OR DENIAL OF REGISTRATION. If the
33 department has denied or revoked a certificate of registration
34 because a person has continually or repeatedly failed to
35 operate a registered or licensed child care facility in

1 compliance with this chapter and rules adopted pursuant to
2 this chapter, the person shall not operate or establish a
3 registered child care home for a period of six months from the
4 date the registration or license was denied or revoked. The
5 department shall not act on an application for registration
6 submitted by the person during the six-month period.

7 3. RULES.

8 a. Five categories of standards shall be applicable to
9 child care homes. The categories shall be assigned a
10 designation of one to five stars, as ranked from less
11 stringent standards to more stringent standards. The five-
12 star registration category standards shall require the highest
13 level of provider qualifications and allow the greatest
14 capacity of the five categories.

15 b. The department shall adopt rules applying standards to
16 each category specifying provider qualifications and training,
17 program quality, and the provider's history of compliance with
18 standards. The rules shall specify health and safety
19 requirements, capacity, amount of space available per child,
20 and other minimum requirements. The capacity requirements
21 shall take into consideration the provider's own children,
22 children who have a mild illness, children receiving part-time
23 child care, and children served as a sibling group in
24 overnight care.

25 c. In consultation with the state fire marshal, the
26 department shall adopt rules relating to the provision of fire
27 extinguishers, smoke detectors, and two exits accessible to
28 children in a child care home.

29 d. The department shall adopt rules relating to the
30 provision of a separate area for sick children in those child
31 care homes registered in the three through five star
32 categories.

33 4. NUMBER OF CHILDREN.

34 a. In determining the number of children present for child
35 care at any one time in a child care home, each child present

1 in the child care home shall be considered to be provided
2 child care unless the child is described by one of the
3 following exceptions:

4 (1) The child's parent, guardian, or custodian operates or
5 established the child care home and the child is attending
6 school or the child is provided child care full-time on a
7 regular basis from another person.

8 (2) The child has been present in the child care home for
9 more than seventy-two consecutive hours and the child is
10 attending school or the child is provided child care full-time
11 on a regular basis from another person.

12 b. For purposes of determining the number of children
13 present for child care in a child care home, a child receiving
14 foster care from a child care home provider shall be
15 considered to be the child of the provider.

16 Sec. 8. Section 237A.13, subsections 2 and 3, Code 2001,
17 are amended to read as follows:

18 2. Services under the program may be provided in by a
19 licensed child care center, a registered group-child-care
20 home, a registered family child care home, the home of a
21 relative, the child's own home, an unregistered family child
22 care home, or in a facility exempt from licensing or
23 registration.

24 3. The department shall set reimbursement rates as
25 authorized by appropriations enacted for payment of the
26 reimbursements. The department shall conduct a statewide
27 reimbursement rate survey to compile information on each
28 county and the survey shall be conducted at least every two
29 years. ~~The department shall set rates in a manner so as to~~
30 ~~provide incentives for an unregistered provider to become~~
31 ~~registered.~~

32 Sec. 9. Section 237A.21, subsection 1, Code 2001, is
33 amended to read as follows:

34 1. A state child care advisory council is established
35 consisting of not more than thirty-five members from urban and

1 rural areas across the state. The membership shall include,
2 but is not limited to, all of the following persons or
3 representatives with an interest in child care: a licensed
4 center provider, a registered child care home provider from a
5 county with a population of less than twenty-two thousand, an
6 ~~unregistered-child-care-home~~, a parent of a child in child
7 care, staff members of appropriate governmental agencies, and
8 other members as deemed necessary by the director. The
9 members are eligible for reimbursement of their actual and
10 necessary expenses while engaged in performance of their
11 official duties.

12 Sec. 10. Section 237A.21, subsection 3, paragraph e, Code
13 2001, is amended by striking the paragraph.

14 Sec. 11. Section 237A.21, subsection 3, paragraph f, Code
15 2001, is amended to read as follows:

16 f. ~~Two-group~~ Four child care home providers.

17 Sec. 12. Section 237A.26, subsection 6, paragraph c, Code
18 2001, is amended to read as follows:

19 c. Provide information to the public regarding the
20 availability of child care services and, for registered child
21 care homes, the category rankings of the child care homes in
22 the communities within the agency's region.

23 Sec. 13. Section 237A.30, subsection 1, Code 2001, is
24 amended to read as follows:

25 1. The department shall accept nationally recognized
26 accreditations in identifying and listing high quality child
27 care providers. Any registered ~~family-or-group~~ child care
28 home or licensed child care provider in this state that is
29 accredited in good standing by the national association for
30 the education of young children or the national association
31 for family child care shall be included in the listing.

32 Sec. 14. Section 237A.3A, Code Supplement 2001, is
33 repealed.

34 Sec. 15. CHILD CARE HOME REGISTRATION -- TRANSITION
35 EXCEPTION. The following transition exception shall apply to

1 child care home providers initially registering under section
2 237A.3, as amended by this Act, or renewing a previously
3 issued valid child care home registration on or after October
4 1, 2002:

5 1. If the provider is providing child care to four infants
6 at the time of registration or renewal, the provider may
7 continue to provide child care to those four infants.
8 However, if the provider no longer provides child care to one
9 or more of the four infants, or one or more of the four
10 infants reaches the age of twenty-four months, the exception
11 authorized in this subsection shall no longer apply. This
12 exception does not affect the overall limitation authorized
13 for the number of children in the child care home category
14 within which the provider is registered.

15 2. If, at the time of registration or renewal, the
16 provider is providing child care to school-age children in
17 excess of the number of school-age children authorized to be
18 cared for by the provider, the provider may continue to
19 provide child care to those children and the provider may
20 exceed the total number of children authorized. This
21 exception is subject to all of the following:

22 a. The provider must comply with the other requirements
23 relating to the number of children for which the provider is
24 authorized to provide child care at that registration
25 category.

26 b. The maximum number of children attributable to the
27 authorization for school-age children at the applicable
28 registration category is five.

29 c. If more than eight children are present at any one time
30 for more than two hours, the provider shall be assisted by a
31 responsible person who is at least fourteen years of age.

32 d. If the provider no longer provides child care to an
33 individual school-age child who was receiving child care from
34 the provider at the time of registration under section
35 237A.3A, Code Supplement 2001, the excess number of children

1 allowed under this subsection shall be reduced accordingly.

2 Sec. 16. EFFECTIVE DATE -- APPLICABILITY -- EMERGENCY
3 RULES.

4 1. This Act takes effect October 1, 2002, and applies to
5 unregistered child care home providers that register or renew
6 registration on or after that date. If a child care home
7 provider is registered as of September 30, 2002, this Act
8 shall apply upon registration renewal.

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

22 EXPLANATION

23 This bill relates to child care home registration
24 requirements.

25 Code section 139A.8, relating to child immunization
26 requirements, is amended to apply the immunization
27 requirements currently applicable to children enrolling in
28 school or a licensed child care center to children cared for
29 in a registered child care home.

30 The bill amends Code chapter 237A relating to requirements
31 administered by the department of human services affecting
32 home child care providers. Under current law, a family child
33 care home may provide child care to six or fewer children at
34 any one time, along with up to five additional children during
35 inclement weather, and registration with the department is

1 optional. Current law requires a group child care home
2 registration for homes providing care to more than six but
3 fewer than 12 children at any one time, along with up to five
4 additional children during inclement weather. In addition,
5 under Code section 237A.3A, a pilot project provides for four
6 levels of registration within a general child care home
7 category.

8 The bill requires registration if a person provides child
9 care to a child for more than four hours per day on a regular
10 basis and eliminates family and group child care home
11 registrations. Based upon five categories of care, the
12 department is to develop standards for providing
13 qualifications and training, program quality, and provider
14 history of compliance with standards. In addition, the
15 department is directed to develop standards for capacity, fire
16 safety, and other requirements. The five categories are
17 designated by one to five stars, as ranked by applying less
18 stringent to more stringent standards.

19 The bill makes conforming changes in Code chapter 232,
20 relating to juvenile justice; Code chapter 237, relating to
21 foster care; and Code chapter 237A, relating to child care
22 facilities.

23 The bill includes transition provisions allowing a child
24 care home provider who is providing child care to a greater
25 number of children than is allowed for the provider's
26 registration category to continue to provide child care to
27 those children until the children become old enough or are no
28 longer receiving the care.

29 The bill repeals Code section 237A.3A, relating to
30 implementation of a child care home pilot project using four
31 levels of care in various counties around the state.

32 The bill takes effect October 1, 2002, and is applicable to
33 child care home providers registered prior to that date upon
34 renewal of the registration. The department is authorized to
35 adopt rules in accordance with emergency procedures,

1 eliminating notice and comment periods, but following review
2 by the administrative rules review committee.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35