

FEB 18 2003  
HUMAN RESOURCES

HOUSE FILE 227  
BY FOEGE

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to child development home registration  
2 requirements and including effective date and applicability  
3 provisions.

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

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HF 227

1 Section 1. Section 139A.8, subsection 2, paragraphs a and  
2 b, Code 2003, are amended to read as follows:

3 a. A person shall not be enrolled in any a licensed child  
4 care center, registered child development home, or elementary  
5 or 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 development home or licensed child care  
11 center.

12 Sec. 2. Section 139A.8, subsection 4, unnumbered paragraph  
13 1, Code 2003, is amended to read as follows:

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

18 Sec. 3. Section 139A.8, subsection 5, Code 2003, is  
19 amended to read as follows:

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

29 Sec. 4. Section 237.1, subsection 4, paragraph d, Code  
30 2003, is amended to read as follows:

31 d. Child care furnished by a child care center, or a child  
32 development home, ~~or a child care home~~ as defined in section  
33 237A.1.

34 Sec. 5. Section 237A.1, subsection 3, unnumbered paragraph  
35 1, Code 2003, is amended to read as follows:

1 "Child care" means the care, supervision, and guidance of a  
2 child by a person other than the child's parent, guardian, or  
3 custodian for periods of more than four but less than twenty-  
4 four hours per day per child on a regular basis, but does not  
5 include care, supervision, and guidance of a child by any of  
6 the following:

7 Sec. 6. Section 237A.1, subsection 6, Code 2003, is  
8 amended by striking the subsection.

9 Sec. 7. Section 237A.3A, subsection 1, paragraph c, Code  
10 2003, is amended to read as follows:

11 c. The registration process for a child development home  
12 shall be repeated every ~~twenty-four~~ twelve months as provided  
13 by rule.

14 Sec. 8. Section 237A.3A, subsection 3, paragraph a, Code  
15 2003, is amended to read as follows:

16 a. ~~Three~~ Five categories of standards shall be applicable  
17 to child development homes. The initial designations of the  
18 categories, which may be revised by the department, shall be  
19 ~~"A", "B", and "C"~~ from one to five stars, as ranked from less  
20 stringent standards and capacity to more stringent standards  
21 and capacity. The ~~"C"~~ five-star registration category  
22 standards shall require the highest level of provider  
23 qualifications and allow the greatest capacity of the ~~three~~  
24 five categories. The department of human services, in  
25 consultation with the Iowa department of public health, shall  
26 adopt rules applying standards to each category specifying  
27 provider qualifications and training, health and safety  
28 requirements, capacity, amount of space available per child,  
29 and other minimum requirements. The capacity requirements  
30 shall take into consideration the provider's own children,  
31 children who have a mild illness, children receiving part-time  
32 child care, and children served as a sibling group in  
33 overnight care.

34 Sec. 9. Section 237A.12, subsection 1, paragraph c, Code  
35 2003, is amended to read as follows:

1 c. The adequacy of activity programs and food services  
2 available to the children. The department shall not restrict  
3 the use of or apply nutritional standards to a lunch or other  
4 meal which is brought to the center, or child development  
5 home, ~~or child care home~~ by a school-age child for the child's  
6 consumption.

7 Sec. 10. Section 237A.13, subsections 2 and 3, Code 2003,  
8 are amended to read as follows:

9 2. Services under the program may be provided in a  
10 licensed child care center, a child development home, ~~the home~~  
11 ~~of a relative, the child's own home, a child care home,~~ or in  
12 a facility exempt from licensing or registration.

13 3. The department shall set reimbursement rates as  
14 authorized by appropriations enacted for payment of the  
15 reimbursements. The department shall conduct a statewide  
16 reimbursement rate survey to compile information on each  
17 county and the survey shall be conducted at least every two  
18 years. ~~The department shall set rates in a manner so as to~~  
19 ~~provide incentives for an unregistered provider to become~~  
20 ~~registered.~~

21 Sec. 11. Section 237A.19, subsection 2, Code 2003, is  
22 amended to read as follows:

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

32 Sec. 12. Section 237A.21, subsection 1, Code 2003, 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 development home provider  
5 from a county with a population of less than twenty-two  
6 thousand, ~~an-unregistered-child-care-home-provider~~, a parent  
7 of a child in child care, staff members of appropriate  
8 governmental agencies, and other members as deemed necessary  
9 by the director. The members are eligible for reimbursement  
10 of their actual and necessary expenses while engaged in  
11 performance of their official duties.

12 Sec. 13. Section 237A.21, subsection 3, paragraph e, Code  
13 2003, is amended by striking the paragraph.

14 Sec. 14. Section 237A.26, subsection 3, paragraph a, Code  
15 2003, is amended to read as follows:

16 a. Organize assistance to ~~child-care-homes-and~~ child  
17 development homes utilizing training levels based upon the  
18 ~~homes~~ home providers' degrees of experience and interest.

19 Sec. 15. Section 237A.26, subsection 6, paragraph c, Code  
20 2003, is amended to read as follows:

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

25 Sec. 16. Section 237A.26, subsection 8, Code 2003, is  
26 amended to read as follows:

27 8. For purposes of improving the quality and consistency  
28 of data collection, consultation, and other support to ~~child~~  
29 ~~care-home-and~~ child development home providers, a resource and  
30 referral services agency grantee shall coordinate and assist  
31 with publicly and privately funded efforts administered at the  
32 community level to provide the support. The support and  
33 efforts addressed by a grantee may include but are not limited  
34 to community-funded ~~child-care-home-and~~ child development home  
35 consultants. Community members involved with the assistance

1 may include but are not limited to the efforts of a community  
2 empowerment area board under chapter 28, and of community  
3 representatives of education, health, human services,  
4 business, faith, and public interests.

5 Sec. 17. Section 237A.3, Code 2003, is repealed.

6 Sec. 18. CHILD DEVELOPMENT HOME REGISTRATION -- TRANSITION  
7 EXCEPTION. The following transition exception shall apply to  
8 child development home providers initially registering under  
9 section 237A.3, as amended by this Act, or renewing a  
10 previously issued valid child development home registration on  
11 or after October 1, 2003:

12 1. If the provider is providing child care to four infants  
13 at the time of registration or renewal, the provider may  
14 continue to provide child care to those four infants.

15 However, if the provider no longer provides child care to one  
16 or more of the four infants, or one or more of the four  
17 infants reaches the age of twenty-four months, the exception  
18 authorized in this subsection shall no longer apply. This  
19 exception does not affect the overall limitation authorized  
20 for the number of children in the child development home  
21 category within which the provider is registered.

22 2. If, at the time of registration or renewal, the  
23 provider is providing child care to school-age children in  
24 excess of the number of school-age children authorized to be  
25 cared for by the provider, the provider may continue to  
26 provide child care to those children and the provider may  
27 exceed the total number of children authorized. This  
28 exception is subject to all of the following:

29 a. The provider must comply with the other requirements  
30 relating to the number of children for which the provider is  
31 authorized to provide child care at that registration  
32 category.

33 b. The maximum number of children attributable to the  
34 authorization for school-age children at the applicable  
35 registration category is five.

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

4 d. If the provider no longer provides child care to an  
5 individual school-age child who was receiving child care from  
6 the provider at the time of registration under section  
7 237A.3A, as amended by this Act, the excess number of children  
8 allowed under this subsection shall be reduced accordingly.

9 Sec. 19. EFFECTIVE DATE -- APPLICABILITY -- EMERGENCY  
10 RULES.

11 1. This Act takes effect October 1, 2003, and applies to  
12 unregistered child care providers that register and child  
13 development home providers that renew registration on or after  
14 that date. If a child development home provider is registered  
15 as of September 30, 2003, this Act shall apply upon  
16 registration renewal.

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

30

**EXPLANATION**

31 This bill relates to child development home registration  
32 requirements.

33 Code section 139A.8, relating to child immunization  
34 requirements, is amended to apply the immunization  
35 requirements currently applicable to children enrolling in

1 school or a licensed child care center to children cared for  
2 in a registered child development home.

3 The bill amends Code chapter 237A relating to requirements  
4 administered by the department of human services affecting  
5 home child care providers. Under current law, a child care  
6 home may provide child care to five or fewer children at any  
7 one time and registration with the department is optional.  
8 Current law requires a child development home registration for  
9 homes providing care to six or more children at any one time.

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

21 The bill makes conforming changes in Code chapter 237,  
22 relating to foster care, and Code chapter 237A, relating to  
23 child care facilities.

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

30 The bill repeals Code section 237A.3, relating to  
31 unregistered child care homes.

32 The bill takes effect October 1, 2003, and is applicable to  
33 child development home providers registered prior to that date  
34 upon renewal of the registration. The department is  
35 authorized to adopt rules in accordance with emergency

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

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