

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 19, 1997

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## CHAPTER 151

### CHILD DAY CARE

#### S.F. 541

**AN ACT** relating to child day care provisions involving group day care homes and establishing a child care home pilot project.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 237A.1, subsection 8, paragraph b, Code 1997, is amended to read as follows:

b. "Group day care home" means a facility providing child day care for more than six but less than twelve children as authorized in accordance with section 237A.3, subsection 2, or for less than sixteen children at any one time as authorized in accordance with section 237A.3, subsection 3, ~~provided each child in excess of six children is attending school in kindergarten or a higher grade level.~~

Sec. 2. Section 237A.3, subsection 2, Code 1997, is amended to read as follows:

2. a. A person shall not operate or establish a group day care home unless the person obtains a certificate of registration under this chapter. ~~In order to be registered, the group day care home shall have at least one responsible individual, age fourteen or older, on duty to assist the group day care home provider when there are more than six children present for more than a two-hour period.~~ Two persons who comply with the individual requirements for registration as a group day care provider may request that the certificate be issued to the two persons jointly and the department shall issue the joint certificate provided the group day care home requirements for registration are met. All other requirements of this chapter for registered family day care homes and the rules adopted under this chapter for registered family day care homes apply to group day care homes. In addition, the department shall adopt rules relating to the provision in group day care homes for a separate area for sick children. In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children.

b. Except as provided in subsection 3, a group day care home shall not provide child day care to more than eleven children at any one time. If there are more than six children present for a period of two hours or more, the group day care home must have at least one responsible individual who is at least fourteen years of age present to assist the group day care provider in accordance with either of the following conditions:

(1) If the responsible individual is a joint holder of the certificate of registration, not more than four of the children present shall be less than twenty-four months of age and not more than ten of the children present shall be twenty-four months of age or older but not attending school in kindergarten or a higher grade level.

(2) If the responsible individual is not a joint holder of the certificate of registration, but is at least fourteen years of age, not more than four of the children shall be less than twenty-four months of age and each child in excess of six children shall be attending school in kindergarten or a higher grade level.

**Sec. 3. NEW SECTION. 237A.3A REGISTRATION OF CHILD CARE HOMES.**

1. **PILOT PROJECT.** The department shall implement a pilot project applying the provisions of this section to registered family or group day care homes located in one county of this state. The provisions of this section shall not apply to unregistered family day care homes located in the pilot project county. The county selected for the pilot project shall be a rural county where there is interest among child day care providers and consumers in implementing the pilot project. In addition, if deemed feasible by the department, the department may implement the pilot project in one additional urban or mixed rural and urban county where there is interest in implementing the pilot project. The department shall implement the pilot project on or after July 1, 1997. If a definition in section 237A.1, a provision in section 237A.3, or an administrative rule adopted under this chapter is in conflict with this section, this section and the rules adopted to implement this section shall apply to the pilot project.

2. **DEFINITIONS.** For the purposes of this section, unless the context otherwise requires:

a. "Child care home" means a person registered under this section to provide child day care in a pilot project county.

b. "Children receiving care on a part-time basis" means children who are present in a child care home for ninety hours per month or less.

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

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

3. **REGISTRATION.**

a. The registration process for a child care home under this section shall be repeated on an annual basis as provided by rule.

b. A person who is a child foster care licensee under chapter 237 must register as a child care home provider in order to operate or establish a child care home in a pilot project county.

c. A person or program in a pilot project county which provides care, supervision, or guidance to a child which is not defined as child day care under section 237A.1, may be issued a certificate of registration under this section.

d. Four levels of registration requirements are applicable to registered child care homes in accordance with subsections 10 through 13 and rules adopted to implement this section. The rules shall apply requirements to each level for the amount of space available per child, provider qualifications and training, and other minimum standards.

4. **NUMBER OF CHILDREN.** In determining the number of children cared for at any one time in a child care home, each child present in the child care home shall be considered to be receiving care unless the child is described by one of the following exceptions:

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

b. The child has been present in the child care home for more than seventy-two consecutive hours and meets the requirements of paragraph "a" as though the person who operates or established the child care home is the child's parent, guardian, or custodian.

5. **REGISTRATION CERTIFICATE.** The department shall issue a certificate of registration upon receipt of a statement from the child care home or an inspection verifying that the child care home complies with rules adopted by the department. The certificate of registration shall be posted in a conspicuous place in the child care home and shall state the name of the registrant, the registration level of the child care home, the number of children who may be present for care at any one time, and the address of the child care home. In addition, the certificate shall include a check list of registration compliances.

6. **REVOCATION OR DENIAL OF REGISTRATION.** If the department has denied or revoked a certificate of registration because a person has continually or repeatedly failed to operate a registered or licensed child day care facility in compliance with this chapter and rules adopted pursuant to this chapter, the person shall not operate or establish a registered

child care home for a period of six months from the date the registration or license is denied or revoked. The department shall not act on an application for registration submitted by the person during the six-month period.

7. **INCLEMENT WEATHER EXCEPTION.** If school classes have been cancelled due to inclement weather, a registered child care home may have additional children present in accordance with the authorization for the registration level of the child care home and subject to all of the following conditions:

a. The child care home has prior written approval from the parent or guardian of each child present in the child care home concerning the presence of additional children in the child care home.

b. The child care home has a responsible individual, age fourteen or older, on duty to assist the care provider as required for the registration level of the child care home pursuant to subsections 10 through 13.

c. One or more of the following conditions is applicable to each of the additional children present in the child care home:

(1) The child care home provides care to the child on a regular basis for periods of less than two hours.

(2) If the child was not present in the child care home, the child would be unattended.

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

8. **FIRE SAFETY.** In consultation with the state fire marshal, the department shall adopt rules relating to the provision of fire extinguishers, smoke detectors, and two exits accessible to children in a registered child care home.

9. **SICK CHILDREN.** The department shall adopt rules relating to the provision of a separate area for sick children in those child care homes which are registered at levels III and IV.

10. **LEVEL I REGISTRATION.** All of the following requirements shall apply to a level I registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

b. Not more than three children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than two children who attend school may be present for a period of less than two hours at any one time.

d. Not more than eight children shall be present at any one time when an inclement weather exception is in effect.

11. **LEVEL II REGISTRATION.** All of the following requirements shall apply to a level II registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

b. Not more than three children who are infants shall be present at any one time.

c. In addition to the number of children authorized in paragraph "a", not more than four children who attend school may be present for a period of less than two hours at any one time.

d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.

e. Not more than twelve children shall be present at any one time when an inclement weather exception is in effect. However, if more than eight children are present during an inclement weather exception, the provider shall be assisted by a responsible individual who is at least fourteen years of age.

12. **LEVEL III REGISTRATION.** All of the following requirements shall apply to a level III registered child care home:

a. Except as otherwise provided in this subsection, not more than six children shall be present at any one time.

- b. Not more than three children who are infants shall be present at any one time.
- c. In addition to the number of children authorized in paragraph "a", not more than four children who attend school may be present.
- d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.
- e. Not more than twelve children shall be present at any one time when an inclement weather exception is in effect.
- f. If more than eight children are present at any one time, the provider shall be assisted by a responsible individual who is at least fourteen years of age.

13. LEVEL IV REGISTRATION. All of the following requirements shall apply to a level IV registered child care home:

- a. Except as otherwise provided in this subsection, not more than twelve children shall be present at any one time. If more than seven children are present, a second person must be present who meets the individual qualifications for child care home registration established by rule of the department.
- b. Not more than four children who are infants shall be present at any one time.
- c. In addition to the number of children authorized in paragraph "a", not more than two children who attend school may be present for a period of less than two hours at any one time.
- d. In addition to the number of children authorized in paragraph "a", not more than two children who are receiving care on a part-time basis may be present.
- e. Not more than sixteen children shall be present at any one time when an inclement weather exception is in effect. If more than eight children are present at any one time during an inclement weather exception, the provider shall be assisted by a responsible individual who is at least eighteen years of age.

Sec. 4. PILOT PROJECT REPORT. The department of human services shall periodically report to the general assembly concerning the pilot project implemented pursuant to this Act. The report shall include findings and recommendations as to the advantages and disadvantages of the pilot project approach. An initial report shall be submitted in February 1998 and a progress report shall be submitted in December 1998. The reports shall address the feasibility of implementing the pilot project statewide.

Sec. 5. EMERGENCY RULES. The department of human services may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this Act and the rules shall become effective immediately upon filing, unless the effective date is delayed by the administrative rules review committee, notwithstanding section 17A.4, subsection 5, and section 17A.8, subsection 9, or a later effective date is specified in the rules. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

Approved May 19, 1997