



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
CHARLES J. KROGMEIER, DIRECTOR

September 9, 2009

Dear Center Director,

The 2009 Legislative season marked the passage of Senate File 478. This letter addresses the key provisions of this law and offers guidance to Centers in relation to the law. A workgroup composed of members of the State Child Care Advisory Council (including two center directors), a child care advocate, a Child Care Resource and Referral Center (CCR&R) consultant, and DHS staff has worked collaboratively in developing rules to implement the requirements of the legislation.

Senate File 478 requires the Department to adopt rules to implement the following:

1. Licensing fees:

- Implement a system of collecting fees for licensure, based upon a center's licensed capacity, to be capped at \$150.00.
- The fee is to be paid prior to initial licensing and prior to license renewal.
- A tiered fee structure is proposed that ranges from \$50.00 for centers with a lower capacity, increasing to \$150.00 for centers with the highest licensed capacity.
- The fee is proposed to become effective April 1, 2010 for both initial licenses and for centers that have a relicensure start date of on or after June 1, 2010.
- The fees collected will be used to establish a child care fund to improve monitoring of child care providers.

2. Responsibility for Fingerprinting and Record Checks:

- Centers assume the cost of doing the state and national criminal records checks.
- Requirements go into effect on January 1, 2010 for all new licenses and centers who renew their licenses after that date.

State record checks

- Implementation is proposed that would allow centers to have the ability to conduct the Iowa criminal and child abuse records checks by directly accessing the Single Contact Repository (SING).
- The cost of a SING check performed directly by the center is anticipated to be \$12.00, based on the current rate. This rate is established by the Department of Public Safety (DPS). It is anticipated that this may increase to \$15.00 by July 1, 2010. If a center chooses to go through DHS to conduct the SING check, the cost to a center will be \$25.00 per SING check (and per check per state, if other states' abuse registries are accessed) from January 1, 2010-June 30, 2010. The DHS fee will increase to \$35.00 on July 1, 2010.
- For clean record checks, a center using SING will be able to get results immediately and be able to act on hiring decisions more timely.

Fingerprinting

- Those who are subject to records checks at centers must submit to fingerprinting for the purpose of a Federal Bureau of Investigation (FBI) national criminal history check.
- The national criminal record check is to occur every four years.
- The cost of the national criminal history check is \$30.25 for employees and \$15.25 for volunteers. This rate is established by the FBI.
- Implementation is proposed that will allow the national checks to be portable when a person moves from one center to another prior to the due date for the next national record check.
- Centers may either learn how to roll their own fingerprints or may access law enforcement to have the print taken. Most law enforcement agencies will charge a fee.
- DHS is coordinating with the Department of Public Safety (DPS) to provide training opportunities for centers to learn how to roll their own prints. Further information will be provided to you regarding a joint DHS/DPS training planned for November 2009 regarding the new record check requirements.

3. Public posting of regulatory reports:

- DHS must make inspection reports available on a website for access by the public. Currently, only hard copies of these reports are available upon request of the public.
- DHS is to make every reasonable effort to issue regulatory reports within sixty (60) days from the date of the site visit.

Public Comment on Rules

- The proposed rules related to fees and records checks will be posted and available for review on September 9, 2009 at <http://www.legis.state.ia.us/IAC.html>. Click on the "Iowa Administrative Bulletins" link to view the proposed rules.
- Centers are encouraged to review these rules carefully and to submit comments and questions. Comment may be received in writing on or before September 29, 2009. Comments may be sent by email, fax or USPS to:

Email: policyanalysis@dhs.state.ia.us.

Fax: (515) 281-4980

USPS: Mary Ellen Imlau,
Bureau of Policy Analysis and Appeals
Department of Human Services
Hoover State Office Building
1305 E. Walnut
Des Moines, IA 50319

- The Department will also hold a public hearing for the purpose of receiving comments on these proposed rules on Tuesday, September 29, from 1 to 3 p.m. in the Assembly Room at the Department for the Blind, located at 524 Fourth Street; Des Moines, Iowa. Persons with disabilities who require assistive services or devices to observe or participate should contact the Bureau of Policy Analysis and Appeals at (515) 281-8440 in advance of the scheduled date to request that appropriate arrangements be made.

What should Centers be doing right now?

- **If you are a currently licensed and believe that your capacity will change at relicensure, CONTACT YOUR CONSULTANT NOW to discuss this, as your fee will be based on your capacity.**
- **Review the proposed rules carefully. Be sure to submit comments and questions if you have them in accordance with the process described above.**
- **Do a review of staff at your center who are due for a State check before January 1, 2010, and ensure that this gets done prior to that date.**
- **Finally, a reminder that there is an ICN training scheduled for September 18, 2009 regarding the requirements for addressing lead-based hazards. The training will provide instruction on how to conduct a visual assessment for lead-based hazards as well as information on how to apply interim controls if lead hazards are found. Information will also be provided regarding proposed changes by the Iowa Department of Public Health related to lead-based paint. You may sign up for this training at http://www.iptv.org/iowa_database/event-detail.cfm?ID=9846>**

If you have any questions or comments, please contact your licensing consultant or Renee Larsen, Child Care Regulatory Program Manager at (515) 281-0390 or rlarsen@dhs.state.ia.us.

Sincerely,

Jeff Anderson, Chief
Bureau of Child Care and Community Services