

HUMAN SERVICES DEPARTMENT [441]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 7, “Appeals and Hearings,” rescind Chapter 118, “Crisis Child Care,” and adopt new Chapter 118, “Child Care Quality Rating System,” Iowa Administrative Code.

These amendments:

- Rescind the rules establishing special licensure and registration classifications for crisis child care providers. Legislative authority for those rules was repealed by 2002 Iowa Acts, chapter 1142, section 29.
- Adopt a new chapter to implement a quality rating system for child care providers, as directed by 2005 Iowa Acts, House File 761, section 20.
- Amend rules on appeals to provide appeal rights for providers applying for a certification of quality rating.

These amendments create five levels of quality rating for child care centers and preschools and for child development homes. The child care provider must certify that the facility meets the requirements for the level of certification requested. A facility achieves Level 1 by being duly licensed, registered, or approved to operate.

Criteria for Level 2 include completion of a health and safety agreement and owner/director survey from the Healthy Child Care Iowa program in the Department of Public

Health, and participation in the Child and Adult Care Food Program, if the facility serves meals. A child development home provider must also maintain ChildNet certification and complete a professional development self-assessment and plan. Centers and preschools must provide pre-service orientation to all staff, have staff on duty in each room who have completed basic safety training, and have completed a self assessment.

Certification at Levels 3, 4, and 5 is achieved by earning points in each of several categories: professional development, health and safety, environment, family and community partnerships, and, for centers and preschools, leadership and administration. Environmental ratings are based on nationally recognized environmental rating scales, as administered by nationally certified assessors. Training on the use of environmental rating scales is available from Iowa State University Extension Service. Providers must take training on the use of the scale before requesting an assessment of their facility.

Providers may appeal the Department's decision on awarding a rating certificate. Certificates are issued for a period of 24 months. Providers may request a new rating 12 months or more after their previous certificate was issued.

These amendments do not provide for waivers in specified situations because quality rating is a voluntary system. No provider is required to participate.

Any interested person may make written comments on the proposed amendments on or before October 6, 2005. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

Interested persons may also present their views either orally or in writing at the public

hearings to be held at the places and times listed below. Any person who intends to attend a public hearing and requires special accommodations for specific needs such as hearing or mobility impairments should contact the Office of Policy Analysis at (515) 281-2440.

Child Care Resource and Referral of Central Iowa Wednesday, October 5, 2005
Orchard Place Child Guidance Center 4:30 p.m. - 6:00 p.m.
808 5th Ave.
Des Moines, Iowa

Child Care Resource and Referral of Southeast Iowa Wednesday, October 5, 2005
Iowa East Central T.R.A.I.N 5:00 p.m. - 6:30 p.m.
500 E. 59th St.
Davenport, Iowa

Child Care Resource and Referral of Northeast Iowa Thursday, October 6, 2005
Exceptional Persons, Inc. 5:00 p.m. - 6:30 p.m.
Board Room
760 Ansborough
Waterloo, Iowa

Child Care Resource and Referral of Northwest Iowa Thursday, October 6, 2005
Mid-Sioux Opportunity, Inc. 5:00 p.m. - 6:30 p.m.
418 S. Marion St.
Remsen, Iowa

Child Care Resource and Referral of Southwest and Thursday, October 6, 2005
 South Central Iowa 5:00 p.m. - 6:30 p.m.
West Central Development Corporation
701 10th St.
Harlan, Iowa

These amendments are intended to implement Iowa Code section 237A.30, as amended

by 2005 Iowa Acts, House File 761, section 20.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code section 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 before the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **441—7.1(17A)**, definition of “aggrieved person,” numbered paragraph “7,” by adding a new bulleted item at the end of the list, as follows:

- Whose application for child care quality rating has not been acted upon in a timely fashion, who disagrees with the department's quality rating decision, or whose certificate of quality rating has been revoked.

ITEM 2. Rescind **441—Chapter 118** and adopt the following **new** chapter in lieu thereof:

CHAPTER 118

CHILD CARE QUALITY RATING SYSTEM

PREAMBLE

This chapter establishes rules for the child care quality rating system. Participation in the quality rating system is voluntary. The chapter includes application and renewal procedures and standards and criteria for the quality rating system.

441--118.1(237A) Definitions

“Apprenticeship certificate” means a nationally recognized child care development specialist registered apprenticeship certificate awarded by the U.S. Department of Labor. The certificate requires two years of full-time employment with on-the-job training and 288 hours (at least 19 credits) of approved related college education or training.

“Child care facility” means a licensed child care center, a preschool, or a registered child development home.

“Child care nurse consultant” means a registered nurse licensed in the state of Iowa who has completed training using a nationally approved curriculum for health and safety in child care and early education. The child care nurse consultant provides on-site consultation, technical assistance, and training to child care and early education providers regarding health and safety.

“Child development associate credential” (CDA) means a credential awarded by the Council for Professional Recognition to individuals working in child care settings who demonstrates proficiency in specific competency standards. The credential requires 120 hours of approved training hours over the past five years.

“ChildNet certification” means verified completion of the 25-hour ChildNet training series in areas specifically designed for child development home providers and completion of the certification process.

“Eligible applicants” means programs meeting the definition of “child care facility” or programs operating under the authority of an accredited school district or non public school.

“Environmental rating scale” means a series of child care program assessment instruments (scales) developed through the auspices of the Frank Porter Graham Child Development Center of the University of North Carolina at Chapel Hill. The scale is the measurement tool used by an assessor during an on-site observation of a child-care classroom to evaluate and provide a score to a child care program. Scales must be administered by entities approved by the department of human services or the department’s designee.

“Head Start program performance standards” means the standards that define the services that Head Start programs are required to provide to the children and families they serve. The

standards constitute the expectations and requirements that Head Start grantees must meet.

“Iowa quality preschool program standards” means standards developed by the Iowa department of education, based on the 10 standards of the National Association for the Education of Young Children accreditation.

“National administrator credential” (NAC) means the 40-hour comprehensive training for child care and education administrators and successful completion of the certification process.

441--118.2(237A) Application for quality rating. Eligible applicants shall apply to the department of human services or designee for a quality rating on Form 470-4229, Application for Quality Rating. Any required supporting documentation must be included as a part of the application.

118.2(1) Change in location of facility. Participants must notify the department of human services or designee and complete a new Form 470-4229, Application for Quality Rating, if the location of the facility changes. A new determination of the appropriate rating must be completed.

118.2(2) Renewal. Participants shall renew participation in the quality rating system every 24 months. To request renewal, eligible applicants shall submit Form 470-4229, Application for Quality Rating, and any required supporting documentation.

441--118.3(237A) Rating standards for child care centers and preschools. To participate in the quality rating system, a child care center or preschool shall certify that its facility meets the applicable criteria as defined in subrule 118.3(1).

118.3(1) Criteria. Criteria for each rating level are defined as follows.

a. Level 1. To be rated at Level 1, a facility must either:

(1) Have a full or provisional license from the department of human services with no

action pending to revoke or deny the license; or

(2) Operate under the authority of an accredited school district or non public school.

b. Level 2. To be rated at Level 2, a facility must meet the following criteria in addition to meeting the criteria for Level 1:

(1) The facility must complete the Iowa department of public health's Form HCCI-BPA2006, Child Care Business--Partnership Agreement.

(2) The facility must complete the Iowa department of public health's provider health and safety questionnaire, Form HCCI-CDOS2006, Child Care Center Director/Owner Survey.

(3) If eligible, the facility must participate in the child and adult care food program, unless children are in attendance less than four hours per day and the program does not serve meals.

(4) The facility must have at least one staff member on duty in each room at all times who has completed training in mandatory reporting of child abuse, universal precautions and infectious disease control, cardiopulmonary resuscitation, and first aid as specified in 441--109.7(1) and 109.7(2)"a"(1) and (2).

(5) The facility must provide basic orientation for all staff before they begin work.

(6) All staff, including the facility's director, must complete Form 470-4234, Child Care Center Staff Self-Assessment, no more than 12 months before application. The director must also complete Form 470-4233, Child Care Center Self-Assessment.

c. Level 3. To be rated at Level 3, a facility must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The facility must earn a minimum of 10 points from the categories listed in subrules 118.3(2) through 118.3(8).

(2) The facility must earn at least one point from each category.

d. Level 4. To be rated at Level 4, a facility must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The facility must earn a minimum of 16 points from the categories listed in subrules 118.3(2) through 118.3(8).

(2) The facility must earn at least one point from each category.

e. Level 5. To be rated at Level 5, a facility must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The facility must earn a minimum of 22 points from the categories listed in subrules 118.13(2) through 118.13(8) in addition to meeting the criteria for Levels 1 and 2.

(2) The facility must earn at least one point from each category.

118.3(2) Professional development. A child care center or preschool may earn a maximum of 8 points in the professional development category. Points are awarded as follows:

a. Credential. 2 points are awarded if the facility director:

(1) Has a current national administrator credential; or

(2) Is a school principal licensed by the Iowa board of educational examiners.

b. Related degree. 1 point is awarded if at least one staff member at the facility has at least a bachelor's degree in education specific to the age group for whom the person provides care.

c. Education and experience. A facility may earn a maximum number of 5 points for staff education and experience. Points are awarded as follows:

(1) 5 points are awarded if more than 50 percent of staff in each classroom have a minimum of a bachelor's degree in education specific to the age group for whom they provide

care.

(2) 4 points are awarded if more than 50 percent of staff in each classroom have a minimum of an associate's degree in education specific to the age group for whom they provide care.

(3) 3 points are awarded if more than 50 percent of staff in each classroom have a minimum of a child development associate credential or apprenticeship certificate.

(4) 2 points are awarded if more than 50 percent of staff in each classroom have a minimum of either six college credit hours in education specific to the age group for whom they provide care or have a paraeducator certificate from the Iowa board of educational examiners.

(5) 2 points are awarded if more than 50 percent of staff in each classroom have received a minimum of 30 hours training beyond regulatory requirements in the last 12 months and have at least 5 years of experience working in a child care facility or a program operating under the authority of an accredited school district or non public school.

(6) 1 point is awarded if more than 50 percent of staff in each classroom have received a minimum of 15 hours training beyond regulatory requirements in the last 12 months.

118.3(3) Health and safety. A child care center or preschool may earn a maximum of 8 points in the health and safety category. Points are awarded as follows:

a. Injury prevention. A facility may earn a maximum of 3 points for injury prevention. Points are awarded as follows:

(1) 1 point is awarded if the facility completes the Iowa department of public health's Form HCCI-IP2006, Injury Prevention Injury Prevention Summary Report, during a visit with a child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the facility has

started the process of making recommended corrections.

(3) 3 points are awarded if the child care nurse consultant verifies that the facility has completed all corrections.

b. Child record review. A facility may earn a maximum of 2 points for child record review. Points are awarded as follows:

(1) 1 point is awarded if the facility completes the Iowa department of public health's Form HCCI-CRR2006, Child Record Review, during a visit with a child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the facility has worked with the child care nurse consultant to refer families to health care providers.

c. Health and safety assessment. A facility may earn a maximum of 3 points for health and safety assessment. Points are awarded as follows:

(1) 1 point is awarded if the facility completes the Iowa department of public health's Form HCCI-HSA2006, Health and Safety Assessment, during a visit with the child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the facility has developed a plan of action to correct deficiencies.

(3) 3 points are awarded if the child care nurse consultant verifies that the facility has completed all corrections.

118.3(4) Environment. A child care center or preschool may earn a maximum of 9 points in the environment category. Points are awarded as follows:

a. Environmental rating scale training. 1 point is awarded if the facility director or assistant director completes approved training on using the infant/toddler environment rating scale, the early childhood environment rating scale, or the school-age care environment rating

scale to evaluate and improve the facility before outside evaluation.

b. Environmental rating scale. A facility may earn a maximum of 3 points on the environmental rating scale. The facility director or assistant director must complete training on use of one of the environmental rating scales before requesting assessment. An assessor approved by the department of human services or the department's designee must perform the environmental rating assessment. At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group served by the facility. Points are awarded as follows:

(1) 1 point is awarded if the facility receives an average score of 3 on a scale of 7 (with no subscale scores lower than 2) on the infant/toddler environment rating scale, the early childhood environment rating scale, or the school-age care environment rating scale.

(2) 2 points are awarded if the facility receives an average score of 4 on a scale of 7 (with no subscale scores lower than 2) on the infant/toddler environment rating scale, the early childhood environment rating scale, or the school-age care environment rating scale.

(3) 3 points are awarded if the facility receives an average score of 5 on a scale of 7 (with no subscale scores lower than 2) on the infant/toddler environment rating scale, the early childhood environment rating scale, or the school-age care environment rating scale.

c. Iowa quality preschool program standards. A facility may earn a maximum of 2 points on the Iowa quality preschool program standards. Points are awarded as follows:

(1) 1 point is awarded if the facility completes training on Iowa quality preschool program standards.

(2) 1 point is awarded if the facility completes the Iowa quality preschool program standards self-assessment and develops a quality improvement plan.

d. Accreditation. A facility may earn a maximum of 3 points for accreditation. Points are awarded as follows:

(1) 1 point is awarded if the facility meets accreditation standards for group or class size from an accrediting body identified in subparagraph (2) that is appropriate to the child care setting.

(2) 3 points are awarded if the facility is accredited by the National Association for the Education of Young Children, the National Afterschool Association, or another accrediting body approved by the department of human services or if a Head Start program demonstrates compliance with Head Start program performance standards.

118.3(5) Family and community partnerships. A child care center or preschool may earn a maximum of 2 points in the family and community partnerships category. Points are awarded as follows:

a. 1 point is awarded if the facility is a member of a professional organization specific to the age group for whom care is provided.

b. 1 point is awarded if the facility provides orientation for new parents and holds annual conferences with parents.

118.3(6) Leadership and administration. A child care center or preschool may earn a maximum of 4 points in the leadership and administration category. Points are awarded as follows:

a. 1 point is awarded if the facility completes yearly written evaluations for all staff.

b. 1 point is awarded if the facility develops and updates Form 470-4235, Child Care Center Improvement Plan, annually.

c. 1 point is awarded if all staff complete Form 470-4236, Professional Development

Plan.

d. 1 point is awarded if all staff who have direct contact with children have a full, facility-based orientation before they work alone with any children

441--118.4(237A) Rating criteria for child development homes. To participate in the quality rating system, a child development home provider shall certify that the home meets the applicable criteria as defined in subrule 118.4(1).

118.4(1) Criteria for each level of rating.

a. To be rated at Level 1, the home must be a registered child development home.

b. To be rated at Level 2, the home must meet the following criteria in addition to meeting the criteria for Level 1:

(1) The provider completes and maintains ChildNet certification

(2) The provider participates in the child and adult care food program (CACFP)

(3) The provider completes the Iowa department of public health's Form HCCI-BPA2006, Child Care Business--Partnership Agreement.

(4) The provider completes the Iowa department of public health's provider health and safety questionnaire, Form HCCI-HDOS2006, Home Child Care Center Director/Owner Survey.

(5) The provider completes Form 470-4231, Child Development Home Professional Development Self-Assessment.

(6) The provider completes Form 470-4236, Professional Development Plan.

c. To be rated at Level 3, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 7 points from the categories listed in subrules 118.4(2) through 118.4(5).

(2) The home must earn at least one point from each category.

d. To be rated at Level 4, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 12 points from the categories listed in subrules 118.4(2) through 118.4(5).

(2) The home must earn at least one point from each category.

e. To be rated at Level 5, the home must meet the following criteria in addition to meeting the criteria for Levels 1 and 2:

(1) The home must earn a minimum of 16 points from the categories listed in subrules 118.4(2) through 118.4(5).

(2) The home must earn at least one point from each category.

118.4(2) Professional development. A child development home may earn a maximum of 5 points in the professional development category. Points are awarded as follows:

a. Experience and training. A home may earn a maximum of 2 points for experience and training. Points are awarded as follows:

(1) 1 point is awarded if the provider has at least two years of experience working in a child care facility or a program operating under the authority of an accredited school district or non public school and 10 hours of additional-training per year beyond regulatory requirements.

(2) 2 points are awarded if the provider has at least five years of experience working in a child care facility or a program operating under the authority of an accredited school district or non public school and 20 hours of additional training per year beyond regulatory requirements.

b. Education. A home may earn a maximum of 3 points for education. Points are awarded as follows:

(1) 2 points are awarded if the provider has completed an apprenticeship certificate, child development associate credential, or at least nine college credit hours in education specific to the age group for whom care is provided.

(2) 3 points are awarded if the provider has completed an associate's degree or above in education specific to the age group for whom care is provided.

118.4(3) Health and safety. A child development home may earn a maximum of 8 points in the health and safety category. Points are awarded as follows:

a. Injury prevention. A home may earn a maximum of 3 points for injury prevention.

Points are awarded as follows:

(1) 1 point is awarded if the provider completes the Iowa department of public health's Form HCCI-IP2006, Injury Prevention Summary Report, during a visit with a child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the provider has started the process of making recommended corrections.

(3) 3 points are awarded if the child care nurse consultant verifies that the provider has completed all corrections.

b. Child record review. A home may earn a maximum of 2 points for child record review. Points are awarded as follows:

(1) 1 point is awarded if the provider completes the Iowa department of public health's Form HCCI-CRR2006, Child Record Review, during a visit with a child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the provider has worked with the child care nurse consultant to refer families to health care providers.

c. Health and safety assessment. A home may earn a maximum of 3 points in the health

and safety assessment category. Points are awarded as follows:

(1) 1 point is awarded if the provider completes the Iowa department of public health's Form HCCI-HSA2006, Health and Safety Assessment, during a visit with the child care nurse consultant.

(2) 2 points are awarded if the child care nurse consultant verifies that the provider has developed a plan of action to correct deficiencies.

(3) 3 points are awarded if the child care nurse consultant verifies that the provider has completed all corrections.

118.4(4) Environment.. A child development home may earn a maximum of 8 points in the environment category. Points are awarded as follows:

a. Environmental rating scale training and self-assessment. A home may earn a maximum of 3 points for environmental rating scale training and self-assessment. Points are awarded as follows:

(1) 1 point is awarded if the provider completes approved training on how to use the family day care rating scale to assess the child development home environment.

(2) 1 point is awarded if, after completing training on how to use the family day care rating scale, the provider completes a self-assessment using the family day care rating scale.

(3) 1 point is awarded if, after completing training on how to use the family day care rating scale, the provider completes Form 470-4232, Child Development Home Improvement Plan, based on the family day care rating scale self-assessment.

b. Environmental rating scale. A home may earn a maximum of 2 points on the environmental rating scale. An assessor approved by the department of human services or the department's designee must perform the environmental rating assessment. The provider must

complete training on the family day care rating scale before requesting assessment. Points are awarded as follows:

(1) 1 point is awarded if the home receives an average score of 4 on a scale of 7, with no subscale scores lower than 2.

(2) 2 points are awarded if the home receives an average score of 5 on a scale of 7, with no subscale scores lower than 2.

c. Accreditation. 3 points are awarded if the home is accredited by the National Association for Family Child Care or another accrediting body approved by the department of human services.

118.4(5) Family and community partnerships. A child development home may earn a maximum of 2 points in the family and community partnerships category. Points are awarded as follows:

a. 1 point is awarded if the provider is a member of a professional organization specific to the age group for whom care is provided.

b. 1 point is awarded if the provider offers an orientation for new parents and holds annual conferences with parents.

441--118.5(237A) Award of quality rating.

118.5(1) The facility shall display Form 470-4230, Quality Rating Certificate, in a conspicuous place.

118.5(2) Achievement bonuses may be awarded as funds are available.

118.5(3) Participants may request another quality rating no sooner than 12 months after issuance of a quality rating certificate.

441--118.6(237A) Adverse actions.

118.6(1) An eligible applicant must be notified of the right to appeal the rating decision in accordance with 441—Chapter 7.

118.6(2) A participants quality rating shall be revoked if the facility no longer meets the definition of “eligible applicants.”

118.6(3) Form 470-4230, Quality Rating Certificate, shall be returned to the department of human services if:

- a. The certificate is revoked,
- b. The certificate is not renewed, or
- c. The provider voluntarily withdraws from the program.

These rules are intended to implement Iowa code section 237A.30 as amended by 2005 Iowa Acts, House File 761, section 20.

Date

Mary Ellen Imlau, Rules Administrator
Designee of Director