

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposed rule making related to volunteer services and providing an opportunity for public comment.

The Human Services Department hereby proposes to rescind Chapter 12, "Volunteer Services," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 234.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 234.6 and 669.24.

Purpose and Summary

Chapter 12-Volunteer Services is a program designed for individuals who volunteer at state institutions and in local county offices. This rule chapter has not been updated since 1991. After discussions with the Attorney General's office, it was determined the Code of Iowa section 234.6 provides the legal framework for requirements for volunteers used by the Department. Liability protection is granted to volunteers on the same basis as state employees under Iowa Code section 669.24. A separate rule chapter is not necessary and is being rescinded.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A,217)

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind and Reserve Chapter 12-Volunteer Services.



Administrative Rule Fiscal Impact Statement

Date: December 1, 2021

Agency: Human Services IAC citation: 441 IAC Chapter 12 Agency contact: Nancy Freudenberg
Summary of the rule: Chapter 12- Volunteer Services is being rescinded as polices for volunteers are otherwise covered in the Code of Iowa under Chapters 234 and 669.
<i>Fill in this box if the impact meets these criteria:</i> <input checked="" type="checkbox"/> No fiscal impact to the state. <input type="checkbox"/> Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years. <input type="checkbox"/> Fiscal impact cannot be determined.
Brief explanation: There is no fiscal impact to the state. No additional costs to the regulated community or State of Iowa as a whole are anticipated.
<i>Fill in the form below if the impact does not fit the criteria above:</i> <input type="checkbox"/> Fiscal impact of \$100,000 annually or \$500,000 over 5 years.
Assumptions: There is no fiscal impact to the state.
Describe how estimates were derived: There are no potential costs estimated for this rule.



Iowa Department of Human Services
Information on Proposed Rules

Table with 3 columns: Name of Program Specialist (Nancy Freudenberg), Phone Number (515-281-8438), and Email Address (nfreude@dhs.state.ia.us)

- 1. Give a brief purpose and summary of the rulemaking: Chapter 12-Volunteer Services is a program designed for individuals who volunteer at state institutions and in local county offices. This rule chapter has not been updated since 1991. After discussions with the Attorney General's office, it was determined the Code of Iowa section 234.6 provided the legal framework for requirements for volunteers used by the department. Liability protection is granted to volunteers on the same basis as state employees under Iowa Code chapter 669. A separate rule chapter is not necessary and is being rescinded.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations): Code of Iowa section 234.6. and chapter 669.
3. Describe who this rulemaking will positively or adversely impact. This rule change will be a benefit to volunteers with the department as legal requirements are listed in the Code of Iowa.
4. Does this rule contain a waiver provision? If not, why? No. The department has a separate waiver provision under 441 IAC. 1.8 (17A, 217).
5. What are the likely areas of public comment? We do not expect to have any areas of concern.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.) There will be no impact on jobs as these are volunteer positions.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

There is no fiscal impact to the state.

Fiscal impact to persons affected by the rule:

No additional costs to the regulated community or State of Iowa as a whole are anticipated.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No additional costs to the regulated community or State of Iowa as a whole are anticipated

Agency representative preparing estimate: Rob Beran

JH 12/22/21

Telephone number: 281-6188

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to Mental Health Institutes and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 29, "Mental Health Institutes," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 226.

Purpose and Summary

The Department is updating the administrative rules for Mental Health Institutes in Chapter 29 and bringing the proposed rules into alignment with current practices. References to four catchment areas are being removed. Administrative rules listing specific visiting hours are being revised to state visiting hours shall be posted in each facility. References to the central point of coordination are being removed as that terminology is no longer in use. References to a separate application for voluntary admission for substance abuse treatment are being removed as that application is no longer in use.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

See attached.

PROPOSED RULE CHANGES CHAPER 29

ITEM 1. Rescind rule ~~441—29.1(218)~~ **Catchment areas.** The catchment areas for the four mental health institutes shall be as follows:

— ~~29.1(1) Cherokee.~~ Audubon, Boone, Buena Vista, Calhoun, Carroll, Cerro Gordo, Cherokee, Clay, Crawford, Dallas, Dickinson, Emmet, Franklin, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Kossuth, Lyon, Marshall, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Sac, Shelby, Sioux, Story, Webster, Winnebago, Woodbury, Worth, and Wright Counties form the catchment area for the Cherokee mental health institute.

— ~~29.1(2) Clarinda.~~ Adair, Adams, Cass, Clarke, Decatur, Fremont, Madison, Mills, Montgomery, Page, Ringgold, Taylor, Union, Warren, and Wayne Counties form the catchment area for the Clarinda mental health institute.

— ~~29.1(3) Independence.~~ Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cedar, Chickasaw, Clayton, Clinton, Delaware, Dubuque, Fayette, Floyd, Grundy, Howard, Iowa, Jackson, Jasper, Johnson, Jones, Linn, Mitchell, Museatine, Poweshiek, Scott, Tama, and Winneshiek Counties form the catchment area for the Independence mental health institute.

— ~~29.1(4) Mount Pleasant.~~ Appanoose, Davis, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Mahaska, Marion, Monroe, Van Buren, Wapello, and Washington Counties form the catchment area for the Mount Pleasant mental health institute.

— ~~29.1(5) Substance abuse or dual diagnosis treatment.~~ For the purpose of an adult individual seeking substance abuse or dual diagnosis treatment, the Mount Pleasant catchment area shall include the entire state.

— ~~29.1(6) Adolescent or children's treatment.~~

— ~~a.~~ For the purpose of treating a minor from the Clarinda catchment area who requires admission or commitment to a mental health institute's adolescent or children's treatment program, the Clarinda catchment area is deemed to be a part of the Cherokee catchment area.

— ~~b.~~ For the purpose of treating a minor in the Mount Pleasant catchment area who requires admission or commitment to a mental health institute's adolescent or children's treatment program, the Mount Pleasant catchment area is deemed to be a part of the Independence catchment area.

— ~~29.1(7) Geriatric psychiatric services.~~ For the purposes of an adult individual seeking geriatric psychiatric services, the Clarinda catchment area shall include the entire state.

[~~ARC 8094B~~, IAB 9/9/09, effective 11/1/09; ~~ARC 1145C~~, IAB 10/30/13, effective 1/1/14]

ITEM 2. Rescind subrule ~~441—29.2(1).b.~~ Any individual requesting substance abuse treatment shall complete Form 470-0425, Application for Voluntary Admission Substance Abuse.

ITEM 3. Renumber paragraph ~~441—29.2(1)~~ **"a" by striking the "a"**. The rule shall read as follows:

441—29.2(218,229) Voluntary admissions.

29.2(1) Application form.

Any individual who has symptoms of mental illness may apply for voluntary inpatient treatment or voluntary outpatient or day treatment using Form 470-0420, Application for

Voluntary Admission to a Mental Health Institute.

ITEM 4. Amend rule **441—29.3(229,230) Certification of county of residence** as follows:

29.3(1) Certification data. By the end of the next working day following a non-Medicaid payment-eligible adult individual's admission, the facility shall send a copy of Form 470-4161, DHS MHI Admission Core Data, by facsimile to ~~the central point of coordination or the regional administrator for the county of~~ admission.

ITEM 5. Amend rule **441—29.4(218,230) Charges for care** as follows: The rates for cost of hospitalization are established by the division administrator and shall be available by contacting the business manager of the mental health institute. ~~that serves the catchment area in which the individual's county of residence is located.~~

ITEM 6. Amend subrule **441—29.4(1)** as follows: Individuals requesting voluntary admission without going through the ~~central point of coordination or regional administrator process~~ shall be required to pay the cost of hospitalization in advance.

ITEM 7. Rescind paragraph **441—29.6(2)f** as follows: ~~Work, when available and desired and as appropriate to the individual's plan of treatment and be compensated for that work in accordance with federal and state laws.~~

ITEM 8. Renumber paragraph **441—29.6(2) "g"** to **441—29.6(2) f**.

ITEM 9. Rescind paragraph **441—29.6(3)e** as follows: ~~Share a room with a spouse when both live on a long term basis in the same facility.~~

ITEM 10. Amend subrule **441—29.7(1)** as follows: **Visiting.** ~~Visiting hours on Monday through Friday are from 12 noon to 8 p.m. and are from 10 a.m. to 8 p.m. on Saturday, Sunday, and holidays. Visiting hours shall be posted in each facility.~~



Administrative Rule Fiscal Impact Statement

Date: November 23, 2021

Agency: Human Services

IAC citation: 441 IAC 29

Agency contact: Mark Swore

Summary of the rule:

To bring Chapter 29 Mental Health Institutes into alignment with current practices and eliminate outdated terms

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This change is to align the rule with current practices. There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mark Swore	Telephone Number 515-281-8575	Email Address mswore@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
To bring Chapter 29 into alignment with current practices and eliminate outdated terms
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Per Iowa Code 17A.7(2), all state agencies are required to do a periodic and comprehensive review of all of the agency's rules every five years.
3. Describe who this rulemaking will positively or adversely impact.
This will have no impact on operations or those served.
4. Does this rule contain a waiver provision? If not, why?
No.
5. What are the likely areas of public comment?
There is no anticipated public comment.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
No impact.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

No fiscal impact.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No fiscal impact.

Agency representative preparing estimate: Lanny Nihart

JH 11/23/2021

Telephone number: 515-281-7822

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

**Proposing rule making related to State Resource Centers and
providing an opportunity for public comment.**

The Human Services Department hereby proposes to amend Chapter 30, “State Resource Centers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 222.6 and 222.13.

Purpose and Summary

The Department is proposing to amend the rules in chapter 30, State Resource Centers, to update information on application processing and the admissions process. The catchment area for the two resource centers is identified in the current rules. The rules are being amended to state individuals may be admitted to a state resource center in another catchment area if that facility has a more suitable opening. References to the central point of coordination are being removed as that terminology is no longer in use.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend rule 441—30.1 (218,222) as follows: Catchment areas. The catchment areas for the two state resource centers shall be as follows.

30.1(1) *Glenwood.* Adair, Adams, Appanoose, Audubon, Benton, Carroll, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Davis, Decatur, Des Moines, Fremont, Greene, Guthrie, Harrison, Henry, Ida, Iowa, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Lucas, Lyon, Mahaska, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Pottawattamie, Ringgold, Sac, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Washington, Wayne, and Woodbury Counties form the catchment area for the Glenwood resource center. The individual may be admitted to a state resource center in another catchment area if that facility has a more suitable opening.

30.1(2) *Woodward.* Allamakee, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cerro Gordo, Chickasaw, Clay, Clayton, Dallas, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Howard, Humboldt, Jackson, Jasper, Kossuth, Madison, Marion, Marshall, Mitchell, O’Brien, Osceola, Palo Alto, Pocahontas, Polk, Poweshiek, Story, Tama, Warren, Webster, Winnebago, Winneshiek, Worth, and Wright Counties form the catchment area for the Woodward resource center. The individual may be admitted to a state resource center in another catchment area if that facility has a more suitable opening.

ITEM 2. Amend rule 441—30.2(218,222) as follows: Admission. Express written consent of the individual or the individual’s parent, guardian or legal representative shall be secured before admission.

30.2(1) *Application for an adult.* Applications for the care, treatment, or evaluation of an adult individual by a resource center shall be made through the ~~central point of coordination~~ or the regional administrator for

the board of supervisors of the individual's county of residence. Authorization for the submission of the application shall be provided by the signature of one or more officially designated agents for the county board of supervisors.

ITEM 3. Add an implementation statement for the Chapter after rule 30.6(218) as follows:

These rules are intended to implement Iowa Code chapter 222.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Chris Olson	Telephone Number 515-242-6217	Email Address colson2@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:
To bring Chapter 30 into alignment with current practices and eliminate outdated terms.
2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):
Per Iowa Code 17A.7(2), all state agencies are required to do a periodic and comprehensive review of all of the agency's rules every five years.
3. Describe who this rulemaking will positively or adversely impact.
This will have no impact on operations or those served.
4. Does this rule contain a waiver provision? If not, why?
No
5. What are the likely areas of public comment?
There is no anticipated public comment.
6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)
No impact.



Administrative Rule Fiscal Impact Statement

Date: November 23, 2021

Agency: Human Services

IAC citation: 441 IAC 30

Agency contact: Chris Olson

Summary of the rule:

The rule package revises outdated language and updates practices in IAC 441-30.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This change is to align the rule with current practices. There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

- This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

- Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

- Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

No fiscal impact.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No fiscal impact.

Agency representative preparing estimate: Lanny Nihart JH 11/23/2021
 Telephone number: 515-281-7822

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the Civil Commitment Unit and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 31, "Civil Commitment Unit," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 229A.

Purpose and Summary

The Department is updating the proposed rules in chapter 31 for the Civil Commitment Unit (CCUSO) to align with the Iowa Code and CCUSO policies. Proposed changes include adding the facility administrator or designee is authorized to approve visits outside the facility. The rule on gifts or bequests of value is updated to state if the value of such item is \$50 or more the gift shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift to align with Iowa Code section 8.7. Rule 31.2(5)c stating food items may not be brought into the visiting area is being removed as it conflicts with rule 31.2(6)1.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind and reserve paragraph 441-31.2(5) c. ~~Food items may not be brought into the visiting area.~~

ITEM 2. Amend paragraph 441- 31.2(9)b as follows: The visit receives the approval of the facility administrator or designee. Such approval shall be granted only when:

ITEM 3. Amend paragraph 441-31.9(2)b as follows: All gifts or bequests, ~~regardless of value~~ with a value of \$50 or more, shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mark Swore	Telephone Number 515-281-5318	Email Address mswore@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

Proposed changes are to bring Chapter 31 in align with Iowa Code and CCUSO policies.

Item 1 441-31.2(5) c. Remove “Food items may not be brought into the visiting area.” The language conflicts with 31.2(6)l.

Item 2 441- 31.2(9)b Add “or designee” This would allow the facility administrator or designee to approve visits outside the facility. CCUSO current policy states the “Deputy Superintendent or designee” can approve such visits.

Item 3 441-31.9(2)b Change “regardless of value” to “with value of \$50 or more” to align with Iowa Code Section 8.7

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

Iowa Code 229A.15B gives the Department rulemaking authority pursuant to Chapter 17A to adopt rules for the CCUSO program.

3. Describe who this rulemaking will positively or adversely impact.

Aligning the rules with Iowa Code or current practice.

4. Does this rule contain a waiver provision? If not, why?

No. Language is to be changed to be current with existing Iowa Code and policy.

5. What are the likely areas of public comment?

There is no anticipated public comment.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

None



Administrative Rule Fiscal Impact Statement

Date: October 22, 2021

Agency: Human Services

IAC citation: 441 IAC 31

Agency contact: Mark Swore

Summary of the rule:

Proposed changes are to bring Chapter 31 in align with Iowa Code and CCUSO policies.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This change is to align the rule with current practices. There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.

Please identify the state or federal law:

Identify provided change fiscal persons:

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

No fiscal impact.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

No fiscal impact.

Agency representative preparing estimate: Lanny Nihart

JH 11/23/2021

Telephone number: 515-281-7822

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposed rule making related to the State Training School and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 103, "State Training School," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 233A.

Purpose and Summary

The Department is updating administrative rules in Chapter 103 for the State Training School to align with the Iowa Code and current policies. Proposed changes include removing Toledo as a listed facility and updating the visiting hours. The rule on gifts and bequests of value is updated to state if the value of such item is \$50 or more the gift shall be reported to the Iowa Ethics and Campaign Board within 20 days of receipt of the gift to align with Iowa Code section 8.7

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any pursuant to 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 15, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend rule 103.1(218) as follows: Definitions

“State training school” means the ~~units~~ unit for juvenile delinquents at the Eldora ~~and Toledo facilities~~ facility as defined in Iowa Code section 233A.1(2).

ITEM 2. Amend paragraph 103.4(3)a as follows: Visits

a. Schedule Visiting hours shall be from 10 a.m.~~9:00 am~~ to 4:30 p.m. on Saturday and Sunday. Visits by the individual’s family or legal representative shall be encouraged. Necessary flexibility in these hours and days will be allowed.

ITEM 3. Amend paragraph 441-103.13(2)b as follows:

b. All gifts or bequests, ~~regardless of value~~ with a value of \$50 or more, shall be reported to the Iowa ethics and campaign disclosure board within 20 days of receipt of the gift or bequest using the board’s Form-GB.

ITEM 4. Rescind and replace all references to 2009 Iowa Code Supplement sections 232.53(2) and 232.53(4) to Iowa Code sections 232.53(2) and 232.53(4).

ITEM 5. Rescind and replace all references to 2009 Iowa Code Supplement sections 692A, 692A.101 or 692A.109 with Iowa Code sections 692A, 692A.101, or 692A.109, respectively.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mark Swore	Telephone Number 515-281-8575	Email Address mswore@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

To bring Chapter 103 into alignment with current practices and eliminate outdated terms.

Item 1. Needs to be updated to reflect Toledo facility closing 441—103.1(218) Definitions.

“State training school” means the ~~units~~ unit for juvenile delinquents at the Eldora ~~and Toledo facilities~~ facility as defined in Iowa Code section 233A.1(2).

Item 2. Needs to be corrected to reflect current practice 441—103.4(218) Communication with individuals.

103.4(3) Visits. a. Schedule. Visiting hours shall be from ~~10 a.m. 9:00 am~~ to 4:30 p.m. on Saturday and Sunday.

Visits by the individual’s family or legal representative shall be encouraged. Necessary flexibility in these hours and days will be allowed.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

Per Iowa Code 17A.7(2), all state agencies are required to do a periodic and comprehensive review of all of the agency’s rules every five years.

3. Describe who this rulemaking will positively or adversely impact.

This will have no impact on operations or those served.

4. Does this rule contain a waiver provision? If not, why?

No.

5. What are the likely areas of public comment?

There is no anticipated public comment.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

No impact.



Administrative Rule Fiscal Impact Statement

Date: November 23, 2021

Agency: Human Services
IAC citation: 441 IAC 103 State Training School
Agency contact: Mark Swore

Summary of the rule:

To bring Chapter 103 into alignment with current practices and eliminate outdated terms.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

[Budget Analysts must complete this section for ALL fiscal impact statements.](#)

This change is to align the rule with current practices. There is no fiscal impact.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL REVENUE	_____	_____
Expenditures:		
General fund	_____	_____
Federal funds	_____	_____
Other (specify):	_____	_____
TOTAL EXPENDITURES	_____	_____
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:
 No fiscal impact.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):
 No fiscal impact.

Agency representative preparing estimate: Lanny Nihart JH 11/23/2021
 Telephone number: 515-281-7822

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to the new child care quality ratings system and providing an opportunity for public comment.

The Human Services Department hereby proposes to amend Chapter 118, "Child Care Quality Rating System," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 237A.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 237A.30.

Purpose and Summary

Iowa established a voluntary Quality Rating System (QRS) for child care programs in 2006 to provide an opportunity for child care providers to meet ongoing standards for quality ratings based on the type of child care program and meet applicable criteria for each rating level. Achievement bonuses could be awarded as providers meet ratings standards.

Iowa began to re-design the QRS in 2015. A QRS Oversight Team which included partners from a variety of state agencies, provider organizations and child care providers gathered feedback and provided advice to the Department on ways to strengthen the program. Statewide focus groups were conducted to gather specific input and an extensive literature review was conducted of other states efforts. Surveys were used to gather input.

An increased effort on evidence-based practices was developed with a comprehensive approach to supporting all providers. A continuous quality approach was developed. The QRS was re-designed and re-branded as Iowa Quality for Kids (IQ4K). A new electronic data system was also developed to support the new program. New administrative rules are required to guide the work. Achievement bonuses may be awarded as funds are available.

The current rules in effect (Division I) will continue to support the previous QRS program until the program sunsets when all providers approved for the previous program are no longer eligible.

The new proposed rules for IQ4K (Division II) will apply for all child care programs applying to the new QRS program. Child care programs will not be able to apply to the previous QRS program (Division I) once the rules are in effect.

Fiscal Impact

Iowa's child care Quality Rating System (QRS) has been re-designed and rebranded. The new program will be called Iowa Quality for Kids (IQ4K). The new program involves more stringent criteria at each level of the program that providers must meet to be eligible. The increases in the achievement bonuses help cover the additional costs to the providers and offers financial incentives for providers to invest the time, effort and money to meet the criteria being asked of them. The program continues to be voluntary, and the department's goal is to improve the quality of care at child care providers. The increase in the achievement bonuses to be awarded are to be funded with American Rescue Plan ACT (ARPA) funds from April 1, 2022, through September 20, 2023, at which time it is the end of the obligation period for the

ARPA funds. Then, the anticipated ongoing balance of federal Child Care Development Funds (CCDF) is expected to cover the cost through at least SFY26 based on status quo funding.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any pursuant to rule 441_1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 1, 2022. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Please see attached.

PROPOSED RULE CHANGES:

Item 1. Adopt the following new Division I heading preceding the PREAMBLE:

DIVISION I

Quality Rating System (QRS)

Item 2. Adopt the following new statement to the PREAMBLE in Division 1:

This chapter establishes rules for the child care quality rating system, which is designed for child care programs that primarily serve children between birth and the age of 12. Participation in the quality rating system is voluntary. The chapter includes application procedures and standards for the quality rating. These rules are in effect until the Division 1 sunsets on April 30, 2024, when all providers approved for this program are no longer eligible under Division I. As of the effective date of these rules child care programs will apply to the Iowa Quality for Kids (IQ4K) quality rating system outlined in Division 11.

Item 3. Amend subrule **118.2(2) Ongoing standards**. ~~Until August 1, 2011, eligible applicants have the choice of applying under this subrule or under subrule 118.2(1). Effective August 1, 2011, all eligible applicants must apply for a quality rating under this subrule. Effective for new applications child care programs will apply to the Iowa Quality for Kids (IQ4K) quality rating system outlined in Division 11.~~

Item 4. Adopt the following new 441—Chapter 118, Division II heading:

DIVISION II

Iowa Quality for Kids (IQ4K)

Item 5. Adopt the following new Preamble in Division 11:

This chapter establishes rules for the Iowa Quality for Kids (IQ4K) rating system, Iowa’s Quality Rating and Improvement System (QRIS) for child care providers. Participation in IQ4K is voluntary. The chapter includes application procedures and standards to guide the quality rating process. The rules for Division II are in effect for new applications for child care programs applying for the IQ4K program.

Item 6. Adopt the following new rules 118.9 to 118.38(237A):

118.9(237A) Definitions.

“*Action plan*” means a written, detailed sequence of steps taken or activities performed to reach one or more goals.

“*All staff*” means Program Administrator or Director, Assistant Program Administrator or Assistant Director, Onsite Supervisor, Lead Teacher and staff counted as part of the staff to child ratio.

“Area Education Agency (AEA)” means an agency working as an educational partner with public and accredited nonpublic schools to help learners, school staff, parents and communities. AEAs provide early intervention services, special education support services, media and technology services, a variety of instructional services, professional development and leadership to promote school improvement as established in Iowa Code chapter 273.

“Assessment tool” means a tool used to gather and provide educators, parents, guardians, and caretakers, with critical information about a child’s educational growth and development. Assessments tools are used to determine what children in care know, understand and are able to do. Assessment results drive the ways teachers support and assess children’s learning, plan their curriculum to support each child, monitor progress and identify next steps.

“Assistant Program Administrator or Director” means the staff member working directly under the administrator or director and assisting with program planning, managing, marketing and directing.

“Assistant teacher” means any staff member working under the supervision of lead teacher or other licensed personnel who has the ultimate responsibility for the design and implementation of education and related service programs. Other terms used may include paraprofessional, educational aide, associate, or instructional aide.

“Caring for Our Children (CFOC)” means the national health and safety performance standard guidelines for early care and education programs representing the best practices based on evidence, expertise, and experience for quality health and safety policies for early care and education settings.

“Child and Adult Care Food Program (CACFP)” means a federal United States Department of Agriculture (USDA) Child Nutrition Program (CNP) that provides a subsidy for serving nutritious meals and snacks to eligible children and adults who are enrolled at participating child care centers, homes, and adult day care centers. CACFP also provides reimbursements for meals served to children and youth participating in afterschool care programs, children residing in emergency shelters, and adults over the age of 60 or living with a disability and enrolled in adult day care facilities. In order to qualify for reimbursement, the meals served must meet federal guidelines.

“Child care experience” means knowledge and skills learned through employment or volunteer work in a licensed child care center, a school aged program, a preschool, a registered child development home or as a child care home provider.

“Child Care Nurse Consultant (CCNC)” means a registered nurse licensed in the state of Iowa who has completed training incorporating the nationally approved child care health competencies for health and safety in child care and early education. The CCNC provides on-site consultation, technical assistance, care planning for children with special health needs and training to child care and early education providers regarding health and safety. The CCNC is employed by or has a written agreement with the local Title V maternal and child health agency or the Iowa Department of Public Health (IDPH) for service delivery directly through the state-level Title V maternal and child health program administered by the Iowa Department of Public Health (IDPH), Bureau of Family Health.

“Child Care Resource and Referral (CCR&R)” means the statewide (regionally based) agency focused on supporting quality childcare throughout the state of Iowa. CCR&R serves as the starting point for all IQ4K applications and provides free technical assistance and consultation to providers throughout the IQ4K application process.

“Child Development Associate Credential (CDA)” means a nationally recognized credential earned by individuals working in the early care and education field. The CDA credential is based on a core set of competency standards and includes an assessment process by the Council for Professional Recognition.

“Child development home” means a person program registered under section 237A.3A that may provide child care to seven or more children at any one time.

ChildNet certification” means a verified completion of the 25-hour ChildNet training series and completion of the certification process.

“ChildNet training” means the 25-hour training series offered through CCR&R focused on areas specifically designed for child development home providers.

“The Classroom Assessment Scoring System (CLASS)” means an observation instrument that assesses the quality of teacher-child interactions in center-based classrooms.

“Co-provider” means a second approved provider in a Category C Registered Child Development Home.

“Community Resources” means the various people, places or services that offer support to child care programs and the children and families they serve.

“Culturally-sensitive” means the knowledge, skills, attributes and beliefs that enable people to work well with, respond effectively to and be supportive of people in a cross-cultural setting.

“Curriculum” means a written plan that outlines how students shall be taught. The curriculum consists of the plans for the learning experiences through which children acquire knowledge, skills, abilities, and understanding. The curriculum could include lessons, instructional materials, teaching techniques, or activities.

“Department” means the Iowa Department of Human Services.

“Developmental screening tool” means a researched based questionnaire or checklist that asks questions about a child’s development, including but not limited to, language, movement, thinking, behavior and emotions. Developmental screening shall not be used to establish a diagnosis for a child, but rather to help educators, parents, guardians or caretakers determine whether more in-depth assessment may be the next appropriate step.

“Early Childhood-Positive Interventions and Supports (EC-PBIS)” means Iowa’s Pyramid Model initiative which offers early childhood programs a comprehensive, evidence-based approach to promoting social-emotional development and addressing challenging behaviors among young children.

EC-PBIS creates nurturing environments for children equipped with supported staff trained to respond to challenging behaviors to support the goal of fostering positive mental health at a young age.

“Early Childhood Positive Behavioral Interventions and Supports (EC-PBIS) module training” means a series training intended for staff working with young children. The training teaches the Pyramid Model which is a framework of evidence-based practices for promoting young children’s healthy social and emotional development. There are different versions of the training depending on what setting and what age group the staff member is working with. Versions include:

- EC-PBIS for Preschool (Modules 1-3) intended for staff working in classroom-based programs with ages 3 to 5.
- EC-PBIS for Infant and Toddlers (Modules 1-3) intended for staff working in classroom-based programs with ages 0 to 3
- EC-PBIS for Family Child Care (Modules 1-2) intended for staff working with multiple ages of children in family child care settings

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

“Environment rating scale (ERS)” means a set of early childhood tools or scales developed through Frank Porter Graham Child Development Center of the University of North Carolina at Chapel Hill. The scales are used to measure classroom and program quality through assessments by a trained, independent observer. The scales may also be used for self-assessment and program improvement. Four scales are available based on the type of program and ages of children in the classroom assessed:

- 1) Family Child Care Environment Rating Scale (FCCERS) is for programs in a family child care or child development home setting with children ages infancy through school-age.
- 2) Infant and Toddler Environment Rating Scale (ITERS) for groups of children in center-based care from birth up to 3 years of age.
- 3) Early Childhood Environment Rating Scale (ECERS) for center-based care with groups of children aged 3 through 5 years.
- 4) School-Age Environment Rating Scale (SACERS) for center-based programs with groups of school-age children aged 5 to 12 years of age.

“ERS Assessment” means an evaluation conducted through an on-site observation of an early childhood care and education classroom or program using one of the Environment Rating Scales: ECERS, FCCERS, ITERS, or SACERS. The assessment is completed by a trained assessor and administered by entities approved by the Department or the department’s designee.

“ERS improvement plan” means the action plan created by a program or classroom to layout ideas for improving program quality. It uses a framework based on ERS criteria and definitions. The ERS improvement plan follows and builds upon a completed ERS classroom or program self-assessment using the appropriate Environment Rating Scale.

“*ERS score sheet*” means the form used to evaluate and score a program or classroom based on the ERS items and indicators.

“*Facility*” means a licensed child care center, a preschool, or a registered child development home operating under the authority of an accredited school district or nonpublic school or a registered child development home.

“*Full-time childcare experience*” means knowledge and skills learned through employment or volunteer work, at least 30 hours per week or 130 hours per month, in a licensed child care center, a school-aged program, a preschool, a registered child development home or as a child care home provider.

“*Head Start program performance standards*” means the mandatory regulations that grantees and delegate agencies must implement in order to operate a Head Start program. The performance standards are designed to ensure that Head Start goals and objectives are implemented successfully.

“*Health and Safety Checklist for Early Care and Education (ECE) programs*” means the nationally recognized quality assessment tool, conducted by a Child Care Nurse Consultant or another designee as approved by the department, that uses key observable health and safety standards from CFOC. If followed these standards are most likely to prevent adverse outcomes for children and staff in ECE settings. For the Health and Safety Checklist, observable is defined as the following:

1. Requires interaction with the staff or director only to ask where to find an item or identify products.
2. Able to observe when walking through a program over a two-hour period of time.
3. The standard or item can be seen and evaluated in an objective way.
4. Observation may include opening windows, taking measurements (for example, measuring the depth of an impact surface or height of equipment), smelling for odors and reading labels (for example, checking dates on medication labels).
5. Does not require checking records or documents, such as child immunizations, professional development records or written program policies.

“*Internal coach*” means the staff member, identified by the program administrator, responsible for going into classrooms and supporting staff on the implementation of the EC-PBIS policies and practices. The internal coach shall be a member of the program’s PBIS leadership team.

“*Iowa Early Care and Education Teaching Roles Career Pathway*” means the statewide professional development path (<https://www.ecieducationpathway.org>) designed to assist early childhood teachers in a licensed center or a child development home to develop a personal professional development plan as an Early Childhood Educator I, an Early Childhood Educator II or an Early Childhood Educator III.

“*Iowa Early Care and Education Program Administrator Roles Career Pathway*” means the statewide professional development path (<https://www.ecieducationpathway.org>) designed to assist early childhood center administrators or other early childhood leaders to develop a personal professional development plan as an Early Childhood Educator II or Early Childhood Educator III.

“Iowa Early Learning Standards (IELS) means” a comprehensive resource tool developed to support and enhance children’s learning and development. The IELS provides descriptions of the knowledge, behaviors and skills that children from birth through age five may demonstrate and can be used to share information with anyone who cares for or works with children during the first 2000 days of life.

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

“IQ4K Teaching Staff Qualifications Worksheet” means the tool used to calculate an average score in the area of teaching staff qualification using a combination of the educational background and related work experience of identified teaching staff members.

“Lead teacher” means the staff member responsible for providing a safe and developmentally appropriate classroom that complies with legislation, policies, and procedures. The lead teacher nurtures children, plans and provides instruction and other activities, ensures student safety, directs the work of other teachers in the classroom, communicates with parents and guardians, is familiar with emergency procedures, and ensures children with diverse needs are included and have their needs met at all times.

“Leadership team” means the team of people that is working to implement a program wide EC-PBIS. The team is composed of program administrators, teachers and a coach. The leadership team is responsible for guiding the program wide process and making decisions on how to support implementation of the EC-PBIS practices throughout the whole program.

“Meals” means any breakfasts, lunches, snacks and suppers the child care program serves to children while in care.

“National administrator credential (NAC)” means the 40-hour comprehensive training for child care and education administrators and successful completion of the certification process offered through the National Early Childhood Program Accreditation (NECPA) Commission.

“National School Lunch Program (NSLP)” means a federal USDA Child Nutrition Program (CNP) operating in public and nonprofit private schools and residential child care institutions. The NSLP provides nutritionally balanced, low-cost or no-cost lunches to children each school day.

“Onsite Supervisor” means the individual responsible for the daily supervision of the program who must be on site daily, either during the hours of operation that children are present or at a minimum of eight hours of the program’s hours of operation.

Prevent Teach Reinforce Young Children (PTR-YC) “means the training based on the PTR-YC process for use in early childhood care and education settings including pre-K classrooms and consists of teams and goal setting, practical data collection, functional behavioral assessment, intervention planning and implementation. All steps are designed for use by early childhood providers.

“Professional development training” means continuing education and career training offered by a department approved training organization to child care and education providers to help them develop new skills, stay up to date on current trends and advance their careers.

“Professional development plan” means the individualized plan used to improve knowledge and skills. Professional development plans shall address the following:

1. Assessment of an individual's current interests, knowledge and skills
2. Identification of specific areas for improvement
3. Development of strategies and resources
4. Creation of opportunities to reflect and demonstrate an individual's professional growth

"Program" refers to the complete operation of an eligible facility applying for an IQ4K rating.

"Program Administrator or Director" means a staff member approved by the department responsible for overseeing the day-to-day operations of a child care program. The person is in charge of all aspects of running the program, including scheduling trainings, planning educational activities, hiring and managing properly trained staff, handling the budget, and establishing well-defined policies and procedures. The person is responsible for everything that takes place within the program and acts as the main communication hub between parents, teachers and children.

"Program Wide PBIS Training (PWPBIS)" means the training intended for leadership teams of classroom-based early childhood programs. The purpose of the training is to help guide and support the leadership team through the Program Wide EC-PBIS process.

"Provider" means the person or program that applies for registration to provide child care and is approved as a child development home.

"Quality Rating Oversight Team (OT)" means the workgroup convened to provide oversight and guidance to the department regarding Iowa's Quality Rating and Improvement System.

"School age program" means an eligible facility providing care primarily to children aged 5-12 when school is not in session; including, but not limited to before school, after school, out of school days during the school year and summer break.

"Seamless Summer Option (SSO)" means a federal USDA Child Nutrition Program (CNP) which allows School Food Authorities participating in the National School Lunch or School Breakfast Program to serve meals free of charge to children 18 years and under from low-income areas.

"Self-assessment means" an evaluation of current program policies, practices and procedures in comparison to best-practice standards based on the most up-to-date research.

"Social Emotional Behavior Mental Health (SEBMH)" means the way in which an individual thinks, feels, communicates, acts and learns. These skills contribute to resilience, how individuals relate to others, respond to stress and emotions and make choices. Foundational knowledge and skills that promote SEBMH include self-awareness, self-management, responsible decision-making, social awareness, and relationship skills that support positive well-being and academic success.

"Specialized track" means a modified IQ4K application for eligible applicants who have successfully provided adequate documentation of current verification and certification in one of the department's pre-approved specialized track areas.

"Staff" means any individual employed by and working at the facility under the supervision of the program administrator or director or assistant program administrator or assistant director.

“*Summer food service program (SFSP)*” means a federal USDA Child Nutrition Program (CNP) that reimburses program operators who serve free healthy meals and snacks to children, 18 years and under, from low-income areas.

“*Teaching staff*” means all lead teachers and assistant teachers.

“*USDA Child Nutrition Programs (CNP)*” means federally funded programs administered by the USDA’s Food and Nutrition Service (FNS). The programs are designed to help ensure that children receive nutritious meals and snacks to assist in promoting health and educational readiness. Programs serving nutritious meals and snacks are reimbursed for participating.

118.10(237A) Application for Iowa Quality for Kids (IQ4K) rating. Eligible applicants shall apply for an IQ4K rating by completing the appropriate application and submitting all required supporting documentation.

118.10(1) Standards to be used. The quality rating will be based on the standards in rules 118.21-25(237A) for a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school, 118.27-118.31(237A) for school-aged only programs and 118.32-118.36(237A) for child development homes.

118.10(2). Application for IQ4K. All applications must be accessed, completed and submitted to the applicant’s designated CCR&R representative, through the IQ4K database located at <https://iq4k.stateofiodahs.org/login>.

118.11(237A) Application effective date. The effective date of an approved IQ4K application shall be determined as listed in these subrules.

118.11(1) New or non-rated applicant, Levels 1-4. The application effective date will be the day the department certifies the application is complete and makes the appropriate award determination.

118.11(2) New or non-rated applicant, Level 5. The application effective date will be the day the department confirms the program’s scores on the Environment Rating Scale and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in section 118.25 shall be the date the department determined the assessment opportunity was forfeited.

118.11(3) Currently rated applicant, Levels 1-4. If the program’s new application is submitted prior to the IQ4K expiration date, the new application’s effective date shall be the first day of the month following the program’s current expiration date.

118.11(4) Currently rated applicant, Level 5. If the program’s new application is submitted 30 calendar days prior to the IQ4K expiration date, the new application’s effective date shall be the first day of the month following the program’s current expiration date.

a. If the program’s new application is not submitted 30 calendar days prior to the IQ4K expiration date, the new application effective date will be the day the department confirms the program’s scores on the Environment Rating Scale (ERS) and subsequently makes the appropriate award determination.

b. If the ERS process is not complete by the time of the program’s IQ4K expiration date the program’s IQ4K rating will expire, and the program will not have an IQ4K rating until the ERS process is complete and a new IQ4K rating is determined.

c. The effective date of a program whose assessment opportunity has been forfeited, as outlined in section 118.25 shall be the date the department determined the assessment opportunity was forfeited.

118.11(5) Currently rated applicant, mid-rating increase to Levels 2-4. The application effective date

will be the day the department certifies the application is complete and makes the appropriate award determination.

118.11(6) *Currently rated applicant, mid-rating increase to Level 5.* The application effective date will be the day the department confirms the program's scores on the Environment Rating Scale and subsequently makes the appropriate award determination. The effective date of a program whose assessment opportunity has been forfeited, as outlined in rule 118.25 shall be the date the department determined the assessment opportunity was forfeited.

118.12 (237A) Approved program's expiration date. An approved program's IQ4K expiration date shall be the last day of the month, two years from the application's effective date.

118.13(237A) Renewal Application Submission, Levels 1-4. Eligible applicants may submit an application for IQ4K renewal up to 45 calendar days in advance of their current IQ4K expiration date.

118.14(237A) Renewal Application Submission, Level 5. Eligible applicants may submit an application for IQ4K renewal up to 60 calendar days in advance of their current IQ4K expiration date.

118.15(237A) Increased Rating. Currently rated IQ4K programs may submit an application for a higher quality rating 12 months after the effective date of their current IQ4K certificate.

118.16 (237A) Change in Location of Facility. If the location of a rated program changes the program must notify the department. The program's current IQ4K rating will be invalid, and the program must submit a new application. The department shall make a new determination of the appropriate rating

118.17 (237A) Ongoing Eligibility. All applicants awarded an IQ4K certification level must continue to meet all eligibility requirements of the awarded level throughout the entire certification period.

a. Programs unable to maintain full compliance with all eligibility requirements at their awarded level, may apply for a waiver of eligibility within 30 calendar days of their inability to do so.

b. Waivers shall be awarded at the discretion of the department, in consultation with the Quality Rating Oversight Team.

c. Programs that are not able to meet all eligibility requirements of the awarded level throughout the entire certification period or that do not receive a waiver will have their IQ4K rating removed immediately.

d. Provisionally licensed programs are not eligible to apply for IQ4K participation.

118.18 (237A) Monitoring. Programs awarded an IQ4K rating shall agree to scheduled on-site and virtual program monitoring by the department and designee to confirm and review compliance with criteria of awarded IQ4K rating.

118.19(237A) Professional Development Training. Only training taken from a department approved training organization shall be accepted towards professional training requirements. Secondary education credits applicable to ages of children served shall count as one secondary education credit equals fifteen training hours.

118.20(237A) Rating standards for a child care center, preschool, program operating under the authority of an accredited school district or nonpublic school. To participate in Iowa Quality for Kids (IQ4K) Quality Rating and Improvement System (QRIS) a child care center, preschool, or program operating under the authority of an accredited school district or nonpublic school shall certify that its facility meets the applicable criteria as defined in rules 118.21-118.25(237A)

- a.* Eligible applicants providing adequate documentation of current verification or certification in one of the pre-approved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.
- b.* Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50% or more of their eligible classrooms meet the specialized track requirements.
- c.* Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

118.21 Criteria for IQ4K -Level 1-child care center, preschool, program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 1 an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Level 1 or complete all of the criteria designated in their respective specialized tracks.

118.21(1) Nutrition and Physical Activity.

- a.* All staff members who prepare meals shall complete one of the Department approved food safety trainings.
- b.* The program must complete a self-assessment and create an action plan in the area of nutrition.
- c.* The program must complete a self-assessment and create an action plan in the area of physical activity.

118.21(2) Professional Development.

- a.* All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.
- b.* All staff shall complete the Department identified courses within nine months of hire and provide a New Staff Orientation certificate as proof of completion.

118.21(3) Family and Community Partnerships

- a.* The program shall provide an orientation for new families.
- b.* The program shall complete one annual activity that promotes partnerships.

118.21(4) Teaching Staff Qualifications

All lead teachers shall show participation in Tier 1 training or meet a higher tier qualification on the Iowa Early Care and Education Teaching Roles Career Pathway within six months of starting employment.

118.21(5) Teaching and Learning.

- a.* The Program Administrator and at least one Lead Teacher shall complete two hours of training on the Iowa Early Learning Standards.
- b.* The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.

118.21(6) Environment.

- a.* The program shall develop and implement as applicable to ages served; the following policies aligned to Caring for our Children:
 - i.* Supervision
 - ii.* Safe sleep
 - iii.* Playground equipment stability and fall surfacing and inspection
 - iv.* Missing child
 - v.* Strangulation prevention
 - vi.* Sign in and out tracking system for children and visitors
- b.* The program shall submit one of the following annually:
 - i.* Form 470-5676: IQ4K Interaction and Relationship Self-Assessment which shall be completed by teaching staff.
 - ii.* CLASS assessment for the age-level being served completed for each classroom by a trained observer.
 - iii.* TPOT or TPITOS tool completed for each classroom by a trained observer.

118.21(7) Leadership and Administration.

- a.* All staff shall complete form 47-5680 IQ4K Staff Self-Assessment annually.
- b.* The Program Administrator shall complete form 470-5680 IQ4K Program Assessment annually.

118.22 Criteria for IQ4K – Level 2-child care center, preschool, program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 2, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1 and 2 or complete all of the criteria designated in their respective specialized tracks for Levels 1 and 2.

118.22(1) Nutrition and Physical Activity

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP, NSLP, or another department approved CNP.
 - ii.* The program shall complete all of the following as applicable to ages served:
 - A.** Program staff planning the menu and their supervisor shall complete the CACFP Steps to Success Module 2 lessons as identified by the department that cover the CACFP Meal Pattern.
 - B.** Infant lead teachers and their supervisor shall complete the Video “CACFP Child Care Center Infant Staff Training” or Iowa CACFP Infant Training-Steps to Success Module 15, parts as identified by the department.
 - C.** All lead teachers and their supervisors responsible for mealtime supervision shall complete the Video “CACFP Child Care Center Staff Training” or the Iowa CACFP Wellness Module-Meaningful Mealtimes.
- b.* The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.22(2) Professional Development.

- a.* All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the Department and hold a valid certification of completion.
- b.* All staff who administer medication shall also successfully complete a Competency Skills Evaluation Assessment Checklist or Department approved equivalent and hold a valid certification of completion. There shall be one person who meets this criterion present onsite in the program at all times.
- c.* All Teaching Staff shall complete 10 annual training hours of professional development.

118.22(3) Family and Community Partnerships.

- a.* The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.
- b.* Programs shall share child assessment information with the child's family.
- c.* The program shall complete two activities annually that promote partnerships.

118.22(4) Teaching Staff Qualifications. All lead teachers shall meet Tier 1, step 1 of 40 hours of training towards a CDA or shall meet a higher tier qualification on the Iowa Early Care and Education Teaching Roles Career Pathway.

118.22(5) Teaching and Learning

- a.* The program shall use a curriculum that is aligned with the Iowa Early Learning Standards that address the multiple domain areas and is specific to the ages of the children the program serves.
- b.* The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, punitive or other exclusionary discipline.
- c.* The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children within 60 days of enrolment and at least annually to identify children who may need additional evaluation and intervention strategies.

118.22(6) Environment.

- a.* The Program Administrator or Assistant Administrator shall complete an ERS Training choosing between ITERS, ECERS or SACERS and provide a certificate of completion.
- b.* The program shall provide an environment supportive to, and encouraging of, culture, age, race, ability, special needs, and gender diversity.
- c.* The program shall develop and implement a Tobacco and Nicotine-Free policy aligned to the Iowa Department of Public Health's policy guidelines.

118.22(7) Leadership and Administration.

- a.* The Program Administrator shall complete and annually update form 470-5679: IQ4K Quality Improvement Action Plan.
- b.* All Staff shall receive a written evaluation at least once a year.
- c.* The Program Administrator shall have at least 2 years of full-time experience working in the field.

118.23 Criteria for IQ4K -Level 3 - child care center, preschool, program operating under the authority of an accredited school district or nonpublic school . To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2 and 3.

118.23(1) Nutrition and Physical Activity.

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP, NSLP, or another department approved CNP.
 - ii.* If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.
 - A.* Programs providing adequate documentation they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.
 - B.* Non-Profit Programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:
 - 1. The percentage of children enrolled in the program qualifying for free or reduced meals is 5% or less.
 - 2. The program's licensed capacity is 30 or less.
 - 3. The program serves two or fewer meals or snacks per day.
 - 4. The program is open and operating three days a week or less.
 - C.* For-Profit Programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25% or less.
- b.* The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.23(2) Professional Development. All Teaching Staff shall complete 10 annual training hours of professional development.

118.23(3) Family and Community Partnerships

- a.* The program shall promote culturally sensitive practices and procedures.
- b.* The program shall complete three activities annually that promote partnerships.

118.23(4) Teaching Staff Qualifications. The average score for all Lead teachers shall be three points or more on the IQ4K Teaching Staff Qualifications Worksheet.

118.23(5) Teaching and Learning

- a.* The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.
- b.* The program shall share community resources with families as needed based on the information gathered from the child's assessment.
- c.* The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral needs, or specialized health needs.

118.23(6) Environment.

- a.* 30% or more of lead teachers shall complete an appropriate Environment Rating Scale (ERS) Training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.
- b.* The program shall participate in the completion of the Health and Safety Checklist for Early Care and Education Programs.
- c.* The program shall develop and implement a policy regarding oral health aligned with Caring for Our Children.

118.23(7) Leadership and Administration.

- a.* The Program Administrator shall complete one of the following:
 - i.* NAC or another DHS-approved credential
 - ii.* 30 training hours (or more) in early childhood and 10 training hours or more in leadership, administration, or management.
- b.* The Program Administrator shall have one of the following:
 - i.* 30 years or more of full-time experience working in the field
 - ii.* One year or more full-time experience as a Program Administer

118.24 Criteria for IQ4K -Level 4 child care center, preschool, program operating under the authority of an accredited school district or nonpublic school. To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2, 3 and 4.

118.24(1) Nutrition and Physical Activity

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP, NSLP, or another department approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1 . .
 - ii.* If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.
- b.* The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

118.24(2) Professional Development

- a.* All teaching staff shall complete 12 annual hours or more of professional development.
- b.* 60% or more of all Lead Teachers shall complete the applicable EC-PBIS trainings based on age groups served.
 - i.* EC-PBIS Preschool Modules 1 and 2
 - ii.* EC-PBIS Infant and Toddler Modules 1 and 2

118.24(3) Family and Community Partnerships. The program shall complete four activities annually that promote partnerships.

118.24(4) Teaching Staff Qualifications. The average score for all teaching staff shall be four points or more on the IQ4K Teaching Staff Qualification Worksheet.

118.24(5) Teaching and Learning

- a.* The teaching staff shall use assessment data and information gathered about children and families to make changes in their learning environment and activities.
- b.* The teaching staff shall participate in planning with families and outside experts, as needed, for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral needs, and specialized health needs

118.24(6) Environment

- a.* 60% or more of lead teachers shall complete an appropriate Environment Rating Scale (ERS) Training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.
- b.* One third of all classrooms shall complete the ERS scoresheet with self-assessment and improvement plan using a minimum of one classroom per scale, if applicable.
- c.* The program shall score an average of 2.5 or higher on the Health and Safety Checklist for Early Care and Education.

118.24(7) Leadership and Administration

- a.* The Program Administrator shall meet Tier 1 or higher on the Iowa Early Care and Education Program Administrator Roles Career Pathway.
- b.* The Program Administrator shall have two or more years of full-time experience as a Program Administrator.

118.25 Criteria for IQ4K -Level 5- child care center, preschool, program operating under the authority of an accredited school district or nonpublic school. To be rated at level 5, an eligible facility must satisfy all of the criteria in each of the seven designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5 the following criteria must also be met:

- a. Minimum Score.* The facility must earn a minimum score of 5.0 in each assessed classroom on the appropriate environment rating scale.
- b. Approved Assessor.* An assessor approved by the department or department's designee must perform an environment rating assessment.
- c. Number of Classrooms Assessed.* At least one-third of the facility's classrooms must be assessed, including at least one classroom in each age group serviced by the facility.
- d. Timeframe for Assessment.* Programs eligible for ERS Assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.
- e. Assessments Not done Timely.* Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 Rating with an effective date as outlined in rule 118.11.

118.25(1) Nutrition and Physical Activity

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP, NSLP, or another department approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.
 - ii.* If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.
- b.* The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.25(2) Professional Development

- a.* All teaching staff shall complete 12 annual hours or more of professional development.

b. 60% or more of all Lead Teachers and the Internal Coach shall complete the EC-PBIS trainings as follows:

- i.* EC-PBIS Preschool Modules 3a and 3b
- ii.* EC-PBIS Infant and Toddler Modules 3
- iii.* Prevent Teach Reinforce for Young children (PTR-YC)

118.25(4) Family and Community Partnerships.

- a.* The program shall complete five activities annually that promote partnerships.
- b.* The program shall offer one additional conference with each family of preschool age children in care per year to discuss each child's progress, strengths and needs in all developmental areas. Assessment information shall be shared with the family.

118.25(5) Teaching Staff Qualifications. The average score for all teaching staff shall be eight points or more on the IQ4K Teaching Staff Qualification Worksheet.

118.25(6) Teaching and Learning

- a.* The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support learning for each child, including those with diverse needs, identified disabilities, dual language learners, identified behavioral health needs and specialized health needs.
- b.* The Leadership Team shall complete PW PBIS training. A Leadership Team must include an administrator, internal coach and teacher.

118.25(7) Environment

- a.* 80% or more of lead teachers shall complete an appropriate Environment Rating Scale (ERS) Training choosing between ITERS, ECERS or SACERS as applicable to ages served, and provide a certificate of completion.
- b.* One third of all classrooms shall receive an overall score of five or higher on each classroom's ERS assessment with using a minimum of one classroom per scale, if applicable.
- c.* The program shall score an average of 2.75 or higher on the Health and Safety Checklist for Early Care and Education.

118.25(8) Leadership and Administration

- a.* The Program Administrator shall meet Tier 2 or higher on the Iowa Early Care and Education Program Administrator Roles Career Pathway.
- b.* The Program Administrator shall have three or more years of full-time experience as a Program Administrator.

118.26 Rating standards for school aged only programs. To participate in Iowa Quality for Kids (IQ4K) – Quality Rating and Improvement System (QRIS), a school aged only program shall certify that its facility meets the applicable criteria as defined in rules 118.27-118(31). The following program requirements apply:

- a.* Eligible applicants providing adequate documentation of current verification or certification in one of the pre-approved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.
- b.* Programs with more than one classroom shall not be eligible to apply using a specialized track application unless over 50% or more of their eligible classrooms meet the specialized track requirements.
- c.* Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

118.27 Criteria for IQ4K -Level 1- School Aged Only Programs. To be rated at a Level 1, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in their respective specialized tracks.

118.27(1) Nutrition and Physical Activity.

- a.* The program administrator and any staff members who prepares meals shall complete one of the Department approved food safety trainings.
- b.* The program shall complete a self-assessment and create an action plan in the area of nutrition.
- c.* The program shall complete a self-assessment and create an action plan in the area of physical activity.

118.27(2) Professional Development.

- a.* All staff shall complete a professional development plan within six months of each person's hiring date and update the plan annually.
- b.* All staff shall complete the Department identified courses within nine months of hire and provide a New Staff Orientation certificate as proof of completion.

118.27(3) Family and Community Partnerships

- a.* The program shall provide an orientation for new families.
- b.* The program shall complete one annual activity that promotes partnerships.

118.27(4) Teaching and Learning.

- a.* The program shall provide assistance or access to tutors to support homework or student's learning needs.
- b.* The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships.
- c.* The program shall develop and implement a comprehensive and age-appropriate schedule of activities.

118.27(5) Environment

- a.* The program shall develop and implement as applicable to ages served; the following policies aligned to Caring for our Children:
 - i. Supervision
 - ii. Bullying prevention
 - iii. Playground equipment stability and fall surfacing and inspection
 - iv. Missing child
 - v. Strangulation prevention
 - vi. Sign in and out tracking system for children and visitors
 - vii. Technology
- b.* The program shall submit one of the following annually:
 - i. Form 470-5676: IQ4K Interaction and Relationship Self-Assessment which shall be completed by teaching staff.
 - ii. CLASS assessment for the age-level being served completed for each classroom by a trained observer.

118.27(6) Leadership and Administration

- a.* All staff shall complete form 47-5680 IQ4K Staff Self-Assessment annually.
- b.* The Program Administrator shall complete form 470-5680 IQ4K Program Assessment annually.
- c.* Meetings for all staff shall be conducted two or more times per year.

118.28 Criteria for IQ4K -Level 2- School Aged Only Programs. To be rated at a Level 2 an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in their respective specialized tracks for Levels 1 and 2.

118.28(1) Nutrition and Physical Activity

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP, NSLP or another department approved CNP.
 - ii.* The program shall complete all of the following as applicable to ages served:
 - A.* Program staff planning the meals and their supervisor shall complete the CACFP Steps to Success Module 2 lessons as identified by the department that cover the CACFP Meal Pattern.
 - B.* All lead staff and their supervisors responsible for mealtime supervision shall complete the Video “CACFP School-Age Program Staff Training.”
- b.* The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.28(2) Professional Development.

- a.* All staff who administer medication shall complete the Medication Administration Skills Competency Course or other training as approved by the Department and hold a valid certification of completion.
- b.* All staff who administer medication shall also successfully complete a Competency Skills Evaluation Assessment Checklist or Department approved equivalent and hold a valid certification of completion. There shall be one person who meets this criterion present onsite in the program at all times.
- c.* All Teaching Staff shall complete 10 annual training hours of professional development.

118.28(3) Family and Community Partnerships.

- a.* The program shall offer one conference with each family per year to discuss each child's progress, strengths, and needs in all developmental areas.
- b.* The program shall complete two activities annually that promote partnerships

118.28(4) Teaching and Learning

- a.* The program shall develop and implement a curriculum that includes all of the following opportunities each day:
 - i.* active physical activity
 - ii.* creative expression
 - iii.* cooperative games
 - iv.* free choice with a variety of materials
 - v.* academic support
- b.* The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, punitive or other exclusionary discipline.

118.28(5) Environment.

- a.* The Program Administrator or Assistant Administrator shall complete the SACERS ERS Training and provide a certificate of completion.
- b.* The program shall provide an environment supportive to and encouraging of culture, age, race, ability, special needs, and gender diversity.
- c.* The program shall develop and implement a Tobacco and Nicotine-Free policy aligned to the Iowa Department of Public Health's policy guidelines.

118.28(6) Leadership and Administration.

- a.* The Program Administrator or Assistant Administrator shall complete and annually update form 470-5679 - IQ4K Quality Improvement Action Plan.
- b.* All Staff shall receive a written evaluation at least once a year.
- c.* The Program Administrator shall have at least two or more years of full-time experience working in the field.

118.29 Criteria for IQ4K -Level 3- School Aged Only Programs. To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in their respective specialized tracks for levels 1, 2 and 3. **118.29(1) Nutrition and Physical Activity**

a. The program shall choose one of the following:

- i.* The program shall actively participate in CACFP, NSLP or another department approved CNP.
- ii.* If exempt from CACFP or NSLP, the program shall identify and implement two nutrition goals from the completed action plan in Level 1.
 - A.* Programs providing adequate documentation they provide care for four hours a day or less are exempt from the CACFP or NSLP participation requirement.
 - B.* Non-Profit Programs shall qualify for an exemption from the CACFP or NSLP requirement if they provide adequate documentation that meets one of the following criteria:
 1. The percentage of children enrolled in the program qualifying for free or reduced meals is 5% or less.
 2. The program's licensed capacity is 30 or less.
 3. The program serves two or fewer meals or snacks per day.
 4. The program is open and operating three days a week or less.
 - C.* For-Profit Programs shall qualify for an exemption from the CACFP or NSLP requirement if they are able to provide adequate documentation that the percentage of children enrolled in the program qualifying for free or reduced meals is 25% or less.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.29(2) Professional Development. All Teaching Staff shall complete 10 or more annual training hours of professional development.

118.29(3) Family and Community Partnerships

- a.* The program shall promote culturally sensitive practices and procedures.
- b.* The program shall complete three activities annually that promote partnerships.

118.29(4) Teaching and Learning

a. Program staff shall utilize an appropriate tool throughout the year to gather information about children's strengths, progress, and needs.

b. The program shall share community resources with families as needed based on the information gathered.

c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral needs, or specialized health needs.

118.29(5) Environment.

a. The onsite supervisor shall complete the SACERS ERS Training series and provide a certificate of completion.

b. The program shall participate in the completion of the Health and Safety Checklist for Early Care and Education Programs.

118.29(6) Leadership and Administration

a. The program administrator shall complete:

- i.* NAC or another DHS-approved credential, or
- ii.* 30 training hours or more in a related field and 10 training hours or more in leadership.

b. The Program Administrator shall have three years or more of full-time experience working in the field or one year or more of full-time experience as a program administrator.

c. The onsite supervisor shall have 30 training hours or more in a related field and 2 years or more of full-time experience working in the field.

118.30 Criteria for IQ4K -Level 4 School Aged Only Programs . To be rated at a Level 4, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2, 3 and 4.

118.30(1) Nutrition and Physical Activity

a. The program shall choose one of the following:

i. The program shall actively participate in CACFP, NSLP or another department approved CNP and shall identify and implement one nutrition goal from the completed action plan in Level 1.

ii. If exempt from CACFP or NSLP, the program shall identify and implement three nutrition goals from the completed action plan in Level 1.

b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.30(2) Professional Development.

a. All staff shall complete 12 or more annual training hours of professional development.

b. 30% or more of all staff shall complete six or more hours of department or IQ4K approved training in the area of SEBMH.

118.30(3) Family and Community Partnerships. The program shall complete four activities annually that promote partnerships.

118.30(4) Teaching and Learning.

a. Staff shall use information gathered about children and families to make changes in their learning environment and activities.

b. Staff shall participate in planning with families and outside experts as needed for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral needs, or specialized health needs.

118.30(5) Environment.

a. One Staff member or more shall complete the SACERS ERS Training series and provide a certificate of completion.

b. One-third of classrooms shall complete the SACERS scoresheet with self-assessment and an improvement plan with a minimum of one classroom per scale if applicable.

c. The program shall score an average of 2.5 or higher on the Health and Safety Checklist for Early Care and Education.

118.30(6) Leadership and Administration

a. The program administrator shall have 120 training hour or more in related field and 10 training hours or more in leadership, administration or management.

b. The Program Administrator shall have two years or more of full-time experience as a program administrator.

c. The onsite supervisor shall have 90 training hours or more in a related field and 1 year or more of full-time experience as an on-site supervisor.

118.31 Criteria for IQ4K- Level 5- School Aged Only Programs-. To be rated at a Level 5, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels

1, 2, 3, 4 and 5 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2, 3, 4 and 5. To be rated at a Level 5 the following criteria must also be met:

- a. **Minimum Score.** The facility must earn a minimum score of 5.0 in each assessed classroom on the SACERS ERS assessment.
- b. **Approved Assessor.** An assessor approved by the department or department's designee must perform the ERS assessment.
- c. **Number of Classrooms Assessed.** 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.
- d. **Timeframe for Assessment.** Programs eligible for an ERS Assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.
- e. **Assessments Not done Timely.** Programs that do not undergo their assessment within 90 days of approval by the department or do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 Rating with an effective date as outlined in rule 118.11.

118.31(1) Nutrition and Physical Activity

- a. The program shall choose one of the following:
 - i. The program shall actively participate in CACFP, NSLP or another department approved CNP and shall identify and implement two nutrition goals from the completed action plan in Level 1.
 - ii. If exempt from CACFP or NSLP, the program shall identify and implement four nutrition goals from the completed action plan in Level 1.
- b. The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.31(2) Professional Development.

- a. All staff shall complete 12 or more annual training hours of professional development.
- b. 60% or more of all staff shall complete six or more hours of department or IQ4K approved training in the area of SEBMH.

118.31(3) Family and Community Partnerships. The program shall complete five activities annually that promote partnerships.

118.31(4) Teaching and Learning.

The teaching staff shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child including those with diverse needs, dual language learners, identified behavioral needs, or specialized health needs.

118.31(5) Environment.

- a. 80% or more of lead teachers or more shall complete the SACERS ERS Training series and provide a certificate of completion.
- b. One-third of classrooms shall receive an overall score of five or higher on the SACERS ERS assessment with a minimum of one classroom per scale if applicable.
- c. The program shall score an average of 2.75 or higher on the on the Health and Safety Checklist for Early Care and Education.

118.31(6) Leadership and Administration

- a. The Program Administrator shall have nine or more credit hours in a related field and 12 or more training hours in leadership, administration or management.
- b. The Program Administrator shall have three or more years of full-time experience as a program administrator.
- c. The onsite supervisor shall have six or more credit hours in a related field and 2 or more years of full-time experience as an on-site supervisor.

118.32 Rating Standards for Child Development Homes. To participate in Iowa Quality for Kids (IQ4K) Quality Rating and Improvement System (QRIS), a registered child development home shall certify that it meets the applicable criteria as defined in rules 118.32-36(237A). The following program requirements apply:

a. For Category C Homes operating with an approved co-provider both providers must satisfy the applicable criteria.

b. Eligible applicants providing documentation of current verification or certification in one of the pre-approved specialized track areas shall only be required to satisfy the criteria outlined in the application consistent with their specialized track.

c. Eligible applicants shall be able to earn credit for participation in more than one of the specialized track areas.

118.32 Criteria for IQ4K - Level 1- Rating Standards for Registered Child Development Homes. To be rated at Level 1 an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Level 1 or complete all of the criteria designated in their respective specialized tracks.

118.32(1) Nutrition and Physical Activity

a. The provider and co-provider, where applicable, shall complete one of the Department approved food safety trainings.

b. The program shall complete a self-assessment and create an action plan in the area of nutrition.

c. The program shall complete a self-assessment and create an action plan in the area of physical activity.

118.32(2) Professional Development

The provider and co-provider, where applicable, shall complete a professional plan annually.

118.32(3) Family and Community Partnerships

a. The program shall provide an orientation for new families.

b. The program shall complete one annual activity that promotes partnerships.

118.32(4) Provider Qualifications

The provider and co-provider, where applicable, shall have one year or more of full-time child care experience.

118.32(5) Teaching and Learning

a. The provider and co-provider, where applicable, shall complete two hours of training on the Iowa Early Learning Standards.

b. The program shall develop and implement a comprehensive discipline and behavior policy that promotes positive relationships

118.32(6) Environment

a. The program shall develop and implement as applicable to ages served; the following policies aligned to Caring for our Children:

i. Supervision

ii. Safe sleep

iii. Missing child

iv. Strangulation prevention

v. Sign in and out tracking system for children and visitors

b. The provider and co-provider, where applicable shall complete form 470-5676 - IQ4K Interaction and Relationship Self-Assessment.

c. The program shall annually complete form 470-5678-IQ4K Program Assessment.

118.33 Criteria for– Level 2-Rating Standards for Registered Child Development Homes. To be rated at a Level 2 an eligible registered child development home must satisfy all of the criteria in each of the six designated categories listed in Levels 1 and 2 or complete all of the criteria designated in their respective specialized tracks.

118.33(1) Nutrition and Physical Activity

- a.* The program shall choose one of the following:
 - i.* The program shall actively participate in CACFP.
 - ii.* The provider and co-provider, where applicable, shall complete all of the following as applicable to ages served:
 - A. Iowa CACFP Steps to Success Module 2 lessons as identified by the department that cover the CACFP Meal Pattern.
 - B. Iowa CACFP Infant Training-Steps to Success Module 15, parts one and two
 - C. Iowa CACFP Wellness Module-Meaningful Mealtimes.
- b.* The program shall identify and implement one physical activity goal from the completed action plan in Level 1.

118.33(2) Professional Development

- a.* The provider and co-provider, where applicable, shall complete ChildNet Training.
- b.* The provider and co-provider, where applicable, shall complete 15 hours or more annual training hours of professional development.
- c.* The provider shall complete the Medication Administration Skills Competency Course or other department approved training and hold a valid certification of completion.
- d.* The provider shall also successfully complete a Competency Skills Evaluation Assessment Checklist or department approved equivalent and hold a valid certification of completion.
- e.* There shall be one person who meets this criterion present onsite in the program at all times.

118.33(3) Family and Community Partnerships

- a.* The program shall offer one conference with each family annually to discuss each child’s progress, strengths and needs in all developmental areas. Programs shall share child assessment information with the child’s family.
- b.* The program shall complete two activities annually that promotes partnerships.

118.33(4) Provider Qualifications

The provider and co-provider, where applicable, shall meet one of the following:

- i.* Two years or more full-time experience in child-care
- ii.* Six college credit hours or more in education specific to the age group for whom care is provided.

118.33(5) Teaching and Learning

- a.* The program shall develop and implement a daily schedule with predictable routines that are developmentally appropriate for all ages served.
- b.* The program shall develop and implement a policy that eliminates or severely limits expulsion, suspension, punitive or other exclusionary discipline.
- c.* The program shall develop and implement policies regarding the use of an approved developmental screening tool for all children in care within 60 days of enrollment and at least annually to identify children who may need additional evaluation and/or intervention strategies.

118.33(6) Environment

- a.* The program shall provide an environment supportive to and encouraging of, culture, age, race, ability, special needs, and gender diversity.
- b.* The program shall develop and implement a policy regarding playground equipment stability and fall surfacing and inspection which are aligned with Caring for Our Children.

- c. The program shall develop and implement a tobacco and nicotine policy.
- d. The program shall annually complete and update Form 470-5679 - IQ4K Quality Improvement Action Plan.

118.34 118.33 Criteria for IQ4K - Level 3-Rating Standards for Registered Child Development Homes. To be rated at a Level 3, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2 and 3 or complete all of the criteria designated in their respective specialized tracks for Levels 1, 2 and 3.

118.34(1) Nutrition and Physical Activity

- a. The program shall actively participate in CACFP.
- b. The program shall identify and implement two physical activity goals from the completed action plan in Level 1.

118.34(2) Professional Development

- a. The provider and co-provider, where applicable, shall complete ChildNet Certification.
- b. The provider and co-provider, where applicable, shall choose one of the following trainings to complete their initial IQ4K rating:
 - i. Complete one module of the Program for Infant and Toddler Care.
 - ii. Complete Module 1 of the EC-PBIS-FCC and complete the following Implementation Guide checklists and review with coach:
 - A. Relationships
 - B. Environments
 - C. Expectations, Activities and Feedback
- c. The provider and co-provider, where applicable, shall chose of the trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.
- d. Once the provider and co-provider as applicable, have completed all of the age applicable trainings, the provider and co-provider shall complete 18 annual hours of approved professional development training on all subsequent IQ4K applications.

118.34(3) Family and Community Partnerships

The program shall promote culturally sensitive practices and procedures.

118.34(4) Provider Qualifications

The provider and co-provider, where applicable, shall meet one of the following:

- a. Three years or more years of child-care experience.
- b. Nine or more college credit hours in education, specific to the age group for whom care is provided.

118.34(5) Teaching and Learning

- a. The program shall utilize an appropriate assessment tool throughout the year that aligns with the curriculum to gather information on each child's strengths, progress, and needs.
- b. The program shall share community resources with families as needed, based on the information gathered from the child's assessment.
- c. The program shall develop and implement policies and procedures for inclusive practices for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral needs, and specialized health needs.

118.34(6) Environment

- a. The provider shall complete the FCCERS Environment Rating Scale (ERS) Training and provide a certificate of completion.
- b. The program shall participate in completion of the Health and Safety Checklist for Early Care and Education Programs.

c. The program shall develop and implement a policy regarding oral health aligned with Caring for Our Children.

118.35 Criteria for IQ4K - Level 4 -Rating Standards for Registered Child Development Homes.

To be rated at Level 4, an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3 and 4 or complete all of the criteria designated in their respective specialized tracks for levels 1, 2, 3 and 4.

118.35(1) Nutrition and Physical Activity

a. The program shall actively participate in CACFP.

b. The program shall implement one nutrition goal from the completed action plan in Level 1.

c. The program shall identify and implement three physical activity goals from the completed action plan in Level 1.

118.35(2) Professional Development

a.. The provider and co-provider, where applicable, shall choose one of the following trainings to complete for their initial IQ4K rating:

i. Complete two additional modules of the Program for Infant and Toddler Care.

ii. Complete Module 2 of the EC-PBIS-FCC and complete the following Implementation Guide Checklists and review with coach:

A. Emotions and emotional regulation

B. Friendships and problem solving

b. The provider and co-provider, where applicable, shall chose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.

c. Once the provider and co-provider as applicable, have completed all of the age applicable trainings, the provider and co-provider shall complete 20 annual hours of approved professional development training on all subsequent IQ4K applications.

118.35(3) Family and Community Partnerships

The program shall complete four activities annually that promote partnerships..

118.35(4) Provider Qualifications

The provider and co-provider, where applicable, shall meet one of the following:

a. The provider shall meet Tier 2 or higher on the Iowa Early Care and Education Teaching Roles Career Pathway of child-care experience.

b. The provider shall have three or more years of full-time child care experience.

118.35(5) Teaching and Learning

a. The program shall use information gathered about children and families to make changes in their learning environment and activities.

b. The program shall participate in planning with families and other experts, as needed, for children with diverse needs, including those with identified disabilities, dual language learners, identified behavioral health needs and specialized health needs.

118.35(6) Environment

a. The program shall complete the FCCERS ERS scoresheet with self-assessment and improvement plan.

b. The program shall score an average of 2.5 or higher on the Health and Safety Checklist for Early Care and Education Programs

118.36 Criteria for IQ4K - Level 5-Rating Standards for Registered Child Development Homes.

To be rated at a Level 5 an eligible facility must satisfy all of the criteria in each of the six designated categories listed in Levels 1, 2, 3, 4 and 5 or complete all of the criteria designated in their respective specialized tracks for levels 1, 2, 3, 4 and 5. To be rated at a Level 5 the following criteria must also be met:

- a. **Minimum Score.*** The facility must earn a minimum score of 5.0 on the FCCERS ERS assessment.
- b. **Approved Assessor.*** An assessor approved by the department or department's designee must perform the ERS assessment.
- c. **Timeframe for Assessment.*** Programs eligible for an ERS Assessment must undergo their assessment within 90 days of department approval unless an extension is requested and approved by the department.
- d. **Assessments Not done Timely.*** Programs that do not undergo their assessment within 90 days of approval by the department or that do not receive an approved extension from the department shall forfeit their opportunity for an assessment and will be awarded an IQ4K Level 4 Rating with an effective date as outlined in rule 118.11.

118.36(1) Nutrition and Physical Activity

- a.* The program shall actively participate in CACFP.
- b.* The program shall identify and implement two nutrition goals from the completed action plan in Level 1.
- c.* The program shall identify and implement four physical activity goals from the completed action plan in Level 1.

118.36(2) Professional Development

- a.* The provider shall choose one of the following trainings to complete their initial IQ4K rating:
 - i.* Complete two additional modules of the Program for Infant and Toddler Care.
 - ii.* Complete EC-PBIS-FCC Benchmarks of Quality and action plan for continued implementation and growth with coach. The EC-PBIS-FCC must be completed.
- b.* The provider shall then chose one of the other trainings listed above for their subsequent IQ4K ratings until all of the trainings applicable per ages served have been completed.
- c.* Once the provider has completed all of the age applicable trainings, the provider shall complete 22 annual hours of approved professional development training on all subsequent IQ4K applications.

118.36(3) Family and Community Partnerships

The program shall complete five activities annually that promote partnerships..

118.36(4) Provider Qualifications

- a.* The provider shall meet Tier 2 or higher on the Iowa Early Care and Education Teaching Roles Career Pathway of child-care experience.
- b.* The provider shall have four or more years of full-time child care experience

118.36(5) Teaching and Learning

The program shall work with families and other experts to implement instructional and environmental adaptations that support the learning for each child, including those with diverse needs, identified disabilities, dual language learners, identified behavioral health needs and specialized health needs.

118.36(6) Environment

- a.* The program shall achieve a score of 5 or higher on the FCCERS ERS assessment.
- b.* The program shall score an average of 2.75 or higher on the Health and Safety Checklist for Early Care and Education Programs

118.37(237A) Award of quality rating.

118.37(1) The facility shall display Form 470-5681 - IQ4K Quality Rating and Improvement System Rating Certificate, in a conspicuous place.

118.37(2) Achievement bonuses may be awarded as funds are available.

118.38(237A) Adverse Actions.

118.38(1) An eligible applicant shall be notified of the right to appeal the rating decision in accordance with 441—Chapter 7.

118.38(2) A participant's quality rating shall be revoked if the facility no longer meets the definition of eligible applicants.



Iowa Department of Human Services
Information on Proposed Rules

Name of Program Specialist Mykala Beard	Telephone Number 515*281*0442	Email Address mbeard@dhs.state.ia.us
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1. Give a brief purpose and summary of the rulemaking:

Iowa's Quality Rating System has been re-designed, re-branded (Iowa Quality for Kids (IQ4K) and an electronic data system has been built to support the new system. New rules are required to guide the work.

2. What is the legal basis for the change? (Cite the authorizing state and federal statutes and federal regulations):

237A.30

3. Describe who this rulemaking will positively or adversely impact.

These rules will guide IQ4K eligible child care programs/providers through the application and approval process.

4. Does this rule contain a waiver provision? If not, why?

No, IQ4K is a voluntary program.

5. What are the likely areas of public comment?

The new IQ4K system criteria have been shared widely over the past few years. We do not anticipate a great deal of public comment.

6. Do these rules have an impact on private-sector jobs and employment opportunities in Iowa? (If yes, describe nature of impact, categories and number of jobs affected, state regions affected, costs to employer per employee.)

No known impact.



Administrative Rule Fiscal Impact Statement

Date: November 1, 2021

Agency: Human Services

IAC citation: 441 IAC 118

Agency contact: Mykala Beard

Summary of the rule:

Iowa's Quality Rating System (QRS) has been re-designed and re-branded (Iowa Quality for Kids (IQ4K)). A new electronic data system has been built to support the new system. New rules are required to guide the work. Achievement bonuses may be awarded as funds are available.

Fill in this box if the impact meets these criteria:

- No fiscal impact to the state.
- Fiscal impact of less than \$100,000 annually or \$500,000 over 5 years.
- Fiscal impact cannot be determined.

Brief explanation:

Budget Analysts must complete this section for ALL fiscal impact statements.

Fill in the form below if the impact does not fit the criteria above:

- Fiscal impact of \$100,000 annually or \$500,000 over 5 years.

Assumptions:

The change from the QRS to the IQ4K program is not expected to increase costs to the state other than increases to the achievement bonuses. The program re-design involves more stringent criteria at each level that providers must meet to be eligible and the increases in the achievement bonuses help cover the additional costs to the providers and offers some incentive for them to invest the time, effort and money to meet the criteria being asked of them. The program continues to be voluntary and the department's goal is to improve the quality of care at child care providers.

The increase in the achievement bonuses to be awarded are to be funded with American Rescue Plan Act (ARPA) funds from 3/1/22 through 9/30/23, the end of the obligation period for ARPA funds. Then, the anticipated ongoing balance of federal CCDF funds is expected to cover the cost through at least SFY26 based on status quo funding. Potential future increases in federal CCDF funds may sustain the cost of the achievement bonuses even further into the future. Whether the achievement bonuses can be sustained at the planned levels after SFY26 will need to be determined at a later time. The achievement bonus amounts may be adjusted down at some point in the future based on the amount of funds available without increasing the state general fund appropriation for child care.

The cost estimates for the increase in the achievement bonuses compare the new bonus to the current bonus to determine the amount of the increase for each QRS level. The bonus amounts for child care centers vary by the facility size in addition to QRS levels.

The increase for each category is then multiplied by the current number of providers participating to arrive at the increased cost. This is considered the maximum cost due to the higher criteria asked of the providers that choose to participate. The program is not expected to increase the number of providers participating, but to improve the quality of the providers that are willing to participate.

The estimates are based on 377 child care homes and 401 child care centers currently participating, for a total of 778 providers.

The total cost increase is \$3,334,400 annually, equal to \$277,866.67 per month. The breakdown by state fiscal year and funding source is:

SFY22	4 months	3/1/22 - 6/30/22	\$1,111,466.67	ARPA funds
SFY23	full year	7/1/22 - 6/30/23	\$3,334,400.00	ARPA funds
SFY24	3 months	7/1/23 - 9/30/23	\$ 833,600.00	ARPA funds
SFY24	9 months	10/1/23 - 6/30/24	\$2,500,800.00	federal CCDF funds
SFY25	full year	7/1/24 - 6/30/25	\$3,334,400.00	federal CCDF funds
SFY26	full year	7/1/25 - 6/30/26	\$3,334,400.00	federal CCDF funds
SFY27	and ongoing:	to be determined		

Describe how estimates were derived:

See attached spreadsheet - QRS Bonus Cost Estimate

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY 2022)</u>	<u>Year 2 (FY 2023)</u>
Revenue by each source:		
General fund		
Federal funds	1,111,466.67	3,334,400.00
Other (specify):		
TOTAL REVENUE	1,111,466.67	3,334,400.00
Expenditures:		
General fund		
Federal funds	1,111,466.67	3,334,400.00
Other (specify):		
TOTAL EXPENDITURES	1,111,466.67	3,334,400.00
NET IMPACT	0.00	0.00

This rule is required by state law or federal mandate.
Please identify the state or federal law:
 Identify provided change fiscal persons:

Funding has been provided for the rule change.
Please identify the amount provided and the funding source:
 Federal funds from the American Rescue Plan Act through 9/30/2023, then from federal CCDF funds from 10/1/2023 through the end of SFY26. For SFY27 going forward, the achievement bonus amounts to be determined based on funds available.

Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

Child care providers will be compensated more for the increased time, effort, and cost to participate in the IQ4K quality rating program.

Fiscal impact to counties or other local governments (required by Iowa Code 25B.6):

None anticipated.

Agency representative preparing estimate: Kathy Blume JH 12/14/21
 Telephone number: (515) 480-9640 (cell)