

Personnel

Center Director Requirements

Center director requirements. Centers that have multiple sites shall have a center director or on-site supervisor in each center. The center director is responsible for the overall functions of the center, including supervising staff, designing curriculum and administering programs.

The director shall ensure services are provided for the children within the framework of the licensing requirements and the center's statement of purpose and objectives. The center director shall have overall responsibility for carrying out the program and ensuring the safety and protection of the children.

The center shall submit information in writing to the child care consultant before the start of employment. The Department shall make the final determination. The information submitted shall be sufficient to determine that the director meets the following minimum qualifications:

- a. Is at least 21 years of age.
- b. Has obtained a high school diploma or passed a general education development test.
- c. Has completed at least one course in business administration or 12 contact hours in administrative-related training related to personnel, supervision, record keeping, or budgeting or has one year of administrative-related experience.
- d. Has certification in infant, child, and adult cardiopulmonary resuscitation (CPR), first aid, and Iowa's training for the mandatory reporting of child abuse.
- e. Has achieved a total of 100 points obtained through a combination of education, experience, and child development-related training as outlined in the following chart:
 - (1) In obtaining the total of 100 points, a minimum of two categories must be used, no more than 75 points may be achieved in any one category, and at least 20 points shall be obtained from the experience category.
 - (2) Points obtained in the child development-related training category shall have been taken within the past five years.

- (3) For directors in centers predominantly serving children with special needs, the directors may substitute a disabilities-related or nursing degree for the bachelor’s degree in early childhood, child development or elementary education in determining point totals. In addition, experience in working with children with special needs in an administrative or direct care capacity shall be equivalent to full-time experience in a child care center or preschool in determining point totals.
- (4) For directors in centers serving predominantly school-age children, the directors may substitute a degree in secondary education, physical education, recreation or related fields for the bachelor’s degree in early childhood, child development or elementary education in determining point totals. In addition, child-related experience working with school-age children shall be equivalent to full-time experience in a child care center or preschool in determining point totals.

| EDUCATION | | EXPERIENCE (Points multiplied by years of experience) | | CHILD DEVELOPMENT-RELATED TRAINING |
|---|----|---|----|---|
| Bachelor’s or higher degree in early childhood, child development, or elementary education | 75 | Full-time (20 hours or more per week) in a child care center or preschool setting | 20 | One point per contact hour of training |
| Associate’s degree in child development or bachelor’s degree in a child-related field | 50 | Part-time (less than 20 hours per week) in a child care center or preschool setting | 10 | |
| Child development associate (CDA) or one-year diploma in child development from a community college or technical school | 40 | Full-time (20 hours or more per week) child development-related experience | 10 | |
| Bachelor’s degree or higher in a non-child-related field | 40 | Part-time (less than 20 hours per week) child development-related experience | 5 | |
| Associate’s degree in a non-child-related field or completion of at least two years of a four-year degree | 20 | Registered child development home provider | 10 | |
| | | Nonregistered family home provider | 5 | |

Rationale and Recommendations For Implementation

You must notify the child care consultant **before** hiring a director, either when opening a new center or replacing the director. Submit to the child care consultant sufficient information to determine whether the person meets the education, experience, and training requirements for a director. The final determination as to whether the person meets qualifications rests with the child care consultant.

The director is responsible for the overall function of the center and is essentially the leader of a small business. The director of a center must have an understanding of good business practices, administration, and child development in order to:

- ◆ Ensure the overall well-being of children
- ◆ Establish healthy, safe, and developmentally appropriate practices
- ◆ Hire and maintain competent, motivated staff and provide for their professional development
- ◆ Set appropriate expectations for staff
- ◆ Maintain clear communication with parents
- ◆ Manage the center and provide for the financial soundness of the center over the long-term

Larger centers serving 50 or more children may want to consider not including the director in the staff/child ratio, to allow the director to be more available for the overall supervision of the center. Doing so allows the director to be more knowledgeable of all the activities **throughout** the center, provide guidance and modeling to staff, give more immediate response and intervention during emergencies, and fill in temporarily for an absent employee until other personnel can arrive.

New center directors are encouraged to visit and network with a nearby center director in their community or county. The more experienced director can serve as a “mentor” to offer ideas, strategies, and sample plans and policies. Directors are also encouraged to make contact with the various resources listed in Part II, Provider Resources, such as Child Care Resource and Referral.

Keep your local Child Care Resource and Referral Agency updated regarding changes in your hours of operation, ages served, etc. as they maintain information to provide parent referral services.

Understanding the Point Chart

The point chart is used to determine if directors are qualified, based on a combination of post-secondary education, experience, and training. The goal is to assist potential directors who may not fully meet the point requirement but are “qualifiable” by allowing them an opportunity to obtain additional training in areas where their formal education or experience needs reinforcement.

A person must achieve a total of 100 points to qualify as a director.

- ◆ At least two categories must be used to achieve the 100-point total. No more than 75 points may be achieved in any one category. The rationale for this restriction is that it:
 - Allows directors who do not have a degree or whose degree is not child-related to use years of experience and training to meet the point total
 - Allows directors who have a child-related degree and at least a year of full-time experience in a child care or child-related setting to meet the point total with minimum additional training
 - Doesn’t allow a person with a recent college degree but no experience in a child care setting to be in charge of a center without first obtaining experience
 - Emphasizes the importance of a combination of criteria in ensuring staff are well-versed in their knowledge and understanding of their responsibilities
- ◆ At least 20 of the 100 points must be obtained from the **experience** category.

Rationale: Experience in a child care or child-related field is essential in understanding the developmental needs of children, the structure necessary to ensure an appropriate, safe and non-chaotic environment is maintained, and the orientation and training needs of staff.

- ◆ Training used to calculate points in the “child development-related training” category must have been taken within the past five years.

Rationale: Our understanding of child development, health and safety considerations, and environmental concerns, changes and evolves over time. Ongoing research constantly challenges the development of new curriculum. Therefore, it is important in maintaining quality staff that training received be centered on the most up-to-date information available.

- ◆ One continuing education unit (CEU) is equivalent to 10 contact hours.
- ◆ Accommodations are made for centers serving **predominately** children with special needs or school-age children.

Rationale: Because of the special program considerations, additional degrees are allowed for in the education category and additional experiences in other program-related settings are allowed for in the experience category.

Parenthood is **not** considered as “child development-related experience.” Internships are not counted as “child development-related experience” if they were required to obtain a degree.

The Department may issue a provisional license for up to one year to allow the director to meet qualifications. However, using a provisional license for those people who are “qualifiable” is not intended as an open-ended approval for anyone merely interested in operating a center. Some measure of education or a track record of involvement with early childhood or school-aged children is needed.

Given the variation in educational, employment and volunteer opportunities, the scope of education and experience sufficient to warrant issuing a provisional license must be decided on a case-by-case basis. Potential center directors are allowed and encouraged to make up deficiencies in education and experience by obtaining training relevant to their areas of need.

However, it is not the intent of the Department to allow 75 hours of self-study. Training is to be viewed as professional development resulting in better outcomes for children, not as an “easy” way to become a center director.

A worksheet to assist in determining if a person qualifies under this system is included in Part IV of the handbook.

Center director and On-Site Supervisors shall enter their credentials in I-PoWeR.

<https://secureapp.dhs.state.ia.us/TrainingRegistry/TrainingRegistry/Public/>

Director/OSS Educational Point Structure

75 points (Bachelor or higher)

- ◆ Early Childhood Education
- ◆ Child Development
- ◆ Elementary Education
- ◆ Nursing (if predominate population served is special needs)
- ◆ Permitted substitutions for school age programs as identified in rule

50 points (Associate's degree in child development or Bachelor in "child related" field)

- ◆ Child/Adolescent Development
- ◆ Youth and Family Development
- ◆ Special Education
- ◆ Family Services
- ◆ Social Work/Sociology/Psychology
- ◆ Child, Adult, Family Services (child service option)
- ◆ Human Development and Family Studies (child option)
- ◆ Early Childhood Administration

Non-Related Bachelor degree (40 points).

- ◆ Consider that you may be able to get PD points from child related coursework, however, we don't want to "double dip" and count both a degree AND a course.
- ◆ Master's degree in non-child related field

On-Site Supervisor Requirements

Legal reference: 441 IAC 109.6(2)

On-site supervisor. The on-site supervisor is responsible for the daily supervision of the center and must be on site daily either during the hours of operation that children are present or a minimum of eight hours of the center's hours of operation. Information shall be submitted in writing to the child care consultant before the start of employment. Final determination shall be made by the Department. Information shall be submitted sufficient to determine that the on-site supervisor meets the following minimum qualifications:

- a. Is an adult (18).
- b. Has obtained a high school diploma or passed a general education development test.
- c. Has certification in infant, child, and adult cardiopulmonary resuscitation (CPR), first aid, and Iowa's mandatory reporting of child abuse.

- d. Has achieved a total of 75 points obtained through a combination of education, experience, and child development-related training as outlined in the following chart:
- (1) In obtaining the total of 75 points, a minimum of two categories must be used, no more than 50 points may be achieved in any one category, and at least 10 points shall be obtained from the experience category.
 - (2) Points obtained in the child development-related training category shall have been taken within the past five years.
 - (3) For on-site supervisors in centers predominantly serving children with special needs, the on-site supervisor may substitute a disabilities-related or nursing degree for the bachelor's degree in early childhood, child development or elementary education in determining point totals. In addition, experience in working with children with special needs in an administrative or direct care capacity shall be equivalent to full-time experience in a child care center or preschool in determining point totals.
 - (4) For on-site supervisors in centers serving predominantly school-age children, the on-site supervisor may substitute a degree in secondary education, physical education, recreation or related fields for the bachelor's degree in early childhood, child development or elementary education in determining point totals. In addition, child-related experience working with school-age children shall be equivalent to full-time experience in a child care center or preschool in determining point totals.

| EDUCATION | | EXPERIENCE (Points multiplied by years of experience) | | CHILD DEVELOPMENT-RELATED TRAINING |
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| Child development associate (CDA) or one-year diploma in child development from a community college or technical school | 40 | Full-time (20 hours or more per week) child development-related experience | 10 | |
| Bachelor's degree or higher in a non-child-related field | 40 | Part-time (less than 20 hours per week) child development-related experience | 5 | |
| Associate's degree in a non-child-related field or completion of at least two years of a four-year degree | 20 | Registered child development home provider | 10 | |
| | | Nonregistered family home provider | 5 | |

Rationale and Recommendations For Implementation

Every center (including multiple sites under the jurisdiction of one business, school, etc.) **must** have an on-site supervisor. The on-site supervisor is responsible for the day-to-day supervision of the center. Among other duties, the on-site supervisor is directly responsible for:

- ◆ The daily operation of the center and supervision of direct-care staff.
- ◆ Ensuring children are accounted for and proper record keeping is maintained.
- ◆ Scheduling activities and transportation needs.
- ◆ Ensuring information regarding exposure to communicable disease is posted immediately upon notification.

- ◆ Ensuring parents are immediately notified of emergency or other serious incidents.
- ◆ Ensuring information is communicated to parents at the end of the day etc.

These functions may be performed either in a dual role by the director, if the director remains on site, or by another person who meets the qualifications for an on-site supervisor.

Notify the child care consultant **before** hiring an on-site supervisor or assigning supervisory duties, both when opening a new center and when making a change in supervisors. Submit to the child care consultant sufficient information to determine whether the person meets the education, experience, and training requirements for a supervisor.

An on-site supervisor must be present at the center a minimum of eight hours or the hours of the operation of the center. This allows for a figure of authority to be present during the majority of the day. Occasionally the on-site supervisor may be temporarily absent from the center due to illness, vacation, attendance at staff development training, etc.

At all times when care is provided to children, including in the absence of the on-site supervisor, an adult must be assigned to be "in charge" of the operation of the center. The assignment is important to prevent disruptions in the administrative and programmatic operation of the center and to respond in the event of an emergency. The director, on-site supervisor, **and any person designated a lead in the absence of supervisory staff shall have completed all pre-service training.** Inform all staff any time there is a change in the assignment of the on-site supervisor.

For programs that offer either evening care (second or third shift) or weekend care, in addition to weekly daytime care, an on-site supervisor must be present eight hours of the program time. As with daytime hours, a responsible adult must be placed "in charge" beyond the eight-hour timeframe or when the on-site supervisor is absent, and this authority must be clearly communicated to all staff.

Larger centers (serving 50 or more children) may want to consider **not** including the on-site supervisor in the staff/child ratio to allow the supervisor to be more available for the overall supervision of the center. This allows the on-site supervisor to be more knowledgeable of all the activities **throughout** the center, provide guidance and modeling to staff, give more immediate response and intervention during emergencies, and fill in temporarily for an absent employee until other personnel can arrive.

The need for a responsible adult with experience in caring for children is no less during night-time care. A person who meets the qualifications of an on-site supervisor is required for programs providing overnight and weekend care.

For daytime programs that extend into the evening but do not go later than 9 p.m., an on-site supervisor is encouraged but is not required. A responsible adult must be designated to be in charge of the program during those hours. Daily supervision and communication should occur with the on-site supervisor to ensure that adequate programming is provided, center policies and procedures are adhered to, and issues regarding care are shared for children who may transfer from the day to the evening program.

Understanding the Point Chart

A point chart is used to determine if on-site supervisors are qualified, based on a combination of post-secondary education, experience, and training. The goal is to assist potential on-site supervisors who do not fully meet the point requirement but are “qualifiable” by allowing them an opportunity to obtain additional training in areas where their formal education or experience needs reinforcement.

A person must achieve a total of 75 points to qualify as an on-site supervisor. A worksheet to determine if a person qualifies under this system is included in Part IV of the handbook.

- ◆ At least two categories must be used to achieve the 75-point total. No more than 50 points may be achieved in any one category. The rationale for this restriction is that it:
 - Allows on-site supervisors who do not have a degree or whose degree is not child-related to use years of experience and training to meet the point total.
 - Allows on-site supervisors who have a child-related degree and at least a year of full-time experience in a child care or child-related setting to meet the point total with minimum additional training.
 - Doesn’t allow a person with a recent college degree but no experience in a child care setting to be in charge of the center without first obtaining additional experience.
 - Emphasizes the importance of a combination of criteria in ensuring staff are well-versed in their knowledge and understanding of their responsibilities.
- ◆ At least 10 of the 75 points must be obtained from the **experience** category. Parenthood is not considered as “child development-related experience.”

Rationale: Experience in a child care or child-related field is essential in understanding the developmental needs of children, the structure necessary to ensure an appropriate, safe and non-chaotic environment is maintained, and the orientation and training needs of staff.

- ◆ Training used to calculate points in the “Child Development-Related Training” category must have been taken within the past five years.

Rationale: Our understanding of child development, health and safety considerations, and environmental concerns changes and evolves over time. Ongoing research constantly challenges the development of new curriculum. Therefore, it is important in maintaining quality staff that training received be centered on the most-up-to-date information available.

- ◆ One continuing education unit (CEU) is equivalent to 10 contact hours.
- ◆ Accommodations are made for centers serving **predominately** children with special needs or school-aged children.

Rationale: Because of the special program considerations, additional degrees are allowed for in the education category and additional experiences in other program-related settings are allowed for in the experience category.

The Department may issue a provisional license for up to one year to allow an on-site director to meet qualifications. However, using a provisional license for people who are “qualifiable” is not intended as an open-ended approval for anyone interested in a position of responsibility within a center. Some measure of education or a track record of involvement with early childhood or school-aged children is needed.

Given the variation in educational, employment and volunteer opportunities, the scope of education and experience sufficient to warrant issuing a provisional license must be decided on a case-by-case basis. Potential on-site supervisors are allowed and encouraged to make up deficiencies in education and experience by obtaining training relevant to their areas of need.

However, it is not the intent of the Department to allow 50 hours of self-study. Training is to be viewed as professional development resulting in better outcomes for children, not as an “easy” way to become an on-site supervisor.

Director and On-Site Supervisor Functions Combined

Legal reference: 441 IAC 109.6(3)

Director and on-site supervisor functions combined. In a center where the functions of the center director and the on-site supervisor are accomplished by the same person, the educational and experience requirements for a center director shall apply.

If the center director is serving in the role of the on-site supervisor, the director shall be on site daily either during the hours of operation or a minimum of at least eight hours of the center's hours of operation. If the staff person designated as the on-site supervisor is temporarily absent from the center, another responsible adult staff shall be designated as the interim on-site supervisor.

Rationale and Recommendations For Implementation

In many centers, the same person completes the functions or duties of a center director and on-site supervisor. In those instances, the person qualifies if the person meets the requirements for a center director. In fulfilling the duties of the on-site supervisor, the director must be present at the center a minimum of eight hours or the hours of the operation of the center. This allows for a figure of authority to be present during the majority of the day.

If the person who is permanently designated as the on-site supervisor is temporarily absent from the center, another adult staff who has proven to be responsible must be designated as the interim on-site supervisor. "Temporarily" is intended to mean a short absence from the center due to attendance at a staff development training, short-term sick or vacation leave, or other absence that is of a short duration.

At all times during the course of the day, an adult must be assigned to be "in charge" of the operation of the center and in the event of an emergency. Remember that any person designated in charge must have completed all pre-service/orientation requirements. Inform all staff any time there is a change in the assignment of the on-site supervisor.

An organization that has more than one center location under its direction and financial control must designate at least one director for all the centers and an **on-site supervisor** specified for **each** location.

Volunteers and Substitutes

Legal reference: 441 IAC 109.6(5)

Volunteers and substitutes.

- a. A volunteer shall be at least 16 years of age.
- b. All volunteers and substitutes shall sign a statement indicating whether or not they have one of the following:
 - (1) A conviction of any law in any state or any record of founded child abuse or dependent adult abuse in any state.
 - (2) A communicable disease or other health concern that could pose a threat to the health, safety, or well-being of the children.

- c. Sign a statement indicating the volunteer or substitute has been informed of the volunteer's or substitute's responsibilities as a mandatory reporter.
- d. Undergo the record check process if the volunteer or substitute is included in meeting the required child-to-staff ratio; the volunteer or substitute has direct responsibility for a child or children; or the volunteer or substitute has access to a child or children with no other staff present.

Rationale and Recommendations For Implementation

Record checks are required for each owner, director, staff member including volunteer, substitute, or subcontracted staff, with direct responsibility for child care or with access to a child when the child is alone and for anyone living in the child care facility who is 14 years of age or older. See [Record Checks and Evaluations](#).

Volunteers shall always be under the direct observation of staff to assure the health and safety of children in care.

All volunteers and substitutes, regardless of the amount of time they volunteer or are paid to work in the center, **must** complete the statement indicating whether they have a criminal conviction or history of child abuse or dependent adult abuse or a communicable disease or health concern.

Volunteers are deemed an "employee" for purposes of being a mandatory reporter of child abuse. Volunteers must be made aware of their responsibilities as a mandatory reporter and how to make a report. Volunteers must sign a statement indicating they have been informed and are aware of their responsibilities.

The criminal history record check and request for child abuse information are required for only those persons serving as volunteers and substitutes **who are included in staff ratio**.

Volunteers younger than 18 shall also sign the conviction/child abuse statement and health statements.

Record Checks and Evaluations

Legal reference: 441 IAC 109.6(6)

Record checks. The Department shall conduct criminal and child abuse record checks in Iowa for each owner, director, staff member, or subcontracted staff person with direct responsibility for child care or with access to a child when the child is alone and for anyone living in the child care facility who is 14 years of age or older. The Department may use Form 470-3301, *Authorization for Release of Child and Dependent Adult Abuse Information*, and DCI-77, *Criminal History Record Check Request Form*, or any other form required for criminal and child abuse record checks. The Department may also conduct criminal and child abuse record checks in other states and may conduct dependent adult abuse, sex offender, and other public or civil offense record checks in Iowa or in other states.

Iowa records checks. Checks and evaluations of Iowa child abuse and criminal records, including the sex offender registry, shall be completed before the person's involvement with child care at the center. Iowa records checks shall be repeated at a minimum of every two years and when the Department or the center becomes aware of any possible transgressions. The Department is not responsible for the cost of conducting the Iowa records check.

The child care center may access the single-contact repository (SING) as necessary to conduct a criminal and child abuse record check of the person in Iowa. If the results of the check indicate a potential transgression, the center shall send a copy of the results to the Department for determination of whether or not the person may be involved with child care, regardless of the person's status with the center.

National criminal history checks. National criminal history checks based on fingerprints are required for all persons subject to record checks under this subrule effective with a center's initial licensure or relicensure. The national criminal history check shall be requested before involvement with child care and repeated for each person every four years and when the Department or center becomes aware of any new transgressions committed by that person. While the Department is not responsible for the cost of conducting the national criminal history check, the department is currently providing this support.

The child care center is responsible for obtaining the fingerprints of all persons subject to record checks. Fingerprints may be taken by law enforcement agencies, by agencies or companies that specialize in taking fingerprints, or by center staff or subcontractors who have received appropriate training in the taking of fingerprints.

If the results of the Iowa records checks do not warrant prohibition of the person's involvement with child care or otherwise present protective concerns, the person may be involved with child care on a provisional basis until the national criminal history check and evaluation have been completed.

The child care center shall provide fingerprints to the Department of Public Safety before employment in the center. The center shall submit the fingerprints on forms or in a manner allowed by the Department of Public Safety.

- a. *Mandatory prohibition.* A person with any of the following convictions or founded abuse reports is prohibited from involvement with child care:
- (1) Founded child or dependent adult abuse that was determined to be sexual abuse.
 - (2) A requirement to be listed on any state sex offender registry or the national sex offender registry.
 - (3) Any of the following felony level convictions:
 1. Child endangerment or neglect or abandonment of a dependent person
 2. Domestic abuse
 3. Crime against a child including, but not limited to, sexual exploitation of a minor
 4. Forcible felony
 5. Arson
 - (4) A record of a misdemeanor conviction against a child that constitutes one of the following offenses:
 1. Child abuse
 2. Child endangerment
 3. Sexual assault
 4. Child pornography
 - (5) If a person subject to a record check refuses to consent to a record check, the person shall be prohibited from involvement with child care.
 - (6) If a person has been convicted of a crime and makes what the person knows to be a false statement of material fact in connection with the conviction or record check, the person shall be prohibited from involvement with child care.

- b. Mandatory time-limited prohibition.
 - (1) A person with the following convictions or founded abuse reports is prohibited from involvement with child care for five years from the date of the conviction or founded abuse report:
 - 1. Conviction of a controlled substance offense.
 - 2. Founded child abuse that was determined to be physical abuse.
 - (2) After the five-year prohibition period from the date of the conviction or the founded abuse report as defined in subparagraph 109.6(6)"b"(1), the person may request the Department to perform an evaluation under paragraph 109.6(6)"c" to determine whether prohibition of the person's involvement with child care continues to be warranted.
- c. *Evaluation required.* For all other transgressions, and as requested under subparagraph 109.6(6)"b"(2), the Department shall notify the affected person and the licensee that an evaluation shall be conducted to determine whether prohibition of the person's involvement with child care is warranted.
 - (1) The person with the transgression shall complete and return form 470-2310, Record Check Evaluation, within ten calendar days of the date on the form. The Department shall use the information the person with the transgression provides on this form to assist in the evaluation. Failure of the person with the transgression to complete and return this form by the specified date shall result in denial or revocation of the license or denial of employment.
 - (2) The Department may use information from the Department's case records in performing the evaluation.
 - (3) In an evaluation, the Department shall consider all of the following factors:
 - 1. The nature and seriousness of the transgression in relation to the position sought or held.
 - 2. The time elapsed since the commission of the transgression.
 - 3. The circumstances under which the transgression was committed.
 - 4. The degree of rehabilitation.
 - 5. The likelihood that the person will commit the transgression again.
 - 6. The number of transgressions committed by the person.

- d. *Evaluation decision.* Within 30 days of receipt of a completed Form 470-2310, Record Check Evaluation, the Department shall make a decision on the person's involvement with child care. The Department has final authority in determining whether prohibition of the person's involvement with child care is warranted and in developing any conditional requirements and corrective action plan under this paragraph.
- (1) The Department shall mail to the individual on whom the evaluation was completed Form 470-2386, Record Check Decision, that explains the decision reached regarding the evaluation of the transgression and Form 470-0602, Notice of Decision.
 - (2) If the Department determines through an evaluation of a person's transgressions that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The Department may identify a period of time after which the person may request that another record check and evaluation be performed.
 - (3) The Department may permit a person who is evaluated to maintain involvement with child care if the person complies with the Department's conditions and corrective action plan relating to the person's involvement with child care.
 - (4) The Department shall send a letter to the employer that informs the employer whether the person subject to an evaluation has been approved or denied involvement with child care. If the person has been approved, the letter shall inform the employer of any conditions and corrective action plan relating to the person's involvement with child care.
- e. *Notice to parents.* The Department shall notify the parent, guardian, or legal custodian of each child for whom the person provides child care if there has been a founded child abuse record against an owner, director, or staff member of the child care center. The center shall cooperate with the Department in providing the names and addresses of the parent, guardian, or legal custodian of each child for whom the facility provides child care.
- f. *Repeat of record checks.* The child abuse and criminal record checks shall be repeated at a minimum of every two years and when the Department or the center become aware of any transgressions. Any new transgressions discovered shall be handled in accordance with this subrule.

Rationale and Recommendations For Implementation

Follow record check guidance located at <http://ccmis.dhs.state.ia.us/providerportal/LicensedProviderDocuments.aspx>. Resubmit the checks on employees every two years or when there is reason to believe there is a transgression.

DHS staff completes form 470-0643, *Request for Child and Dependent Adult Abuse Information*, when they receive the *DHS Criminal History Record Check*. The center does **not** complete or submit the *Request for Child and Dependent Adult Abuse Information*. The criminal and child abuse record checks are resubmitted every two years or when there is reason to believe a transgression has occurred. The existence of any of the following in a person's record is considered a transgression:

1. Conviction of a crime.
2. A record of having committed founded child or dependent adult abuse.
3. Listing in the sex offender registry established under Iowa Code Chapter 692A.
4. A record of having committed a public or civil offense.
5. Revocation or denial of a child care facility registration or license due to the person's continued or repeated failure to operate the child care facility in compliance with licensing and registration laws and rules.

Any person being considered by a child care facility for employment must have record checks completed. This includes as cooks, maintenance staff, etc., if they are employed directly by the center.

When the licensing support staff requests an employee with a history of a transgression complete and return the *Record Check Evaluation*, form 470-2310, the form **must** be returned in **10 days**. **Failure to do so can result in denial of employment.**

When a record check evaluation is conducted, the Department will send a letter to the center that informs the center whether the individual subject to an evaluation has been approved or denied involvement with child care. If there are any conditions or a corrective action plan related to the approval of the individual's involvement with child care, the letter will inform the center of any of these conditions or corrective action plan.

A record check evaluation will not be requested or conducted when the criminal conviction or founded abuse meets the definition of a mandatory or time-limited prohibition from involvement with child care. In these circumstances, a *Notice of Decision: Services*, form 470-0602, denying involvement with child care will be sent to the person who is the subject of the record check. The center will be sent a letter notifying it that the person has been denied involvement with child care.

A criminal record or child abuse record check in an employee's file is a confidential request. This record cannot be duplicated and transferred with an employee. Therefore, if an employee leaves one center and begins employment at a new center, a new DCI-77, *Criminal History Record Check Request Form*, and form 470-3301, *Authorization for Release of Child and Dependent Adult Abuse Information*, must be completed. The request does not have to be resubmitted for an employee who transfers between sites of the same corporation.

Notification to Parents

You may want to take an up-front approach with parents by clearly communicating in your parent materials that criminal and child abuse record checks are required on staff, substitutes, and volunteers used to meet ratio requirements. Parents should be informed that individuals are prohibited from involvement with child care when they have the following convictions or founded abuse reports:

- ◆ Founded child or dependent abuse that was determined to be sexual abuse.
- ◆ Placement on the sex offender registry.
- ◆ Felony child endangerment or neglect or abandonment of a dependent person.
- ◆ Felony domestic abuse.
- ◆ Felony crime against a child including but not limited to sexual exploitation of a minor.
- ◆ Forcible felony.

Parents should also be made aware that there is a time-limited prohibition from involvement with child care when a founded child abuse is determined to be physical abuse and when there is a conviction for a controlled substance offense under Iowa Code Chapter 124.

In these circumstances individuals are prohibited from involvement with child care for five years from the date of the conviction or founded child abuse report. After five years the Department assesses the circumstances of the incident and the person to determine whether or not the person can work in a child care center. This same review process is used for other types of criminal convictions or founded abuse.

In addition, parents should be informed that Department staff will notify them if a founded abuse (confirmed and placed on the Registry) ever occurs in the center,

When the Department conducts the child abuse record check on a staff person who has a founded child abuse report **for an abuse that occurred in the center**, the child care consultant is required to notify parents in writing of the incident. Law requires the notification to parents. The notice sent to parents does NOT identify the name of the perpetrator or the child, or the specific circumstances of the abuse. The letter indicates to parents that:

- ◆ A founded child abuse has been confirmed on a staff member at the center.

- ◆ The staff person has a right to appeal the decision.
- ◆ The Department will evaluate the staff member for continued employment.
- ◆ The center or the Department has taken other corrective action, if applicable.

When the Department must send out a letter to parents, you **shall** cooperate with the Department upon request of the consultant by immediately providing the names and addresses of the parents or guardians of the children served. Failure to do so could jeopardize the status of your license.

It is highly recommended that you inform parents that a founded abuse has occurred, that corrective action has been taken to remedy the situation or prevent reoccurrence, and that they will be receiving additional correspondence from the Department regarding this matter.

If a staff person leaves the center following an investigation that results in a founded determination, the Department is still required to notify the parents that a founded abuse occurred. If a staff person leaves employment and is later rehired, a new record check must be completed.