

FEB 23 2005
EDUCATION

HOUSE FILE 385
BY HOGG, PETERSEN, and FOEGE

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to improvement of the early care, child care
2 services, education, health, and human services systems under
3 the oversight of the departments of education and human
4 services, the Iowa empowerment board, and the child
5 development coordinating council; creating a children's
6 cabinet in the executive branch; making appropriations for the
7 fiscal year beginning July 1, 2004, and providing an effective
8 date.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

HF 385

DIVISION I

EARLY CHILDHOOD INITIATIVES

1
2
3 Section 1. DEPARTMENT OF EDUCATION. There is appropriated
4 from the general fund of the state to the department of
5 education for the fiscal year beginning July 1, 2004, and
6 ending June 30, 2005, the following amounts, or so much
7 thereof as is necessary, to be used for the purposes
8 designated:

9 1. To develop a voluntary statewide set of early learning
10 standards for three-year-olds and four-year-olds enrolled in a
11 preschool program funded by state or federal dollars and to
12 provide professional development to preschool program staff
13 regarding the early learning standards and other related
14 issues:

15 \$ 604,500

16 2. For deposit in the school ready children grants account
17 of the Iowa empowerment fund created in section 28.9:

18 \$ 4,465,156

19 3. For at-risk children programs in addition to the
20 funding appropriated for this purpose in section 279.51,
21 subsection 1:

22 \$ 20,000,000

23 The moneys appropriated in this subsection shall be
24 allocated for the purposes described in section 279.51,
25 subsection 1, paragraph "b", and for administrative costs as
26 provided in section 279.51, subsection 1, paragraph "d".

27 Sec. 2. DEPARTMENT OF HUMAN SERVICES. There is
28 appropriated from the general fund of the state to the
29 department of human services for the fiscal year beginning
30 July 1, 2004, and ending June 30, 2005, the following amount,
31 or so much thereof as is necessary, to be used for the
32 purposes designated:

33 For the state child care assistance program, including
34 implementing expanded income eligibility for the program and a
35 revised reimbursement methodology, as authorized in law, and

1 for design and implementation of the child care quality rating
2 system:

3 \$ 13,531,985

4 Sec. 3. DEPARTMENT OF MANAGEMENT. There is appropriated
5 from the general fund of the state to the department of
6 management for the fiscal year beginning July 1, 2004, and
7 ending June 30, 2005, the following amount, or so much thereof
8 as is necessary, to be used for the purposes designated:

9 For the community empowerment office to improve
10 coordination of early care and health and education systems:
11 \$ 500,000

12 Sec. 4. NONREVERSION -- IMPLEMENTATION.

13 1. Notwithstanding section 8.33, moneys appropriated in
14 this division of this Act that remain unencumbered or
15 unobligated at the close of the fiscal year shall not revert
16 but shall remain available for expenditure for the purposes
17 designated until the close of the succeeding fiscal year.

18 2. The departments receiving the appropriations made in
19 this division of this Act shall expeditiously complete design,
20 planning, and phase-in activities as necessary for
21 implementation activities and distribution of funding which
22 shall commence on or after July 1, 2005.

23 DIVISION II

24 EARLY CHILDHOOD STATUTORY PROVISIONS

25 Sec. 5. Section 28.1, Code 2005, is amended by adding the
26 following new subsection:

27 NEW SUBSECTION. 0A. "Children's cabinet" means the
28 children's cabinet created in section 28.10.

29 Sec. 6. Section 28.2, subsection 3, Code 2005, is amended
30 to read as follows:

31 3. To achieve the initial set of desired results, the
32 initiative's primary focus shall first be on the efforts of
33 the state and communities to work together to improve the
34 efficiency and effectiveness of early care, education, health,
35 and human services provided to families with children from

1 birth through age five years.

2 Sec. 7. Section 28.3, subsections 1 and 2, Code 2005, are
3 amended to read as follows:

4 1. An Iowa empowerment board is created to facilitate
5 state and community efforts involving community empowerment
6 areas, including strategic planning, funding identification,
7 and guidance, and to promote collaboration among state and
8 local early care, education, health, and human services
9 programs.

10 2. The Iowa board shall consist of eighteen voting members
11 with thirteen citizen members and five state agency members.
12 The five state agency members shall be the directors of the
13 following departments: economic development, education, human
14 rights, human services, and public health. The thirteen
15 citizen members shall be appointed by the governor, subject to
16 confirmation by the senate. The governor's appointments of
17 citizen members shall be made in a manner so that each of the
18 state's congressional districts is represented by two citizen
19 members and so that all the appointments as a whole reflect
20 the ethnic, cultural, social, and economic diversity of the
21 state. ~~The-governor's-appointees-shall-be-selected-from~~
22 ~~individuals-nominated-by-community-empowerment-area-boards-~~
23 ~~The-nominations-shall-reflect-the-range-of-interests~~
24 ~~represented-on-the-community-boards-so-that-the~~ The governor
25 ~~is-able-to~~ shall appoint one or more members each for early
26 care, education, health, human services, business, faith, and
27 public interests. At least one of the citizen members shall
28 be a service consumer or the parent of a service consumer.
29 Terms of office of all citizen members are three years. A
30 vacancy on the board shall be filled in the same manner as the
31 original appointment for the balance of the unexpired term.

32 Sec. 8. Section 28.3, subsection 5, Code 2005, is amended
33 to read as follows:

34 5. A community empowerment assistance team or teams of
35 state agency representatives shall be designated to provide

1 technical assistance and other support to community
2 empowerment areas and for the board's efforts to address early
3 care, education, health, and human services. A technical
4 assistance system shall be developed using local
5 representatives of the state agencies represented on the Iowa
6 board and other state agencies and individuals involved with
7 local community-empowerment-areas early care, education,
8 health, and human services. ~~The technical assistance shall be~~
9 ~~available in at least three levels of support as follows:~~

10 a. ~~Support to areas experienced in operating an innovation~~
11 ~~zone or decategorization project with an extensive record of~~
12 ~~success in collaboration between education, health, or human~~
13 ~~services interests.~~

14 b. ~~Support to areas experienced in operating an innovation~~
15 ~~zone or decategorization project.~~

16 c. ~~Support to areas forming an initial community~~
17 ~~empowerment area with no previous experience operating an~~
18 ~~innovation zone or decategorization project.~~

19 Sec. 9. Section 28.3, subsection 6, paragraph b, Code
20 2005, is amended to read as follows:

21 b. In addition, a community empowerment office is
22 established as a division of the department of management to
23 provide a center for facilitation, communication, and
24 coordination for community empowerment activities and funding
25 and for improvement of the early care, education, health, and
26 human services systems. Staffing for the community
27 empowerment office shall be provided by a facilitator
28 appointed by the governor, subject to confirmation by the
29 senate, and who serves at the pleasure of the governor. A
30 deputy and support staff may be designated, subject to
31 appropriation made for this purpose. The facilitator shall
32 submit reports to the governor, the Iowa board, and the
33 general assembly. The facilitator shall provide primary
34 staffing to the board, coordinate state technical assistance
35 activities and implementation of the technical assistance

1 system, and other communication and coordination functions to
2 move authority and decision-making responsibility from the
3 state to communities and individuals.

4 Sec. 10. Section 28.4, subsection 4, Code 2005, is amended
5 to read as follows:

6 4. Identify boards, commissions, committees, and other
7 bodies in state government with overlapping and similar
8 purposes which contribute to redundancy and fragmentation in
9 early care, education, health, and human services programs
10 provided to the public. The board shall also make
11 recommendations and provide an annually updated strategic plan
12 to the governor, children's cabinet, and general assembly as
13 appropriate for increasing coordination between these bodies,
14 for eliminating bureaucratic duplication, for consolidation
15 where appropriate, and for improving the efficiency of working
16 with federally mandated bodies, for integration of services
17 and service quality functions to achieve improved results, and
18 for integration of state-administered funding streams directed
19 to community empowerment areas and other community-based
20 efforts for providing early care, education, health, and human
21 services.

22 Sec. 11. Section 28.4, subsection 12, Code 2005, is
23 amended by striking the subsection and inserting in lieu
24 thereof the following:

25 12. Integrate statewide quality standards adopted by other
26 boards and commissions into the Iowa empowerment board's
27 funding requirements for investments in early care, education,
28 health, and human services.

29 Sec. 12. Section 28.5, subsection 1, Code 2005, is amended
30 to read as follows:

31 1. The purpose of a community empowerment area is to
32 enable local citizens to lead collaborative efforts involving
33 early care, education, health, and human services programs on
34 behalf of the children, families, and other citizens residing
35 in the area. Leadership functions may include but are not

1 limited to strategic planning for and oversight and managing
2 of such programs and the funding made available to the
3 community empowerment area for such programs from federal,
4 state, local, and private sources. The initial focus of the
5 purpose is to improve results for families with young
6 children.

7 Sec. 13. Section 28.6, subsection 1, paragraph a, Code
8 2005, is amended to read as follows:

9 a. Community empowerment area functions shall be performed
10 under the authority of a community empowerment area board. A
11 majority of the members of a community board shall be elected
12 officials and members of the public who are not employed by a
13 provider of services to or for the community board. At least
14 one member shall be a service consumer or the parent of a
15 service consumer. Terms of office of community board members
16 shall be not more than three years and the terms shall be
17 staggered. The membership of a community empowerment area
18 board shall include members with early care, education,
19 health, human services, business, faith, and public interests.

20 Sec. 14. Section 28.8, subsection 5, paragraph c,
21 unnumbered paragraph 1, Code 2005, is amended to read as
22 follows:

23 A community board's readiness shall be ascertained by
24 evidence of successful collaboration among public or private
25 early care, education, ~~human-services~~, or health, or human
26 services interests or a documented program design evincing a
27 strong likelihood of leading to a successful collaboration
28 between these interests. Other criteria which may be used by
29 the Iowa board to ascertain readiness and to determine funding
30 amounts include one or more of the following:

31 Sec. 15. Section 28.8, subsection 5, Code 2005, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. e. The Iowa empowerment board shall
34 establish and implement limits on the carryforward of school
35 ready children grant funding, including provision for

1 redistribution or other redirection of the funding.

2 Sec. 16. NEW SECTION. 28.10 CHILDREN'S CABINET.

3 1. A children's cabinet is created to serve as an advisory
4 council to the governor and to improve coordination of early
5 care, education, health, and human services systems in the
6 state, relative to the services and other support these
7 systems provide on behalf of children. The children's cabinet
8 shall coordinate its efforts with the Iowa empowerment board.
9 The department directors who are members of the children's
10 cabinet shall work to implement, within their respective
11 department's policymaking areas, the plans, policies, and
12 other provisions recommended by the Iowa empowerment board.

13 2. The children's cabinet shall consist of the directors
14 of all of the following departments:

15 a. Department of economic development created in section
16 15.105.

17 b. Department of education created in section 256.1.

18 c. Department of human rights created in section 216A.1.

19 d. Department of human services created in section 217.1.

20 e. Department of management created in section 8.4.

21 f. Iowa department of public health created in chapter
22 135.

23 g. Any other department designated by the governor.

24 3. The children's cabinet is responsible for all of the
25 following regarding the state's early care, education, health,
26 and human services systems, relative to the services and other
27 support these systems provide on behalf of children:

28 a. Providing for a uniform, systemwide children's agenda
29 within the departments under the direction of the cabinet
30 members.

31 b. Improving coordination between departments for the
32 children's services systems.

33 c. Improving the focus on and prioritizing resources to be
34 committed to the children's services systems.

35 d. Developing and implementing strategies for sustainable

1 financing of the children's services systems.

2 e. Developing collaborative policy recommendations for the
3 governor and lieutenant governor regarding improvements for
4 the children's services systems.

5 f. Ensuring that policy and performance measures used in
6 the children's services systems are culturally sensitive.

7 g. Providing regular review of the existing services and
8 other support available for children from birth through age
9 five.

10 4. The children's cabinet shall meet as directed by the
11 governor and meet on other occasions as determined to be
12 necessary by the cabinet.

13 Sec. 17. Section 237A.13, subsection 5, paragraph c, Code
14 2005, is amended to read as follows:

15 c. Families with an income of more than one hundred
16 percent but not more than one hundred ~~forty~~ forty-five percent
17 of the federal poverty level whose members are employed at
18 least twenty-eight hours per week.

19 Sec. 18. Section 237A.30, Code 2005, is amended by
20 striking the section and inserting in lieu thereof the
21 following:

22 237A.30 CHILD CARE QUALITY RATING SYSTEM.

23 1. The department shall work with the community
24 empowerment office of the department of management established
25 in section 28.3 and the state child care advisory council in
26 designing and implementing a quality rating system for child
27 care facilities.

28 2. The quality rating system shall be voluntary and
29 composed of multiple ratings based upon the rating criteria
30 adopted for the system. The criteria utilized may include but
31 are not limited to any of the following: facility type;
32 provider staff education, training, and credentials; facility
33 director education and training; an environmental rating score
34 or other direct assessment environmental methodology; national
35 accreditation; facility history of compliance with law and

1 rules; child-to-staff ratio; curriculum; business practices;
2 staff retention rates; evaluation of staff members and program
3 practices; staff compensation and benefit practices; provider
4 and staff membership in professional early childhood
5 organizations; and parental involvement with the facility.

6 3. The department may directly administer or contract for
7 the administration of the quality rating system. A facility's
8 quality rating may be included on the internet page and in the
9 consumer information provided by the department pursuant to
10 section 237A.25 and shall be identified in the child care
11 provider referrals made by child care resource and referral
12 service grantees under section 237A.26.

13 4. For reimbursement paid under the state child care
14 assistance program established in section 237A.13, the
15 department may implement a reimbursement rate methodology
16 applicable to child care facilities participating in the
17 rating system in which the reimbursement rate varies based
18 upon the rating of a facility and may pay an achievement bonus
19 under the program to providers that are awarded a quality
20 rating.

21 Sec. 19. Section 256.9, Code 2005, is amended by adding
22 the following new subsections:

23 NEW SUBSECTION. 53. Develop a request for proposals
24 process that includes criteria that support the shared visions
25 model, and invites interested local communities, empowerment
26 boards, and school districts to develop and submit an
27 implementation plan based on the shared visions model. The
28 director shall implement an assessment and approval process
29 for assessing the proposals and plans submitted. Any plan for
30 a preschool program based on the shared visions model shall
31 include, but shall not be limited to, the following:

- 32 a. A plan designed to achieve national association for the
33 education of young children accreditation of the preschool
34 program within three years of the program's implementation.
- 35 b. A requirement that all lead teachers hold endorsements

1 in early childhood education.

2 c. A minimum preschool day consisting of four and one-half
3 hours of services to children enrolled in the program.

4 d. Universal eligibility for all three-year-old and four-
5 year-old children in the community.

6 e. Demonstration that services provided are culturally
7 sensitive and inclusive, regardless of family structure,
8 socioeconomic, racial, religious, or cultural backgrounds,
9 gender, abilities, or preferred language.

10 f. Evidence of collaborations with community organizations
11 and programs to ensure the availability of comprehensive
12 health, nutrition, and dental and mental health services to
13 children and families.

14 g. Provision of before and after school care.

15 h. Ongoing staff development that addresses early learning
16 standards developed pursuant to subsection 54.

17 i. A comprehensive assessment system that provides the
18 following:

19 (1) Ongoing program assessment and reporting based on
20 current research-based practices and strategies.

21 (2) Ongoing child assessment and reporting based on
22 current research-based child assessment practices and
23 strategies.

24 NEW SUBSECTION. 54. Develop statewide, voluntary early
25 learning standards for three-year-old and four-year-old
26 children enrolled in a state or federally funded preschool
27 program. The director shall also provide for professional
28 development on the early learning standards and related best
29 practices to the staff members of such programs.

30 Sec. 20. Section 256A.2, unnumbered paragraph 1, Code
31 2005, is amended to read as follows:

32 A child development coordinating council is established to
33 promote the provision of child development services to at-risk
34 three-year-and three-year-old and four-year-old children. The
35 program under which the council promotes child development

1 services may be known and cited as the shared visions model.

2 The council shall consist of the following members:

3 Sec. 21. Section 256A.3, subsection 3, Code 2005, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 3. Annually submit a report to the governor and the
7 general assembly by January 15 that summarizes progress in
8 statewide implementation of the shared visions model.

9 Sec. 22. PHASED IMPLEMENTATION.

10 1. Effective July 1, 2005, the department of human
11 services shall no longer accept applications for the gold seal
12 quality designation for child care providers under section
13 237A.30, Code 2005. However, if a child care provider has
14 been awarded the designation prior to July 1, 2005, the
15 designation may continue to be utilized for that provider
16 until the designated period of nationally recognized
17 accreditation for which the gold seal designation was awarded
18 has ended.

19 2. The department of human services shall commence
20 implementation of the child care quality rating system under
21 section 237A.30, as amended by this Act, by awarding ratings
22 beginning on or after January 1, 2006.

23 DIVISION III

24 Sec. 23. EFFECTIVE DATE. Unless specifically provided
25 otherwise, division I of this Act, being deemed of immediate
26 importance, takes effect upon enactment.

27 EXPLANATION

28 This bill relates to improvement of the early care, child
29 care services, education, health, and human services systems
30 under the oversight of the department of education, the
31 department of human services, the Iowa empowerment board, and
32 the child development coordinating council; provides for the
33 establishment of statewide voluntary standards and
34 professional development to support universal access to high-
35 quality preschool programs; creates a children's cabinet; and

1 makes appropriations to the department of education for the
2 fiscal year 2004-2005.

3 Division I of the bill makes appropriations for the fiscal
4 year beginning July 1, 2004, for early childhood initiatives
5 to the department of education for design and implementation
6 of Iowa early learning standards, additional school ready
7 children grant funding, and additional at-risk children
8 funding; to the department of human services for child care
9 quality and the state child care assistance program
10 eligibility expansion and reimbursement methodology; and to
11 the department of management for the community empowerment
12 office. Moneys appropriated are subject to a nonreversion
13 clause so that unexpended amounts may be used in the
14 succeeding fiscal year. The departments receiving
15 appropriations are directed to expeditiously complete design,
16 planning, and phase-in activities as necessary for
17 implementation activities and distribution of funding which
18 shall commence on or after July 1, 2005. This division of the
19 bill takes effect upon enactment.

20 Division II of the bill makes several changes to Iowa's
21 community empowerment Act in Code chapter 28.

22 The community empowerment initiative under current law is
23 directed to improving the efficiency and effectiveness of
24 education, health, and human services provided to families
25 with children from birth through five years. The bill
26 includes early care in this list throughout Code chapter 28.
27 A requirement for the governor to appoint Iowa empowerment
28 board members from individuals nominated by community
29 empowerment area boards is deleted.

30 The Iowa empowerment board, technical assistance team, and
31 community empowerment office duties and focus are expanded
32 beyond community empowerment areas to generally encompass
33 improvements to the early care, education, health, and human
34 services systems. A requirement for technical assistance to
35 be provided in at least three levels of support is deleted.

1 The board is also directed to develop an annually updated
2 strategic plan for addressing boards and other state bodies
3 with overlapping and similar purposes, improving the
4 efficiency of working with federally mandated bodies,
5 integrating service and service quality functions, and
6 integrating state-administered funding streams directed to
7 community empowerment areas and other community-based efforts
8 for providing early care, education, health, and human
9 services.

10 The bill strikes current Code section 28.4, subsection 12,
11 that requires the board to develop and annually update five-
12 year and 10-year plans for consolidating, blending, and
13 redistributing funding directed to children from birth through
14 age five and to specifically address these programs: healthy
15 opportunities for parents to experience success (HOPES)-
16 healthy families Iowa (HFI), parent education and preschool
17 children at-risk programs funded through the child development
18 coordinating council, and home visitation and family support
19 funded through child abuse prevention grants and the family
20 preservation program. Instead, the board is directed to
21 integrate statewide quality standards for the four service
22 systems into the board's requirements for investments in the
23 four systems. Under the requirements for the school ready
24 children grant program, the board is required to establish and
25 implement limits on the carryforward of grant funding.

26 The children's cabinet is established in new Code section
27 28.10. The purpose of the children's cabinet is to serve as
28 an advisory council to the governor and to improve
29 coordination of early care, education, health, and human
30 services systems in the state, relative to the services and
31 other support these systems provide on behalf of children. In
32 addition, the cabinet is responsible for coordinating efforts
33 with the Iowa empowerment board.

34 The directors of the following departments are designated
35 as members of the children's cabinet: economic development,

1 education, human rights, human services, management, and
2 public health. In addition, the governor may designate as
3 members directors of other departments. These department
4 directors are directed to work to implement, within their
5 respective department's policymaking areas, the bill's
6 policies as recommended by the Iowa empowerment board.

7 The duties of the children's cabinet are listed.

8 The bill amends Code chapter 237A as follows:

9 Code section 237A.13 requirements for the state child care
10 assistance program are revised. The income eligibility
11 standard used for the third of the program's four waiting list
12 priorities is increased by 5 percent. This third priority, as
13 amended by the bill, is for families with an income of 100
14 percent but not more than 145 percent of the federal poverty
15 level whose members are employed at last 28 hours per week.
16 The waiting list requirements are applied if the funding
17 appropriated for the program is insufficient to provide
18 assistance to all who would otherwise be eligible.

19 Code section 237A.30, providing for recognition of high-
20 quality child care providers with a gold seal quality child
21 care provider designation, is stricken and replaced with a new
22 child care quality rating system for child care facilities.
23 Code chapter 237A defines the term "child care facility" to
24 mean a child care center, preschool, or registered child
25 development home. The new rating system is required to be
26 voluntary and to include multiple ratings. The department is
27 required to develop the rating system by working with the
28 community empowerment office of the department of management
29 and the state child care advisory council. The bill lists
30 various criteria that the department may use in developing the
31 multiple ratings to be used in the quality rating system.

32 The bill requires the department to stop accepting
33 applications for the gold seal quality child care provider
34 designation effective July 1, 2005. However, the designation
35 may continue to be used until the designated period of

1 nationally recognized accreditation has ended.

2 The department is required to commence implementation of
3 the quality rating system by awarding ratings beginning on or
4 after January 1, 2006.

5 The bill amends Code section 256.9 to require the director
6 of the department of education to develop a request for
7 proposals, and criteria that support the shared vision model,
8 that invites local communities, empowerment boards, and school
9 districts to develop an implementation plan based on the
10 shared visions model. The bill describes the components each
11 plan must include.

12 The bill further requires that the director develop
13 statewide, voluntary early learning standards for three-year-
14 old and four-year-old children enrolled in a state or
15 federally funded preschool program. The director must also
16 provide for professional development on the early learning
17 standards and related best practices to the staff members of
18 these preschool programs.

19 The bill amends Code chapter 256A to direct the child
20 development coordinating council to submit an annual progress
21 report regarding statewide implementation of the shared
22 visions model to the governor and the general assembly.
23 Current law requires the council to make recommendations to
24 the department of education and the general assembly regarding
25 early elementary education. The bill also eliminates a
26 provision that requires the council to develop an inventory of
27 child development services.

28

29

30

31

32

33

34

35