

**SERVICES DEPARTMENT[441]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 109, “Child Care Centers,” Chapter 110, “Child Development Homes,” and Chapter 120, “Child Care Homes,” Iowa Administrative Code.

These proposed amendments provide parameters on weapons being present in a child care setting. Currently, there are no administrative rules regarding weapons in child development homes or licensed child care centers. It is recognized that some people choose to have weapons in their homes and also may utilize permits to carry weapons. As a result, it is important that the Department ensure that children in care are safe from any weapons.

Foster care homes that are licensed through the Department already have rules in place regarding weapons.

“Caring for Our Children: National Health and Safety Performance Standards” indicates that child care centers should have a written policy prohibiting firearms, ammunition, and ammunition supplies.

While taking best practice into consideration for rule amendments, it is also recognized that some people approve of professionals in child care and educators having access to weapons in the event of an emergency. Additionally, many people have strong opinions about individual rights to keep and bear arms. While having weapons in any child care setting is highly discouraged, the Department is proposing allowance of weapons and firearms only under specific conditions to ensure the safety of children in care.

Child care homes should have a written policy that if firearms and other weapons are present, the firearms and weapons should have child protective devices, be unloaded or disarmed, be kept under lock and key, and be inaccessible to children. Additionally, ammunition and ammunition supplies should be placed in locked storage, separate from firearms, and inaccessible to children. Parents/guardians should also be notified that firearms and other weapons are on the premises.

Any interested person may make written comments on the proposed amendments on or before November 28, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

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

These amendments are intended to implement Iowa Code section 237A.12. The following amendments are proposed.