

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Community and Health Systems		
Name, title, phone number, and e-mail of person completing this form:	Tammy Bagby, Analyst, bagbyt@michigan.gov 517-335-4084		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim Department of Licensing and Regulatory Affairs		

2. Rule Set Information:

MOAHR assigned rule set number:	2018-032 LR
Title of proposed rule set:	Licensing Child Care Centers

3. Purpose for the proposed rules and background:

The proposed rule revisions are necessary to comply with recent amendments to the Child Care Organizations Act, 1973 PA 116, and requirements for the federal Child Care and Development Block Grant. The proposed revisions will provide the latest standards to protect the health and safety of children in Child Care Centers. The rules have not been updated since 2013.

4. Summary of proposed rules:

The proposed rules would ensure that all child care staff undergo a comprehensive background check before having any contact with children. They would update certain health and safety requirements within licensed child care centers. In addition, they increase training requirements for child care staff on certain health and safety subjects. This will provide the latest standards to protect the health and safety of children in Child Care Centers.

5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

July 24, 2019- Grand Rapids Press
 July 24, 2019 Jackson Citizen Patriot
 July 23, 2019- Marquette Mining Journal

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

August 1, 2019 Michigan Register

7. Time, date, location, and duration of public hearing:

August 7, 2019 from 3-3:46 pm.
 Library of Michigan and Historical Museum -Forum Auditorium
 702 W. Kalamazoo St., Lansing, MI

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit

analysis on its website:

https://dtmb.state.mi.us/ORRDocs/RIS/1810_2018-029LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Karen Krzanowski, Manager, Legislative Reporting, Rules, Training & FOIA, Mark Jansen,
Director of Child Care Licensing Division, Sharon Riebel, Child Care Program Consultant

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

None

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

Phone: (517) 335-8658 FAX: (517) 335-9512

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	Ms. Karen Eshenaur, Executive Director, Lakeshore Little People's Place, Holland, MI	Yes, see transcript. She asked several questions; and, she requested to have the definitions of different age categories to be designated in years , as they are now, rather than in months , as was proposed. That makes it easier to manage enrollment in each room.	No	As proposed, R 400.8101(b) was stricken-out and replaced with new definitions for infant, toddler, preschooler, and school-ager. That proposal has been withdrawn and the current language is retained, which delineates these age categories by year.	R 400.8101(b),
2.	Ms. Robin Zeiter, Michigan Department of Education	No	Yes, see email message dated August 8, 2019. She requested to have the definition of "child-related field" revised to include academic courses in "special education"; and, to have these requirements apply not only to the program director, but also to the lead caregiver.	R 400.8191(l)(i) and (ii) were revised to read: " Child-related field" means 1 of the following: (i) For an early childhood education program director and lead caregiver , academic courses in elementary education, child guidance, child counseling, child	R 400.8101(l) was renumbered as R 400.8101(m).

				psychology, family studies, social work, or special education. (ii) For a school-age program director, academic courses in early childhood education, elementary education, secondary education, special education , physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, social work, human services, or youth development.	
3.	LARA Bureau of Community and Health Systems	No	No	R 400.8103 was revised by adding a definition of “serious injury” to mean “that term as defined in section 2b of 1973 PA 116, MCL 722.122b.”	R 400.8103(d) and renumbering remaining subrules.
4.	Ms. Elizabeth Weston, Executive Director, EC3 Educational Child Care Center and Early LCC	Yes, see transcript. She posed several questions; and, she asked for clarification R 400. 8110(6), the recording of arrival and departure times for personnel.	No	R 400.8110(6) was revised as follows: (6) The licensee or licensee designee shall maintain accurate daily records detailing daily arrival times and departure times for each child care staff	R 400.8110

				member, child care aide, and volunteer.	
5.	LARA Bureau of Community and Health Systems	No	No	R 400.8112(5) delineates all of the information an individual must provide in order to receive a comprehensive background check. One item was listed as sex . This item was changed to gender .	R 400.8112(5)(1)
6.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8113(7), Table 1, which addresses Early Childhood Program Director Qualifications, she requested one revision. As proposed, for those holding a valid child development associate credential, the 18 semester hour requirement is deleted. She recommended that it be retained.	In Table 1, row (e), the 18 semester hours requirement is retained because MDE's position is that this requirement is critical.	R 400.8113(7), Table 1.
7.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8113 (8), Table 2, which addresses School-Age Program Director Qualifications, she requested one revision. As proposed, for a person with a valid child	In Table 2, row (e), the 12 semester hours requirement is retained because MDE considers it necessary.	R 400.8113(8), Table 2.

			development associate credential, the 12 semester hour requirement was deleted. She recommends retaining this requirement.		
8.	Ms. Sue Beckett, Heaven's Elect Little People Christian Learning Center, Midland, MI.	Yes, see transcript.	Yes, see her email message dated August 8, 2019. She posed several questions. In addition, she asked for some flexibility in professional development requirements for personnel who do <u>not</u> work directly with children. For example, she has an employee who has a disability. That person only does dishes and laundry; she has no responsibilities for child care.	The training requirements have been revised so they only apply to personnel who work directly with children. R 400.8131, professional development requirements, subrules (3), (4), (5), (6), and (10) have been revised to apply only to personnel who work directly with children.	R 400.8131
9.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. She requested to have R 400.8131(2) revised as follows: Child care staff members shall have training that includes information about infant safe sleep and shaken baby syndrome prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.	These revisions were made to be consistent with the federal Child Development Fund Block Grant Act of 2014.	R 400.8131(2)

Agency Report to JCAR – Page 2

10.	Rhonda M. Grubb, Program Director Owner, Wee Discover Child Care & Enrichment Center, Waterford, MI	None	See attached memo dated August 7, 2019 – She objects to the proposed rule that requires all child care staff members to maintain a valid first aid and CPR certificate due to the cost.	This subrule was revised. It now requires all child care staff members to be trained in first aid and CPR, but only 50% of child care staff members who work directly with children must have current certification in first aid and CPR.	R 400.8131(10)
11.	Ms. Robin Zeiter, Michigan Department of Education	No	Yes, see email message dated August 8, 2019. She requested to have the following language added to R 400.8131: (12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.	Subrule (12) was added because it is required for the State to be eligible for federal funds under the Child Care Development Fund Block Grant Act of 2014. States are required to have ongoing training requirements on health and safety topics for caregivers, teachers, and directors. If state are found non-compliant, penalties may result.	R 400.8131(12)
12.	Elizabeth McClain, Children's Program	No	Yes, see her letter dated July 26, 2019. She asked	R 400.8176(2) was revised as follows:	R 400.8176(2)

Agency Report to JCAR – Page 2

	Director, Community Action Agency, Jackson, Lenawee, and Hillsdale Counties.		several questions; and, she requested clarification of R 400.8176(2), which deals with the location of sleeping equipment.	(2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.	
13.	Danielle Columbo, Director & Parent, IXL Learning Center, Howell	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8182, Table 4 Child Care Staff Member to Child Ratios, Ms. Columbo pointed-out an inconsistency that was created when children's ages were converted from years to months.	The table was revised to retain the current age designations in years rather than months.	R 400.8182, Table 4.

13. Date report completed:

Sept 4, 2019