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PUBLIC SCHOOL CHILD CARE PROGRAM REGULATION

House Bill 5583

Sponsor: Rep. Joanne Voorhees

House Bill 5584

Sponsor: Rep. Gilda Jacobs

Committee: Education

Complete to 1-30-02

A SUMMARY OF HOUSE BILLS 5583 - 5584 AS INTRODUCED 1-30-02

The bills would set standards for kindergarten to grade eight (K to 8) before- and after-school child care programs operated by school districts and intermediate school districts, whether directly or under contractual arrangements. The bills also would exempt these programs from regulatory oversight by the Department of Consumer and Industry Services. The bills are tied together so that neither would become law unless the other also were enacted.

House Bill 5583 would amend the Revised School Code (MCL 380.1285a) to clarify the regulation of a child care center operated by a public school district. Currently if a school district or intermediate school district operates a child care center, that center is subject to the requirements of Public Act 116 of 1973, the Child Care Licensing Act. House Bill 5583 would retain this provision, but make an exception for before- and after-school care programs operated by school districts. Instead, the bill specifies that if a school district or intermediate school district operated or contracted for the operation of a before- or after-school program for children in grades K to 8, then all of the following would apply to its operation:

(a) the program would be required to have a child-to-staff ratio that was no greater than the average pupil-to-teacher ratio during school hours in that school district or intermediate school district in regular kindergarten to grade 5 classrooms;

(b) the program would be required to be located at school in facilities comparable to rooms used by students during the regular school day;

(c) if the school district or intermediate school district used its employees to staff the program, then before assigning a staff member to work in the program the district would be required to comply with provisions of the Revised School Code that require criminal history checks, as if the individual were being hired as a teacher. If the district contracted for the operation or staffing of its program, then the contract would be required to contain assurance that the contracting person or entity complied with these requirements before assigning an individual to work, and to the same extent as if the district were employing a teacher. Under the bill, the Department of State Police would be required to provide information to a school district, intermediate school district, or contracting person requesting information, to the same extent and as if the request were being made by a school district;

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(d) the board of the school district or intermediate school district would be required to develop, adopt, and annually review a policy concerning the program that, at a minimum, addressed safety procedures for the program, including at least emergency procedures such as access to student emergency information and access to telephone, food safety, and discipline; and,

(e) not later than September 1 of each school year, the board of the district would be required to adopt and submit to the secretary of the intermediate school board, a resolution affirming that the program and its corresponding policies complied with all state requirements. This submission would be required to include the safety procedures program policy described in (d), above.

Finally, the Department of Education would be required to develop and make available a model before- and after-school program policy that addressed human relationships; the indoor environment; the outdoor environment; activities; safety, health, and nutrition; and administration. The bill specifies that a school district or intermediate school would not be required to use this model program policy.

House Bill 5584 would amend Public Act 116 of 1973, the Child Care Licensing Act (MCL 722.111), to expand the exceptions under the definition of “child care center” or “day care center” to include an exception for certain facilities or programs for school-age children that were operated at school by a public school, or by a person or entity with whom a public school contracted for services.

More specifically and currently under the law, “child care center” or “day care center” does not include the following: a) a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12-month period; or, b) a facility operated by a religious organization where children are cared for not more than three hours while people responsible for the children are attending religious services. Under the bill, these exceptions would be retained, and in addition a third exception would be created for a facility or program for school-age children that was operated at school by a public school or by a person or entity with whom a public school contracted for services.

The bill would also update a reference to the state agency responsible for administering the (non-school-based child care) licensing program by deleting a reference to the Department of Social Services, and referring instead to the Department of Consumer and Industry Services.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.