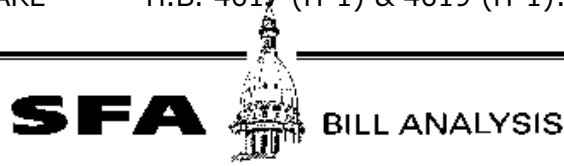


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House Bill 4617 (Substitute H-1 as passed by the House)  
House Bill 4619 (Substitute H-1 as passed by the House)  
Sponsor: Representative Ken Bradstreet (House Bill 4617)  
Representative Joanne Voorhees (House Bill 4619)  
House Committee: Education  
Senate Committee: Families, Mental Health and Human Services

Date Completed: 5-30-01

## **CONTENT**

**House Bill 4617 (H-1) would amend the Revised School Code to specify requirements for a school district or intermediate school district (ISD) that operated or contracted for the operation of a before- or after-school program for children in kindergarten through eighth grade (including child-to-staff ratios and criminal history checks of employees); and require that the Department of Education develop a model before- or after-school program policy.**

**House Bill 4619 (H-1) would amend the child care licensing Act to exempt from the definition of "child care center" or "day care center" a facility or program for school-age children that was operated at school.**

The bills are tie-barred.

### **House Bill 4617 (H-1)**

The Revised School Code provides that, if a school district or ISD operates a child care center, the center is subject to the requirements of the child care licensing Act. If a child care center established and operated by a school district or ISD is located in a school building that is approved and inspected by the State Fire Marshal or other similar authority for school purposes and is in compliance with school fire safety rules, however, the child care center is not subject to any fire prevention or fire safety requirements under the child care licensing Act. The bill specifies that, as used in these provisions, "child care center" would not include a program described below.

Under the bill, if a school district or ISD operated or contracted for the operation of a before- or after-school program for children in kindergarten through the eighth grade, the program would have 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 ISD in regular classrooms for kindergarten through the fifth grade. The program would have to be located at school in facilities comparable to rooms used by pupils during the regular school day.

If a school district or ISD used its employees to staff the program, before assigning a staff member to work in the program, the school district or ISD would have to comply with Revised School Code requirements regarding a criminal history check of prospective employees to the same extent as if the individual were being hired as a teacher (MCL 380.1230 & 380.1230a). If the school district or ISD contracted for the operation or staffing of the program, the

contract would have to contain assurance that the contracting person or entity would comply with those criminal history check requirements before assigning an individual to work in the program. The Department of State Police would have to provide information to a school district, ISD, or contracting person or entity requesting information for a criminal history check to the same extent as if the school district, ISD, or contracting person or entity were a school district making the request under the Revised School Code.

The board of a school district or ISD would have to develop, adopt, and annually review a policy concerning a before- or after-school program that, at a minimum, addressed safety procedures for the program, including emergency procedures such as access to student emergency information and access to telephones, food safety, and discipline.

By September 1 of each school year, the board of a school district or ISD would have to adopt and submit to the secretary of the ISD a resolution affirming that the program and the corresponding policies complied with the bill. The submission would have to include a copy of the school board's or ISD board's policy concerning the program.

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

### **House Bill 4619 (H-1)**

Under the child care licensing Act, "child care center" or "day care center" means a facility, other than a private residence, that receives one or more preschool or school-aged children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child, including a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative, preschool, play group, or drop-in center. "Child care center" or "day care center" does not include either of the following:

- 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.
- A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

The bill would add to that list of exceptions 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.

MCL 380.1285a (H.B. 4617)  
722.111 (H.B. 4619)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

#### **House Bill 4617 (H-1)**

The bill would have no fiscal impact on the State.

This legislation would require school districts or intermediate school districts to maintain a

child-to-staff member ratio (for certain before- or after-school programs) that was no greater than the average pupil-to-teacher ratio during school hours in regular K-5 classrooms.

If a school district or ISD were currently staffing these programs at higher ratios, then there could be increased local costs to reduce the ratio to meet the requirements of the legislation. On the flip side, if districts or ISDs were staffing the programs at lower ratios, then cost savings could be realized if the districts or ISDs chose to increase the staff ratio to the ratio specified in the legislation.

The bill would have no fiscal impact on the Department of Consumer and Industry Services.

### **House Bill 4619 (H-1)**

The bill would eliminate the licensure of before- and after-school programs administered by a public school or by a contractor for the public school. There are approximately 800 of these programs currently. This change would result in a loss of fee revenue but also would result in a decrease of responsibility for the Department of Consumer and Industry Services. Therefore there is no net fiscal impact.

Fiscal Analyst: K. Summers-Coty  
M. Tyszkiewicz