

PURPOSE OF THE TECHNICAL ASSISTANCE AND CONSULTATION MANUAL

The Child Care Licensing Bureau provides a Technical Assistance and Consultation Manual on the Licensing Rules for Child Care Centers and the Licensing Rules for Family and Group Child Care Homes. This manual is on the rules for child care centers. For each rule, you will typically find a rationale section, a technical assistance section and a best practice section. The rationale section describes the reason the rule was enacted. The technical assistance section outlines how to comply with the rule. The best practice section contains recommendations and best practices for going beyond rule requirements to improve the quality of care provided.

Version: December 16, 2025

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R400.8101 Definitions; A to I

RULE 101 (1)

1. As used in these rules:
 - a. "Accredited college or university" means a college or university that is accredited by a regional or national institutional accrediting association recognized by the United States department of education.
 - b. "Act" means 1973 PA 116, MCL 722.111 to 722.128.
 - c. "Adult" means an individual 18 years of age or older.
 - d. "Ages" means all of the following:
 - i. "infant" means a child from birth to 1 year of age.
 - ii. "toddler" means a child who is 1 year of age until 30 months of age.
 - iii. "preschooler" means a child who is 30 months of age until eligible to attend a grade of kindergarten or higher.
 - iv. "school-aged" means a child who is eligible to attend a grade of kindergarten or higher but less than 13 years of age. A child is considered a school-ager on the first day of the school year in which the child is eligible.
 - e. "Applicant" means an individual who applies for a license to operate a child care center.
 - f. "Biocontaminant" means bodily fluids such as urine, feces, saliva, vomit, blood, nasal discharge, eye discharge, and injury or tissue discharge.
 - g. "Center" means an early childhood center, school-age child care center, outdoor nature-based child care center, or a small capacity child care center.
 - h. "Certified playground safety inspector" means an individual certified by the national playground safety institute or the national program for playground safety to conduct playground safety inspections.
 - i. "CEU" means a continuing education unit awarded by an accredited college or university sponsor of continuing education units or state continuing education clock hour awarded by the state board of education.
 - j. "Child care administration" means educational courses in child care administration, education administration, education leadership business administration.
 - k. "Child care background check system" means the database maintained by the department to document a comprehensive background check and eligibility determination pursuant to section 5n of the act, MCL 722.115n.
 - l. "Child development associate credential" means a credential awarded by the council for professional recognition or a similar credential approved by the department.

The Child Development Associate Credential (CDA) is a nationally recognized credential that requires 480 hours of experience working with children and 120 clock hours of training. The clock hours can be obtained at the community college or higher level or through other organizations.

For more information about the CDA, contact the Council for Professional Recognition at (800) 424-4310 or go to their website at [Council for Professional Recognition](#).

- m. "Child-related field" means either of the following:
 - i. For an early childhood program administrator and lead teacher, academic courses in elementary education, child guidance, child counseling, child psychology, family studies, environmental, outdoor education, social work or special education.
 - ii. For a school-age program administrator, academic courses in early childhood education, elementary education, secondary education, educational leadership, special education, physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, environmental or outdoor education, social work, human services, or youth development.
- n. "Clean" means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.
- o. "Communicable disease" means an infectious disease that is transmissible from person to person by direct contact with an infected individual or the individual's discharges, or by indirect means through a vector. Communicable disease includes, but is not limited to, all of the following:
 - i. Chicken pox.
 - ii. Hand, foot and mouth disease.
 - iii. Influenza.
 - iv. Measles.
 - v. Mumps.
 - vi. Pertussis, which is also referred to as whooping cough.
 - vii. Rubella.
 - viii. Tuberculosis.
- p. "Comprehensive background check" means a department review of an individual pursuant to sections 5n and 5q of the act, MCL 722.115n and MCL 722.115q.
- q. "Continuously employed child care staff member" means an individual who has not been disconnected from the child care background check system for a period of more than 180 days and has continuously resided in this state as referenced in sections 5n and 5q of the act, MCL 722.115n and 722.115q.
- r. "Degrees and semester hours" means only those degrees and hours from an accredited college or university.

A semester hour is the unit by which a college or university measures its course work. The number of semester hours assigned to a course reflects the outcomes expected, the type of class, the amount of time spent in class, and the amount of outside of class work expected.

The US Department of Education website [Home | U.S. Department of Education](#) provides a listing of schools that are accredited.

- i. If a college or university is not accredited, the center must determine, in writing, whether any accredited colleges or universities will accept

transfer credits from the college/university in question.

- ii. Online and correspondence courses can be accepted only if from an accredited college or university or if an accredited college or university will recognize them. The center must provide documentation from an accredited college or university showing which credits would be accepted and the semester hour equivalency.
- iii. Transcripts from other countries may be accepted. The center must provide written verification from a university or a private agency that determines equivalency to American credits. The following organizations evaluate international transcripts:
 - World Education Services, [World Education Services: International Credential Evaluation](#)
 - Educational Credential Evaluators, [Education Credential Evaluators](#)
- iv. Transcripts from the following colleges are acceptable:
 - Bob Jones University.
 - Tennessee Temple College.
 - Maranatha Bible College.
 - Hyles-Anderson College.
- s. "Department" means the department of lifelong education, advancement and potential.
- t. "Developmentally appropriate" means age appropriate and appropriate to the individual child.
- u. "Disinfect" means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or an EPA-registered disinfecting product as described on the label.
- v. "Early childhood center" means a child care center that serves children less than 13 years of age. It does not include a school-age child care center, outdoor nature-based child care center, or a small capacity child care center.
- w. "Early childhood program administrator" means a child care staff member who is the program administrator of an early childhood center and can be counted in child staff member to child ratios.
- x. "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- y. "Experience" means paid and unpaid experience serving the ages and developmental abilities of children for which the center is licensed.
- z. "Field trip" means children program staff or volunteers, or both, leaving the child care center premises for an excursion, trip, or program activity.
- aa. "First aid kit" means a kit containing, at a minimum, all of the following: sterile gauze pads of assorted sizes, a roll of gauze, adhesive bandages of assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8260.
- bb. "Group size" means the specified number of children assigned to a child care staff member or team of child care staff members occupying an individual classroom or well-defined space for each group within a larger room.
- cc. "Hand washing" means to cleanse the hands with soap and warm running water

for not less than 20 seconds.

- dd. "Immediately available" means a program administrator, site administrator, parent or guardian remains onsite at the address of the child care center.
- ee. "Independent service provider" individuals who are not child care staff members, but render professional, therapeutic, or enrichment services within a child care center. Independent service providers include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, intermediate school district staff, local school district staff, departmental staff other than those responsible for inspecting centers, non-center affiliated bus drivers, cafeteria and maintenance personnel, electricians, plumbers, photographers, and other outside service providers. Independent service providers are not considered contract employees or self-employed as described in the act as long as the independent service providers are supervised at all times by an eligible child care staff member while at the child care center when children are present.

RULE 101 (2)

2. A term defined in the act has the same meaning when used in these rules.

R400.8102 Definitions; J to R**RULE 102 (1)**

1. As used in these rules:
 - a. “Lead teacher” means a child care staff member employed by the child care center for compensation who is responsible for organizing guiding, and implementing the activities in a group of children in a child care center and can be counted in child care staff member to child ratios.
 - b. “Mandated reporter” means a licensee, licensee designee, staff, or volunteer who are required to immediately report child abuse or neglect or suspected child abuse and neglect as required by R 400.8213(1)(c).
 - c. “Michigan school age youth development associate credential” means a credential issued by the Michigan afterschool partnership in collaboration or similar credential approved by the department.
 - d. “MiRegistry” is the electronic data system for child care providers that is maintained by the department to verify and track employment, training, and educational accomplishments.
 - e. “MiRegistry-approved training” means training that is submitted to MiRegistry by a MiRegistry approved trainer or MiRegistry training sponsor organization that meets the qualification for approval.
 - f. “Montessori credential” means a credential issued by the Association Montessori International, American Montessori Society, or any Montessori teaching or training institution recognized by the Montessori Accreditation Council for Teacher Education that meets or exceeds 270 hours of academic training.
 - g. “Multiple occupancy” means a building or structure where 2 or more classes of occupancy exist. Classes of occupancy include, but are not limited to, day-care occupancy, residential occupancy, or health care occupancy.
 - h. “Natural playground” means an outdoor play area that blends natural materials, features, and vegetation, which can include tree logs, tree stumps, boulders, and plants.
 - i. “Nighttime care” means care between the hours of midnight and 5 a.m.
 - j. “On file” means accessible at the center or central office, as specified in these rules, via a hard copy or electronically unless otherwise stipulated in the rule.
 - k. “Outdoor nature-based child care center” means a child care center that does all of the following:
 - i. Serves preschool and school-age children.
 - ii. Provides early learning service to the enrolled children in an outdoor natural space approved by the department for not less than 4 hours per day or 50% of the daily program hours, whichever is less, and may operate in an approved building during inclement weather.
 - iii. Teaches a nature-based curriculum to enrolled children.
 - l. “Parent” or “parental” means a child’s natural or adoptive parent who is legally responsible for the child or the child’s legal guardian.
 - m. “Playspace” means a piece or pieces of age-appropriate toys, play equipment,

and materials that 1 child can use independently for 15 minutes.

- n. "Portable crib" means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh, fabric or non-rigid sides, such as a bassinet or play yard, are not considered a portable crib.
- o. "Present at the center" means being physically at the center at any point when children are present.
- p. "Program administrator" means a licensee or child care staff member who is responsible for the general management of the center, ensures compliance with the act and these rules, and can be counted in child care staff member to child ratios. Program administrators include an early childhood program administrator, a school-age program administrator, and a small capacity center program administrator.
- q. "Program components" means the different services offered by a center. Program components include, but are not limited to infant and toddler, preschool, and school- age care and education; nighttime care; food service; swimming; and transportation.
- r. "Program staff" means a teacher, lead teacher, substitute teacher, site administrator, staff-in-charge, program administrator, substitute program administrator, or other compensated employee of the center that has direct contact with children and can be counted in child care staff member to child ratios. Program staff does not include volunteers, therapeutic professionals, and independent service providers.
- s. "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non- routine transportation.

R400.8103 Definitions; S to Z**RULE 103 (1)**

1. As used in these rules:

- a. "Sanitize" means reducing the number of germs on surfaces after cleaning the item by using heat, sanitizing solution, sprays as directed on the label, or a weakened bleach solution.
- b. "School" means a building or part of a building that is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction pursuant to the revised school code, 1976 PA 451, MCL 380.1 to 380.1853, which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.
- c. "School-age child care center" means a child care center serving only school-age children.
- d. "School-age program director administrator" means the program director of a center serving only school-age children. A child care staff member who is the program administrator of a school-age child care center and can be counted in child care staff member to child ratios.
- e. "Serious injury" means an injury that occurred while the child was in care that resulted in a child receiving medical attention by a health care provider.
- f. "Session" means 8 hours within a 24-hour day from midnight until 11:59 p.m. for centers operating 8 hours or more per day or 50% of the time open for centers operating less than 8 hours per day.
- g. "Site administrator" means a child care staff member appointed by the program administrator responsible for supervising the operation of the center when the program administrator is not on the center premises and can be counted in child care staff member to child ratios.
- h. "Small capacity center" means a child care center that receives 20 or fewer children less than 13 years of age.
- i. "Staff" means any compensated employee of a center that perform services for the child care center and has direct or indirect contact with children at the center. Staff includes the program administrator, substitute program administrator, site administrator, staff-in-charge, lead teacher, teacher, substitute teacher, and other paid employees at the center, such as the cook, driver, janitor, secretary, and bookkeeper. Staff does not include volunteers, therapeutic professionals, and independent service providers.

Includes only compensated employees, not volunteers.

- j. "Staff-in-charge" means a child care staff member appointed by a program administrator of a single site when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

- k. "Standard precautions" means the use of barriers to handle potential exposure to biocontaminants, the process to clean and disinfect contaminated surfaces, and the process to dispose of biocontaminants.
- l. "Substitute teacher" means a child care staff member who is 16 years of age or older and is employed by the child care center, directly or indirectly, for compensation as a temporary replacement for a teacher and can be counted in child staff member to child ratios.
- m. "Supervised volunteer" means an individual 16 years of age or older, who provides service for a child care center that is not compensated, and who is supervised at all times when children are in care.

A supervised volunteer cannot be counted in child staff member to child ratios.

A supervised volunteer does not include the rare occasions when parents accompany their child on a special activity such as a classroom party or field trip, when the parent is only with their child and has no responsibility for classroom activities.

A supervised volunteer cannot be used to maintain child care staff member to child ratio.

- n. "Teacher" means a child care staff member who is 16 years of age or older and is employed by the child care center for compensation to further the cognitive, social, emotional, and physical development of children in a child care center and can be counted in child care staff member to child ratios.
- o. "Therapeutic professionals" means an independent service provider who provides therapeutic services in a child care center, including, but not limited to, speech therapists, nutritionists, early interventionists, nurses, and other licensed health care professionals who are employed by an intermediate school district or local school district to provide services in a child care center to a child with a disability that has an active individualized education program or individualized family service plan.
- p. "Unsupervised volunteer" means a child care staff member who is 16 years of age or older, provides service for a child care center that is not compensated, is determined eligible by the department to be unsupervised with children, and can be counted in child care staff member to child ratios.
- q. "Volunteer" means a supervised volunteer and an unsupervised volunteer.
- r. "Well-defined space" means space designed and used exclusively for a specific group of children.

R400.8104 Rule variances

RULE 104 (1)

1. Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

RATIONALE

Allows a center to meet the intent of a rule by an alternative means when special circumstances exist.

TECHNICAL ASSISTANCE

To request a variance, the center has to:

- Submit a written request for a variance to a rule. The variance request can be sent to the licensing consultant or can be submitted through the Child Care Hub Information Records Portal (CCHIRP).
- Describe how the alternative proposed will meet the intent of the rule in a different way.
- Make sure that the proposed alternative does not compromise the safety of children.
- Not start using the proposed change until written approval is received from the department.

A recommendation from an environmental health sanitarian or fire safety authority might be needed if the variance is requested on a rule regarding environmental health or fire safety.

RULE 104 (2)

2. The decision of the department, including the conditions under which the variance was granted, shall be kept on file at the child care center.

RULE 104 (3)

3. The granted variance may remain in effect for as long as the licensee continues to comply with the conditions of the variance or may be time-limited.

RATIONALE

Allows flexibility in determining the appropriateness of the duration of a variance.

TECHNICAL ASSISTANCE

Reasons a variance may be ended include:

- The licensee does not comply with the terms of the variance.
- The variance is no longer necessary or appropriate.

RULE 104 (4)

4. Variances will not be granted from statutory requirements.

R400.8107 Applicant qualifications; license application; fees

RULE 107 (1)

1. An applicant shall meet all of the following qualifications:
 - a. Be suitable to meet the needs of children.
 - b. Be able to ensure that the proposed services and facilities are conducive to the welfare of children.
 - c. Act in a manner that is conducive to the welfare of children.
 - d. Demonstrate a willingness and ability to comply with the act and these rules.

RATIONALE

Ensures:

- The safety and welfare of children.
- That the applicant exhibits responsible behavior and has the ability to respond appropriately to children's needs.

TECHNICAL ASSISTANCE

"Conducive to the welfare of the children" means:

The disposition, temperament, condition, and action of the applicant, licensee, licensee designee, program director, child care staff member, and member of the household promotes the safety and well-being of the children served.

The applicant will complete a comprehensive background check through the department at Child Care Background Check (CCBC). [CCBC website](#)

Suitable means the applicant:

- Is truthful to the department and the public.
- Does not have a criminal history that could affect the safety and welfare of children in care.
- Is able to use good judgment.
- knows about the developmental needs of different aged children.
- Can act in a way to meet rule requirements.
- Is not on central registry as a perpetrator of child abuse or neglect.

To assess an applicant's conduciveness and suitability:

- The applicant will print, complete, and have on file at the facility the Consent and Disclosure form.
- The applicant will then request fingerprinting.
- The applicant will schedule a fingerprint appointment online through the applicant's online childcare background check account.

Note: The comprehensive background check and consent and disclosure forms are required for all School district and ISD/ESD employees who will give unsupervised care or supervision of children and volunteers who have unsupervised access to children.

Results of the Comprehensive Background Check

The department must not issue an original license if the comprehensive background check deems the applicant ineligible.

Note: If the applicant has his/her name expunged (removed) from the central registry, he/she may be issued a license after an eligibility determination has been made. The person on the central registry can request an expungement at the Department of Health and Human Services office that placed the person on central registry.

RULE 107 (2) – (4)

2. An applicant for a license to operate a child care center shall complete, sign, and submit the department's child care application, along with the applicable fee listed under section 5m of the act, MCL 722.115m, in the manner prescribed by the department.
3. If the applicant elects a licensee designee, then the applicant shall also complete, sign, and submit the department's child care licensee designee form in the manner prescribed by the department.
4. Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall comply with all applicable laws and rules.

TECHNICAL ASSISTANCE

To apply, visit the child care licensing's website for the application process:

The licensee designee form (BCAL-5003) can be found at [Child Care Forms](#).

RULE 107 (5) & (6)

5. Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall submit the certificate of occupancy.
6. If the school-age center is established and operated by an intermediate school board, the board of a local school district, by the board or governing body of a state-approved nonpublic school, or by a person or entity with whom a school contracts for services and is located in a school building that is approved by the state fire marshal or other similar authority for school purposes, an applicant or licensee is not required to submit a certificate of occupancy at original licensure or before the renewal of a license.

RATIONALE

Ensures the safety and welfare of children.

TECHNICAL ASSISTANCE

A certificate of occupancy is a legal document that proves a property is safe and meets code and usage requirements provided by a legal authority. The certificate of occupancy is issued by the local government and ensures the facility:

- Complies with building codes
- Is suitable for occupancy
- Meets all structural codes

If, after a good-faith effort to locate it, a center cannot secure a certificate of occupancy, the licensee will need to discuss the possibility of a variance to this rule with their licensing consultant.

RULE 107 (7)

7. Outdoor nature-based child care centers are exempt from subrule (5) of this rule, but the applicant or licensee shall provide both of the following before issuance of the original license, and before the renewal of a license:
 - a. A location map including the location of the emergency shelter.
 - b. Outdoor benefit-risk assessment.

Location Map Including the Location of the Emergency Shelter

Outdoor nature-based (ONB) programs must create and submit a detailed map of their program area, including the location of the emergency shelter. This map should clearly show all required locations, including:

- restrooms,
- gross motor play areas,
- designated program boundaries, pathways, and
- emergency shelter locations for licensing purposes.

Relevant officials such as local police, fire department and first responders should also have access to this map to ensure they can locate the program as needed.

R400.8110 Applicant; licensee; licensee designee; requirements

RULE 110 (1)

1. The licensee or licensee designee shall do all of the following:
 - a. Act in a manner that is conducive to the welfare of children.
 - b. Comply with sections, 5n and 5q of the act, MCL 722.115n and 722.115q, which requires obtaining a comprehensive background check.
 - c. Be responsible for compliance with the act, and these rules.
 - d. Report to the department within 3 business days after any arraignment or conviction of 1 or more of the crimes listed in section 5r of the act, MCL 722.115r, and any subsequent conviction.

RATIONALE

Ensures:

- The safety and welfare of children.
- That the licensee exhibits responsible behavior and have the ability to respond appropriately to children's needs.

TECHNICAL ASSISTANCE

To view the entire Child Care Organizations Act: [Act 116 of 1973](#).

This rule says that a licensee will do what is best for the children, make sure everyone has background checks, and report to the department anyone who is charged or convicted of the crimes listed. It is the licensee's responsibility to be in compliance with this act and these rules.

Note: if a person is found ineligible, he/she cannot be connected to the center per Rule 400.8201(4).

To be in compliance with (1)(c)

The department must begin steps to revoke a license or must refuse to renew the license if a central registry clearance reveals that an active licensee is listed on central registry or if a criminal history clearance shows a conviction for the *exclusionary* offenses. A list of *exclusionary offences* can be found below and at [CCBC/Forms and Resources](#).

To be in compliance with (1)(d) Reporting an Arraignment of Licensee

Arraignment is when an individual is formally charged and appears in a court of law and enters a plea. A person who fails to report as required is guilty of a felony or a misdemeanor, depending on the offense.

The following offenses that must be reported to the department or center within three days of being arraigned:

- **Felony** consisting of 1 or more of the following or any other state or federal equivalent for the following:
 - Murder or Homicide.
 - Child Abuse or Child Neglect.
 - A crime against a minor child including, but not limited to, child pornography.
 - Spousal abuse or domestic violence.
 - A crime involving rape or sexual assault.
 - Kidnapping.
 - Arson.
 - Physical assault or battery.
 - Human Trafficking or Involuntary Servitude.
- **Violent Misdemeanor** against a child, including, but not limited to, 1 or more of the following crimes:
 - Child Abuse.
 - Child Endangerment.
 - Sexual Assault.
 - Misdemeanor Child Pornography.
- **Felonies or an Attempt or Conspiracy to Commit** 1 or more of the following
 - Felony harm or threatened harm to an individual.
 - Felony involving the use of a firearm or dangerous weapon.
 - Felony involving cruelty or torture of any person.
 - Felony involving a substantial misrepresentation of any material fact, bribery, fraud, larceny, embezzlement, theft, home invasion, breaking and entering, receiving and concealing stolen property or a crime of similar statute.
 - Felony involving operating a motor vehicle while intoxicated or impaired causing serious injury or death.
 - Felony involving the use of a computer or the internet to commit a crime.
 - Felony involving the cruelty to animals, including, but not limited to, fighting, killing, torturing, and abandoning.
 - Felony involving aggravated stalking, aggravated indecent exposure by a sexually delinquent person, pandering, transporting an individual for prostitution, and keeping, maintaining or operating a house of ill fame.
 - Felony as a Habitual Offender.
 - Felony Drug Offense, or an Attempt or Conspiracy to Commit a Felony Drug Offense.
- **Misdemeanors, an Attempt or Conspiracy to Commit any of those Misdemeanors, or any other state or federal equivalent:**
 - Operating under the presence of a controlled substance.
 - Use or possession of a controlled substance.
 - Selling or furnishing a controlled substance to a minor.
 - Using computers to commit a crime.
 - Substantial misrepresentation of a material fact.
 - Embezzlement.
 - Breaking and Entering.
 - Any other fraudulent crime except Retail Fraud 3rd Degree, Petty Theft, or Shoplifting.
 - Stalking.
 - Assault.

- Spousal Abuse.
- Domestic Violence.
- Weapons Offense.
- Harboring Runaways.
- Aiding and Abetting.
- Arson.

It is up to the licensee to make sure all employees know they are required to report an arraignment for the above-listed crimes to the center.

BEST PRACTICE

The Employee Notification to Child Care Center of Arraignment (BCAL-1486) may be used by center staff to notify the center of an arraignment. *The form can be found at [child care forms](#).*

RULE 110 (2)

2. The applicant, licensee, and licensee designee shall have the administrative capability to operate the center to provide the services and facilities that are conducive to the welfare of children.

RATIONALE

Ensures the safety and welfare of children.

TECHNICAL ASSISTANCE

Lack of administrative capability means repeatedly not being able to follow the licensing rules and the Child Care Organizations Act (1973 PA 116). This includes, but is not limited to, the inability to:

- Maintain accurate records.
- Maintain utilities.
- Ensure financial obligations are met.
- Correct physical problems in the center.
- Address issues with staff.
- Provide an appropriate learning environment to ensure the safety of children.

RULE 110 (3)

3. All of the following must be in a place that is accessible and visible to parents:
 - a. The current license and, if applicable, the letter extending the license beyond the expiration date, and a copy of the last page of any variances granted.
 - b. A copy of these rules must be made available to parents.
 - c. A notice stating that the center requires a comprehensive background check on its employees and unsupervised volunteers.

RATIONALE

Informs the parents of the following:

- The capacity, terms and status of the license.
- The rules and regulations the center is required to meet.
- The rules the center is complying with in an alternative manner.

TECHNICAL ASSISTANCE

A visible place means a location where parents, staff and others can easily see it. In a place accessible to parents means parents would normally be in that place. The documents can be:

- Posted.
- In a binder with the contents clearly labeled.
- On a desk, table or shelf.
- Other manner that meets the requirements.

A copy of the business license is available for download in CCHIRP to print. The extension letter notifies the licensee that the license has been extended beyond the expiration date.

RULE 110 (4)

4. There must be a current licensing notebook on the premises that includes all licensing inspection and special investigation reports, corrective action plans, approval letters for the last 3 calendar years, and a summary sheet outlining the documents contained in the notebook. The notebook must always be in a place accessible to parents and prospective parents at all times during the center's normal hours of operation, or if internet is available at the center, access may be provided through the department's electronic database of licensing records for the entity.

RATIONALE

Effective May 27, 2010, the Child Care Organizations Act (1973 PA 116) requires providers to maintain a licensing notebook. *The notebook is a resource accessible onsite to parents to review all inspections and investigations.*

TECHNICAL ASSISTANCE

All of the following must be filed in your licensing notebook:

- Original Inspection Report
- Addendum to the Original Inspection Report
- Change of Use Space Request for School-Age Programs located in Schools (BCAL-4342)
- Renewal Inspection Report
- Interim Inspection Report
- Special Investigation Report
- Confirming Letter
- Any corrective action plans related to the above documents

BEST PRACTICE

The Licensing Notebook Summary Sheet (BCAL-5052) may be used as the required summary sheet in the licensing notebook. The BCAL-5052 is available on the licensing website at [Child Care Forms](#).

RULE 110 (5)

5. Within 5 business days, the licensee shall notify the department of the separation of a licensee designee, program administrator and a plan for replacement of the individual.

RATIONALE

Ensures that appropriate care and supervision is provided to all children and ensures the safety and welfare of all children.

RULE 110 (6)

6. A licensee or licensee designee with a center located in a multiple occupancy building shall comply with section 118e of the act, MCL 722.118e.

RATIONALE

To aid in verification of compliance with center regulations.

TECHNICAL ASSISTANCE

The multiple occupancy form CCL-2118 must be submitted to the department and can be found on the child care licensing website under forms.

R400.8112 Children's Records

RULE 112 (1)

1. At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed, signed, and dated by the child's parent and updated as changes occur. The center shall keep current hard copies of the child information cards at the center.

RATIONALE

Ensures that centers have contact and medical information for each child.

TECHNICAL ASSISTANCE

"Initial attendance" means the moment a child is left in the center's care.

To be in compliance with this subrule, the Child Information Record (CCL-3731 or a comparable substitute) must be accurate and complete. Unless otherwise indicated, ALL requested information must be provided. If the information cannot be given or does not apply, "unknown" or "none" is the required response. A blank field, a line through a field or "N/A" are not acceptable responses. The most recent and up to date form can be found on the [Child Care Licensing Website](#).

Children may be released to a parent/legal guardian or other individual named in the release of child sections on the Child Information Record.

RULE 112 (2)

2. For children under school-age, at the time of a child's initial attendance, a center shall document 1 of the following, accessed through the Michigan care improvement registry or in a paper format if the parent or guardian chooses to provide to the center in that manner:
 - a. A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services.
 - b. A medical contraindication form signed by a medical doctor or Doctor of Osteopathic Medicine stating why the child cannot receive immunizations.
 - c. A copy of a non-medical waiver on the official form prescribed by the department of health and human services and documented in the Michigan care improvement registry and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.
 - d. A paper copy of a non-medical waiver on the official form prescribed by the department of health and human services signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

RATIONALE

Routine immunization at the appropriate age is the best means of preventing vaccine-preventable diseases for both the child who is immunized and other children to whom they are exposed.

TECHNICAL ASSISTANCE

Any of the following are required to show compliance with 2(a) of this rule:

- A copy of the child's immunization record.
- The official immunization record printed from the Michigan Child Care Improvement Registry (MCIR). [This can only be printed by a health care provider or the Michigan Department of Health and Human Services (MDHHS)].

If parents choose not to have immunizations administered, per 2 c and d of this rule, the parent must complete the waiver provided by the local health department. A copy of the waiver must be kept on file at the center.

BEST PRACTICE

Information pertaining to required immunizations for Michigan child care/preschool attendance can be obtained from the MDHHS website [Immunization Info for Families & Providers](#) or the Michigan Care Improvement Registry website [mcir.org – Improving Healthcare in Michigan](#) (School & Child Care).

RULE 112 (3)

3. When a child under school-aged whose immunizations cannot be completed due to medical reasons, including, but not limited to, a dose waiting period, within 4 months after admittance, a child may remain enrolled for a reasonable length of time that is consistent with good medical practices. The center shall verify additional immunization requirements are current as specified by the department of health and human services unless there is a signed medical exemption filed certifying that the child is in the process of complying with all immunization requirements. The medical exemption must be on file with the center until it can be replaced with proof that the vaccines for which an exemption was granted have been received or the medical exemption has expired.

RATIONALE

Routine immunization at the appropriate age is the best means of preventing vaccine-preventable diseases for both the child who is immunized and other children to whom they are exposed.

TECHNICAL ASSISTANCE

Any of the following are required to show compliance with subrule (a) of this rule:

- A copy of the child's immunization record.

- The official immunization record printed from MCIR. (This can only be printed by a health care provider or MDHHS).

BEST PRACTICE

Information about required immunizations for Michigan child care/preschool attendance can be found on the MDHHS website, Immunization Program or the MCIR website MICR (School & Child Care).

RULE 112 (4)

4. A center shall report to the department of health and human services, by October 1 of each year and using the method established by the department of health and human services, immunizations for all children enrolled, pursuant to section 9211(2) of the public health code, 1978 PA 368, MCL 333.9211.

TECHNICAL ASSISTANCE

Contact your county public health department or the MDHHS, Division of Immunization at (517) 335-8159 for help.

RULE 112 (5)

5. A record of a physical evaluation performed within the preceding 13 months after initial attendance for infants, toddlers, and preschoolers must be retained on file and made accessible in the center within 30 days after a child's initial attendance. The evaluation must note any restrictions and be signed by a physician or the physician's designee. An electronic record from a physician's office is accepted.

RATIONALE

The purpose of the health evaluation is to give information about a child's health history, special needs and current health status to allow the center to provide a safe setting and healthful experience for each child. The reports of such evaluations provide a conduit for communication of information that helps the health professional and the center determine appropriate services for the child.

TECHNICAL ASSISTANCE

"Initial attendance" means the moment a child is left in the center's care.

Physical evaluations are acceptable from the following:

- A Doctor of Medicine (MD).
- A Doctor of Osteopathic Medicine (DO).
- A designee who is supervised by a licensed physician, such as a physician assistant, nurse practitioner, or nurse.

An electronic record from a physician's office does not require a physician signature. It must include any restrictions.

BEST PRACTICE

The Health Appraisal (MDHHS-3305) form is recommended to be used to document a child's physical evaluation. The MDHHS-3305 is available on the department's website at [Child Care Licensing Forms](#).

RULE 112 (6)

6. Physical evaluations must be updated every 13 months for infants and toddlers, and every 2 years for preschoolers.

RULE 112 (7)

7. For a school-age child, on enrollment and annually thereafter, a center shall obtain and keep on file at the center a signed statement from the parent confirming all of the following:
 - a. The child is in good health with activity restrictions noted.
 - b. The child's immunizations are up to date.
 - c. The immunization record or appropriate waiver is maintained on file either in the Michigan care improvement registry or in paper format provided by the parent at the center. For a school-age child not enrolled in a public or private school, a licensed health care provider's statement indicating the child is in the process of getting immunizations must be on file at the center.

RATIONALE

Ensures the center is aware of any health concerns or restrictions on a child's physical activities.

TECHNICAL ASSISTANCE

An electronic signature from a child's parent is allowed.

BEST PRACTICE

Centers are encouraged to develop a form to meet the requirements of this rule that can easily be completed by parents. Refer to subrule (3) of this rule for more information on immunizations.

RULE 112 (8)

8. A center shall ensure that, if a parent objects to a physical examination or medical treatment on religious grounds, the parent provides a signed statement annually that the child is in good health and that the parent assumes responsibility for the child's state of health while at the center.

RATIONALE

Respects a parent's religious beliefs.

TECHNICAL ASSISTANCE

The parent's statement must include the following:

- That does not agree to have a physical exam or medical treatment on religious grounds.
- That the parent assumes responsibility for the child's health while at the center.
- Any health problems that might affect a child's participation, such as allergies, asthma or developmental issues.

An electronic signature from a child's parent is allowed.

RULE 112 (9)

9. A center that enrolls a homeless child pursuant to section 722 of the McKinney-Vento homeless assistance act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable to produce health and immunization records. The licensee shall keep on file at the center any documentation of referring a child to the local educational agency liaison for homeless children and youths.

BEST PRACTICE

Information about the Every Child Succeeds Act (ESSA) can be found at US Department of Education [Every Student Succeeds Act \(ESSA\)](#)

For Practical Application of the McKinney-Vento Act: [National Center for Homeless Education](#)

RULE 112 (10)

10. A center shall keep on file at the center an accurate record of daily attendance at the center that includes each child's first and last name and each child's arrival and departure time.

RATIONALE

Ensures that the facility knows which children are in care at any given time. It assists in maintaining child-staff ratios and provides data for program planning. Attendance records may be necessary in conducting complaint investigations and other inspections.

TECHNICAL ASSISTANCE

To keep attendance, a center may have either staff or parents, or both, enter arrival and departure times. It is up to the center to make sure attendance is accurate and arrival and departure times are documented, even if parents sign children in and out. Centers can keep attendance records electronically.

Centers must demonstrate all of the following:

- The electronic attendance records are reliable.
- How attendance records would be maintained if the system was down.
- How attendance records would be accessed if the system was down or in an emergency. If electronic attendance records are not available during an on-site inspection, the center is in violation of this rule.

BEST PRACTICE

All providers that receive Child Development and Care (CDC) payments should refer to the [CDC website](#) for guidance on attendance requirements.

All centers participating in the Child and Adult Care Food Program should refer to the following websites for guidance on attendance requirements:

- <https://www.midmichigancc.com/>
- <https://acdkids.org/michigan/>

RULE 112 (11)

11. A child shall only be released to individuals authorized by the child's parent or guardian.

RULE 112 (12)

12. A child shall be released to either parent or the child's guardian unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be maintained on file at the center.

TECHNICAL ASSISTANCE

Both parents have a right to pick up the child whether or not they are listed on the Child Information Record (CCL-3731 or a comparable substitute) unless a court order is on file prohibiting release to a particular parent.

RULE 112 (13)

13. A parent's written permission for routine transportation must be obtained annually and maintained on file at the center.

RATIONALE

Ensures that parents give permission for their children to be transported.

BEST PRACTICE

The routine transportation permission form should include all of the following:

- Child's name.
- Date parent gave the permission. Parents must re-sign the permission form annually.
- When the routine transportation will occur.
- Transportation destination.
- Parent's signature. An electronic signature from a child's parent is acceptable.

RULE 112 (14)

14. A parent's written permission for the child's participation in field trips must be obtained at the time of enrollment or before each field trip and maintained on file at the center.

RATIONALE

Ensures that parents give permission for their children to be transported.

BEST PRACTICE

A non-routine transportation permission form should include all of the following:

- Child's name.
- Date parent gave the permission.
- When the non-routine transportation will occur.
- Transportation destination.
- Parent's signature. An electronic signature from a child's parent is acceptable.

RULE 112 (15)

15. Parents shall be notified before each field trip.

BEST PRACTICE

A verbal, written and or electronic reminder should be provided to parents the day of the field trip.

RULE 112 (16)

16. For outdoor nature-based child care centers, a signed waiver by the parent that acknowledges and accepts the potential hazards and risks associated with the center must be maintained on file at the center.

R400.8112a Center records

RULE 112a (1)

1. The center shall maintain accurate records detailing daily arrival and departure times for each staff member, volunteers, therapeutic professionals, and independent service providers.

RATIONALE

Ensures that centers have contact and medical information for each child.

TECHNICAL ASSISTANCE

Centers can keep attendance records electronically. The centers must demonstrate all of the following:

- The electronic attendance records are reliable.
- How attendance records would be maintained if the system was down.
- How attendance records would be accessed if the system was down or in an emergency.

Staff members' first and last names need to be used when keeping track of staff arrival and departure times.

RULE 112a (2)

2. The center shall designate and keep current, in the manner prescribed by the department, the title designations of teacher, lead teacher, site administrator, program administrator, substitute teacher, unsupervised volunteer, supervised volunteer, or other staff member for each individual working at the center.

RATIONALE

To ensure roles and responsibilities of each program staff are clear and documented.

TECHNICAL ASSISTANCE

The department staffing plan form meets the requirements of R 8112a(2). Staffing Plans must include all supervised and unsupervised volunteers.

RULE 112a (3)

3. The records required by the act and these rules must be retained on file at the center or at the central office, as specified in the rules, for a minimum of 2 calendar years or longer as specified in these rules and made available to the department on request. Verification of records must be conducted by reviewing the 2 previous calendar years from the current license renewal year.

RATIONALE

The department may need past records when conducting complaint investigations. Past records will assist the center in resolving licensing issues.

RULE 112a (4)

4. The following records must be retained and be made available to the department:
 - a. The name, address, and telephone number for each child enrolled and each staff member and unsupervised volunteer for not less than 2 years after the individual leaves the center.
 - b. Staff and unsupervised volunteer documentation of qualifications must be retained for not less than 2 years after the individual leaves the center.
 - c. The licensing notebook must be maintained and retained until the license is closed.

RATIONALE

The department may need past records when conducting complaint investigations. Past records will assist the center in resolving licensing issues.

TECHNICAL ASSISTANCE

Training records must be kept for the past two full calendar years. For example, at a renewal inspection on July 1, 2025, the licensing consultant will review training records for calendar year 2023 and 2024.

Consent and disclosure forms must be kept for four years after the person has left employment.

BEST PRACTICE

It is best practice to record the exact arrival and departure times of program staff in each well-defined space during the day.

Centers are encouraged to store files for children and staff who are no longer at the center separately from active files.

This rule only applies to child care licensing record retention requirements. All providers participating in other programs (e.g., Child Development and Care payments, Child and Adult Care Food Program, etc.) should refer to those programs for their record retention requirements.

R400.8113 Information provided to parents

RULE 113 (1)

1. A center shall provide a handbook, electronically or hard copy, to each parent enrolling a child that includes at least all of the following:
 - a. Criteria for admission and withdrawal.
 - b. Schedule of operation that denotes the hours, days, and holidays during which the center is open and services are provided.
 - c. Fee policy.
 - d. Discipline policy.
 - e. Food service policy.
 - f. Program philosophy.
 - g. Typical daily routine.
 - h. Parent notification plan for accidents, injuries, incidents, and illnesses.
 - i. Transportation policy, if applicable.
 - j. Medication policy.
 - k. Exclusion policy for child illnesses.
 - l. Notice of the availability of the center's licensing notebook and that it contains the items described in R 400.8110(4).

RATIONALE

Clear, written policies ensure that parents are aware of center policies and expectations.

TECHNICAL ASSISTANCE

The written information packet can be made available to parents online.

Admission/Withdrawal Policy

An admission policy should include the following:

- Age requirements for the child.
- Specific geographic requirements, if required.
- Organization affiliation requirements, if required.
- Income requirements, if required.
- Documents that must be filled out and submitted before acceptance (immunization record, the child information card, etc.).

A complete withdrawal policy has two parts:

- Reasons why the center would dismiss a child, such as:
 - nonpayment of fees,
 - whether the program suits a child, and
 - specific behaviors that are unacceptable (e.g., excessive biting or aggressiveness, too many absences).
- What parents need to do if they decide to withdraw their child:

- how much notice must be given and
- whether there is a penalty for not giving enough notice.

Fee Policy

The fee policy should include the following:

- If there is an enrollment or application fee and the amount.
- The tuition amount and ways to pay.
- The payment schedule, including late fees.
- Additional fees for special trips or projects.
- Fees for days the center is closed.
- Fees for days a child is ill or on vacation.

Discipline Policy

The discipline policy must refer to methods described in R 400.8280.

Food Service Policy

Child care centers that care for children more than four hours per day must provide the food or get a signed, written agreement from the parent saying the parent chooses to provide the food. In either case, the center needs to name the food service program in a written policy to parents.

If the center is providing food, the policy should clearly spell out:

- What meals will be served and at what time.
- Menus will be posted in a place where parents can see it, and will note food substitutions.
- The meals will be in line with the minimum meal requirements of the Child and Adult Care Food Program.
- The center will comply with rule 400.8330(3) & (4) to make sure children with special dietary needs receive meals/snacks in accordance with the child's needs.

If parents are providing meals, the policy should spell out:

- What meals the parent will provide.
- The child will not be kept from having a meal or snack if the parent fails to provide it.
- If the center is serving some meals or snacks or a portion of the meal, such as milk.

Program Philosophy

The program philosophy describes the center's purpose and beliefs.

Typical Daily Routine

The typical daily routine should include:

- The general time frame for daily activities and
- activities that happen less often (gym time on Wednesdays).

Parent Notification Plan for Accidents, Injuries, Incidents, and Illnesses

As required by 400.8263(1), centers must develop a plan on how the center will notify parents when:

- The center observes changes in the child's health,

- A child has an accident, injury, or incident,
- When a child is too ill to stay in the group.

See 8263 for more information.

Transportation, if applicable

If transportation is provided, refer to rules 8701 - 8770

Parents Permissions for Transportation in rule 8780

Parents should always know where their children are. Give parents information about each field trip date/time/location

Medication

If the center gives medication refer to rule 8260

Exclusion Policy for Child Illnesses

As required by 400.8263(5), centers must develop a policy saying when children will be not allowed in (excluded) from child care due to illness.

BEST PRACTICE

The center program administrator or a program staff should go over all center policies with parents at the time of enrollment.

Centers may choose to include other information the center thinks is important for parents to know in a parent handbook. Using a handbook format makes sure all materials are kept in one place for easy access.

Schedule of Operation

It is recommended to include a policy for snow/inclement weather days.

Program Philosophy

The center may want to think about including the center's mission statement and the type of program being offered in the program philosophy.

Licensing Notebook

The Licensing Notebook Summary Sheet (CCL-[5052](#)) may be used as the required summary sheet in the licensing notebook. If a licensing notebook is not made available onsite, then parents shall be provided the department's website to access reports found [here](#).

The Parent Notification of the Licensing Notebook (CCL-[5053](#)) may be used to notify parents of the licensing notebook.

RULE 113 (2)

2. Documentation that the parent received the handbook, as required by subrule (1) of this rule, must be maintained on file at the center.

RATIONALE

Ensures that parents are aware of center policies and expectations.

TECHNICAL ASSISTANCE

It is ok to get a written statement from parents that they received all the documents required by subrule (1) of this rule. A single written statement may be used for all children in the same family; electronic signatures are allowed.

If the written information packet is given to parents online, the written documentation from parents must show where it can be found online.

BEST PRACTICE

The Written Information Packet Documentation (CCL-[4340](#)) form may be used to document that parents received all of the documents required by subrule (1) of this rule.

A single CCL-[4340](#) may be used for all children in the same family. This can be found at Child Care Forms

RULE 113 (3)

3. For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:
 - a. Food intake time, type of food, and amount eaten.
 - b. Sleeping patterns indicating when and how long the child slept.
 - c. Elimination patterns, including bowel movements, consistency, and frequency.
 - d. Developmental milestones.
 - e. Changes in the child's usual behaviors.

RULE 113 (4)

4. Parents of children with special needs may request a written daily record that includes at least the information required by subrule (3) of this rule.

RATIONALE

Provides parents with information about their child on a daily basis. Ensures continuity of care and communication among child care staff members. Facilitates observation and documentation of changes in a child's feeding habits, sleeping patterns, elimination patterns, and development to determine possible health problems.

TECHNICAL ASSISTANCE

Options for providing this information to parents include:

- Letting the parent look at the written daily record when picking up their child.
- Electronically.
- In written format.

If parents of children with special needs request a written daily record, it must include at least the information required by subrule (3) of this rule.

BEST PRACTICE

Entries must be made in a timely manner as each event occurs.

It is recommended that the written daily record be used to be comply with R 400.8274(5).

It is recommended that the center maintain a copy of the written daily record.

R400.8121 Indoor space

RULE 121 (1)

1. The required square footage of indoor space per child must be at least the following:
 - a. Forty-two square feet for infants and toddlers.
 - b. Thirty-five square feet for preschoolers and school-aged children.
 - c. Thirty-five square feet for small capacity centers, regardless of age.

RULE 121 (2)

2. The following indoor space is excluded from the required square footage:
 - a. Hallways.
 - b. Bathrooms.
 - c. Reception and office areas.
 - d. Kitchens.
 - e. Storage areas and closets.
 - f. Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.

RULE 121 (3)

3. A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.

RATIONALE

Child behavior tends to be more constructive when sufficient space is organized to promote developmentally appropriate skills. Crowding has been shown to be associated with increased risk of upper respiratory infections and aggression. Also, having sufficient space will reduce the risk of injury when simultaneous activities are taking place.

Ensures adequate space for all children and additional space for infants and young children who require more space for their equipment such as cribs and highchairs.

Ensures that children have safe and adequate space for daily activities and room to move.

TECHNICAL ASSISTANCE

Use the following guidelines to plan indoor activity space:

- Too much storage will take away usable child care space. This may affect the capacity.
- Space within the children's use area used to store cots is not deducted.

- A teacher's desk within the room, if minimal, is not deducted.
- For a room to be counted towards capacity, it needs to be available and used during the hours of operation. This includes gyms, libraries, cafeterias, and computer rooms.
- Extra space provided by lofts must not be counted when calculating square footage for capacity.
- In infant areas, count the space where cribs are located when calculating square footage for capacity.

The floor plan will show:

- all rooms approved for use (building layout),
- the location of sinks and toilets in bathrooms, and
- the location of exits.

BEST PRACTICE

The floor plan should show the size of rooms (dimensions) the ages each room is approved for, and the location and number of sinks and toilets.

R400.8125 Outdoor play area

RULE 125 (1)

1. The outdoor play area is considered an outdoor classroom and an extension of the learning environment.

RULE 125 (2)

2. A center operating with children in attendance for 3 or more continuous hours per day shall provide daily outdoor play, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.

RATIONALE

Outdoor play affords an opportunity for learning in a different environment. Appropriate outdoor play areas and activities encourage growth in all developmental areas.

Open spaces in outdoor areas encourage children to develop gross and fine motor skills in ways that may be difficult to duplicate indoors. Unstructured physical play is a developmentally appropriate outlet for reducing stress in children's lives.

Cold weather does not make children ill. Studies have indicated that children who are taken outdoors, even during cold weather for short periods of time, have fewer incidences of respiratory illnesses. Infectious disease organisms are less concentrated in outdoor air than indoor air. Exposing the skin to sunlight promotes the production of the vitamin D that growing children require. Being outdoors in the fresh air helps children to stay healthy.

When outdoors, children breathe fresh air, develop their muscles, learn and practice increasingly difficult skills, share and cooperate with other children, and get hands-on experiences with some basic scientific principles. Every child benefits from outdoor play every day.

TECHNICAL ASSISTANCE

The center is responsible and accountable to make sure that:

- All children, including infants, are taken outside every day, as weather permits.
- Children are not too hot or too cold.

A child can stay inside with a written and signed order by a health care provider. The center needs to make sure that the child is properly supervised while indoors.

BEST PRACTICE

When deciding about outdoor play, it is recommended to take into account:

- The temperature, including wind chill factors and the heat index (“feels like” temperatures).
- Severe weather conditions (e.g., lightning, heavy rain or snow, tornado watches/warnings)
- Appropriate clothing for conditions. (The center may want to have extra clothing on hand in case children do not have appropriate clothing for conditions.)
- Ages of the children.
- Degree of sunshine or available shade.
- Length of time of the play period.
- Play activities planned.
- Local community practices, health department advice, local school weather guidelines.
- Public announcements of hazardous air quality conditions.

Note: Exposed skin will freeze in a few minutes at temperatures below -13° F or when the wind chill falls to -18.4° F.

When temperatures are above 95° F, children are at risk of:

- heatstroke,
- heat exhaustion,
- burns from hot objects (metallic playground equipment),
- sunburn,
- excessive thirst, etc.

It is also recommended that children:

- wear child-safe sunscreen all year round, even in winter.
- are dressed appropriately for activities:
 - long-sleeved and -legged items protect from sunburn;
 - full jacket, snowsuit, mittens, scarf, hat, boots for snow play; etc.
- stay hydrated during both hot and cold weather.

Program staff also need to know the weather-related symptoms children may show (such as heat or sunstroke, sunburn, dehydration, frostbite, hypothermia, etc.). It may be helpful to provide parents with the center’s guidelines for weather conditions and outdoor play.

It is recommended that children in care for a full day go outside twice a day.

RULE 125 (3)

3. A center operating with children in attendance for 3 or more continuous hours a day shall have an outdoor play area that has not less than 1,200 square feet. More than 1,200 square feet of outdoor play area may be required when the minimum amount is not adequate for the number of children for which the center is licensed.

BEST PRACTICE

It is recommended that the outdoor play area accommodates at least one-third of the licensed capacity at one time.

It is recommended that each child have a minimum of 75 square feet of play area. Play areas need to allow freedom of movement between active children.

Centers can stagger outdoor play times to allow all the children to go outside over the course of 2 to 3 hours.

RULE 125 (4)

4. If outdoor space is not available adjacent to the center, a center may use a park or other outdoor facility. The outdoor space must meet all of the following requirements:
 - a. The area must be easily accessible by a safe walking route.
 - b. The play area must be inspected before each use to ensure that no hazards are present.
 - c. The location of the alternative outdoor play area must be specified in writing to the department.

RATIONALE

Ensures that the department is aware of any alternative play area not located on center property and that the play area is close by, easily and safely accessed, and safe to use.

TECHNICAL ASSISTANCE

The consultant needs to assess if an alternative play area meets the criteria of the rule by determining the following:

- Location of play area.
- Route to play area, including distance and safety.
- Center's plan for getting the children to the play area.
- Center's plan for ensuring the play area is safe prior to the children's arrival.

Centers that use a park or other off-site outdoor play area are not required to have these areas inspected by a Certified Playground Safety Inspector (CPSI). However, center staff need to make sure the play area is in "safe condition" before each time children use this area

See subrule (9) of this rule for a description of "safe condition" for an outdoor play area.

RULE 125 (5)

5. There must be a shaded area to protect children from excessive sun exposure, when necessary.

RATIONALE

Exposure to sun is needed, but children must be protected from excessive exposure. It is estimated that 80% of a person's lifetime sun damage occurs before the age of 18 years. Individuals who suffer from severe childhood sunburns are at increased risk for skin cancer. It can take less than 10 minutes for a child's skin to burn. Practicing sun-safe behavior during childhood is the first step in reducing the chances of getting skin cancer later in life.

TECHNICAL ASSISTANCE

If there are no trees to give shade, use a tent, awning, or other simple shelter from the sun to make a shady area. There are no requirements for the shade area size.

RULE 125 (6)

6. The outdoor play area must be in a safe location.

RULE 125 (7)

7. The outdoor play area must be protected from hazards, when necessary, by a fence or natural barrier that is not less than 48 inches in height.

RATIONALE

Helps ensure proper supervision and protection, prevention of injuries, and control of the area. An effective fence or natural barrier is one that prevents a child from getting over, under, or through it and keeps children from leaving the protected outdoor play area except when supervising adults are present. Although these barriers are not childproof, they provide a layer of protection for children.

TECHNICAL ASSISTANCE

Examples of hazards that require a barrier include but are not limited to:

- Busy roads and streets.
- Parking lots.
- Railroad tracks.
- Electric fences.
- Water hazards such as:
 - Swimming pools.
 - Ponds.
 - Lakes.
 - Canals.
 - Ditches or drains.
 - Streams and rivers.
 - Decorative landscape ponds.
- Appropriate barriers include but are not limited to:

- Fences.
- Buildings.
- Hedges.

Note: If plastic snow fence is used, it needs to be sturdy and standing.

The center needs to make sure that fences and barriers are:

- Free of ready footing for climbing.
- Free of any openings a child can get through.
- Free of objects near the fence that make it easy for children to climb over the fence.

BEST PRACTICE

The following guidelines are recommended for fences:

- Gates with self-closing and positive self-latching closures (a latch that will catch when the gate closes).
- The latch or securing device is high enough or of a type that small children cannot open.
- Play areas that are secured so they can't be used when the center is closed.
- Fences that meet local building codes.
- Fenced areas that have at least two exits, one being away from the center building.
- Fences and barriers that do not keep program staff from seeing the children.
- Openings in fences that are 3 1/2 inches or less so children can't be trapped and can't climb the fence.

RULE 125 (8)

8. Children shall only use age-appropriate equipment.

RATIONALE

A playground should allow children to develop progressively and test their skills by providing a series of graduated challenges. The challenges presented should be developmentally appropriate, to allow a range of safe choices for children.

Children of different ages differ dramatically not only in physical size and ability, but also in their cognitive and social skills. Therefore, playground designs must accommodate these differences with regard to the type, scale and layout of equipment.

Equipment that is sized for larger or older children poses challenges that younger or smaller children may not be able to meet.

BEST PRACTICE

It is recommended that infants and toddlers have their own outdoor play space. The play area should have appropriately sized equipment and materials for their developmental needs. Additional information regarding equipment safety can be found on the [Consumer Product Safety Commission website](#) (CPSC).

RULE 125 (9)

9. An outdoor play area and any equipment located on the center's premises must be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

RATIONALE

Regular inspections are critical to prevent deterioration of equipment and the presence of hazardous materials within the play area, and to ensure that appropriate repairs are made as soon as possible.

TECHNICAL ASSISTANCE

"Safe condition" means a playground is free from:

- Debris.
- Animal waste.
- Dilapidated (run-down) structures.
- Broken or worn play equipment.
- Building supplies and equipment.
- Glass.
- Sharp rocks.
- Toxic plants.
- Anthills.
- Beehives and wasp nests.
- Unprotected ditches.
- Wells.
- Holes.
- Grease traps.
- Cisterns.
- Cesspools.
- Unprotected utility equipment.

The play area and equipment need to be inspected for safety daily.

The inspection needs to include check for:

- Visible cracks in equipment;
 - bending, warping, rusting, or broken equipment. Deformed open hooks, shackles, rings, links, etc.
- Worn swing hangers and chains.
- Missing, damaged, and loose swing seats.
- Broken supports and anchors.
- Cement support footings that are exposed, cracked or loose in the ground.
- Sharp edges or points where children can get at them.
- Ends of tubing that need to be covered with plugs or caps.
- Protruding bolt ends that have lost caps or covers.

- Loose bolts and nuts that need to be tightened.
- Splintered, cracked, or otherwise worn-out wood.
- Moving parts to need to be oiled
- Worn bearings or other mechanical parts.
- Missing rails, steps, rungs, or seats.
- Worn or scattered surfacing material.
- Hard surfaces not covered by shock absorbing material, especially under swings, slides, monkey bars, etc.
- Chipped or peeling paint.
- Shear or crush points, exposed mechanisms, juncture, and moving components.
- Poor drainage that leads to standing water and ice.

Unsafe equipment or areas cannot be used until repairs have been made or the equipment is removed from the premises.

BEST PRACTICE

The center may wish to develop a written checklist to use as a guide for documenting inspections.

RULE 125 (10)

10. The playground equipment, use zones, and surfacing in the outdoor play area must be inspected by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, on request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department on request and keep it on file at the center. All equipment present on a center playground must comply with one of the following:
 - a. Centers licensed after January 1, 2014, are required to obtain documentation of compliance with the 2010 edition of the Consumer Protection Safety Commission Handbook for Public Playground Safety for all playground equipment, including equipment for children under age 2. The 2010 edition of the Consumer Protection Safety Commission Handbook for Public Playground Safety from the United States Consumer Product Safety Commission is adopted by reference and applies only to this subdivision of this subrule. This handbook can be obtained for free from the [United States Consumer Product Safety Commission's website](#), or from the United States Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814. This handbook can be inspected and obtained at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.
 - b. Centers licensed prior to January 2, 2014, were required to obtain documentation of compliance with the Consumer Product Safety Commission's 1997 edition of the Handbook for Public Playground Safety for equipment for children age 2 and older. The 1997 edition of the Consumer Protection Safety Commission

Handbook for Public Playground Safety from the United States Consumer Product Safety Commission is adopted by reference and applies only to this subdivision of this subrule. This handbook can be obtained for free from the [United States Consumer Product Safety Commission's website](#), or from the United States Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814. This handbook can be inspected and obtained at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

RATIONALE

Each year, approximately 200,000 children are treated in U.S. hospital emergency rooms for playground equipment-related injuries. On average, there are 15 child deaths each year as a result of playground equipment-related incidents. Most injuries are the result of falls to the ground below the equipment.

The surface under and around playground equipment can be a major factor in determining the injury-causing potential of a fall. Head impact injuries present a significant danger to children. A fall onto a shock absorbing surface is less likely to cause a serious injury than a fall onto a hard surface.

A CPSC study of playground equipment related injuries treated in U.S. hospital emergency rooms indicated that the majority resulted from falls from equipment to the ground surface below the equipment.

TECHNICAL ASSISTANCE

Note: The Playground Equipment Safety Act (1997 PA 16) regulates playground equipment owned and operated by a local unit of government, school district or any other government entity. Because of the limited scope of the Playground Equipment Safety Act, it does not apply to most child care center playground equipment unless the center is operating in a school building.

General Information on Playground Inspections

The consultant is required to do a general playground safety and maintenance assessment, no matter the:

- age of equipment,
- status of license or
- age of intended user.

Centers need to use CPSIs approved by the department for playground inspections. A list of approved CPSIs can be found on the [department's website \(CPSI\)](#).

This section of technical assistance will use the terms “residential equipment” (not ASTM F1487 compliant) and “commercial equipment” (ASTM F1487 compliant or meets the guidelines outlined in the CPSC’s Handbook for Public Playground Safety).

All equipment on a center playground needs to meet the CPSC's Handbook for Public Playground Safety. This equipment may also comply with the ASTM-F1487 standards from 1997 or later. As a general rule, residential equipment cannot be ASTM-F1487 compliant and commercial equipment can be. (Note: ASTM-F1148-XY standards are for residential equipment.)

Some playground equipment, such as homemade equipment or equipment manufactured before the ASTM-F1487 standards, will not be certified as ASTM-F1487 compliant. Equipment that is not ASTM-F1487 compliant needs to meet the guidelines outlined in CPSC's Handbook for Public Playground Safety. A CPSI can verify if the equipment meets the handbook guidelines.

All equipment needs to be commercial equipment. The center needs to keep documentation that shows compliance with this subrule. Residential climbing equipment does not meet the guidelines outlined in CPSC's Handbook for Public Playground Safety. Because residential climbing equipment should not be on a center playground or, cannot be used if it is, a playground inspection is not required for residential climbing equipment.

Exception: Centers can have residential non-climbing equipment (water tables, picnic tables, play houses with no attached slides, elevated play surfaces, etc.). This type of equipment needs to be kept out of the use zone for other playground equipment.

Centers licensed after January 1, 2014, are required to get proof of compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety for all playground equipment, including equipment for children under age 2. Compliance is verified by at least one of the following:

- A written statement or certificate from the equipment manufacturer and installer that says the equipment was made and installed in compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: The installer needs to be a CPSI but does not have to be on the list of CPSIs approved by the department.

- An inspection report, including the Playground Inspection Certification Summary (BCAL-5047), from a CPSI (on the list of CPSIs approved by the department) that shows compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: All equipment on the playground needs to be documented on the BCAL-5047, even if not inspected.

- A written statement from the licensee that the equipment will not be used if they can't verify compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: Inspections cannot be finalized when the ground is frozen. If a playground inspection is started when the ground is frozen, a follow-up inspection will need to be

done after the ground thaws to assess the safety of surfacing.

Centers Licensed before to January 2, 2014, were required to document compliance with the CPSC's 1997 Edition of the Handbook for Public Playground Safety for equipment for children age 2 and older. Compliance was verified by at least one of the following:

- A written statement or certificate from the equipment manufacturer and installer that says the equipment was manufactured and installed in compliance with the CPSC's 1997 Edition of the Handbook for Public Playground Safety.
- An inspection report, including the Playground Inspection Certification Summary (BCAL-5047), from a CPSI (on the list of CPSIs approved by the department) that shows compliance with the CPSC's 1997 Edition of the Handbook for Public Playground Safety.
- A written statement from the licensee that the equipment will not be used if they can't verify compliance with the CPSC's 1997 Edition of the Handbook for Public Playground Safety.

Centers licensed before January 2, 2014, do not need any additional documentation of compliance with this subrule unless equipment is added.

Playground Equipment for Children Under the Age of 2

Centers licensed before January 2, 2014, were not required to have equipment made for and used by children under the age of 2 inspected because it was not addressed in CPSC's 1997 Edition of the Handbook for Public Playground Safety.

Climbing equipment manufactured for and used by children under the age of 2 may be residential climbing equipment. This type of equipment is often made in one piece, is portable and can be used indoors or outdoors.

Centers licensed before January 2, 2014, can continue to use residential climbing equipment made for and used by children under the age of 2 obtained prior to January 2, 2014. But the center cannot add residential climbing equipment for this age group.

Note: Portable equipment for children under the age of 2 needs to be out of the use zone for other playground equipment.

Equipment Altered/Installed After a Playground Inspection for All Centers

If the licensing consultant learns that a child care center has made a change or added equipment to an outdoor play area after a playground inspection has been completed, the child care center needs to provide at least one of the following on the altered or newly added equipment:

- A written statement or certificate from the equipment manufacturer and installer. The statement must say the equipment was manufactured and installed in compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: The installer needs to be a CPSI but does not have to be on the list of CPSIs approved by the department.

- An inspection report that includes the Playground Inspection Certification Summary

(BCAL-5047), from a CPSI (on the list of CPSIs approved by the department) documenting compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: All equipment on the playground needs to be documented on the BCAL-5047, even if not inspected (such as equipment previously inspected).

- A written statement from the licensee that the equipment will not be used if they can't verify compliance with the CPSC's 2010 Edition of the Handbook for Public Playground Safety.

Note: Inspections cannot be finalized when the ground is frozen. If a playground inspection is started when the ground is frozen, a follow-up inspection needs to be done after the ground thaws to assess the safety of surfacing. Refer to subrule (12) for more information on the exception to this subrule for school-age programs operating in school buildings

RULE 125 (11)

11. All pieces of playground equipment that have an elevated playing or climbing surface, regardless of the height of the playing or climbing surface, must be surrounded by a shock absorbing surface and meet the guidelines defined by the United States Consumer Product Safety Commission Handbook for Public Playground Safety. The shock absorbing surface material may be either unitary or the loose-fill type. An exception to this subrule is provided for natural playgrounds.

RULE 125 (12)

12. Shock-absorbing surfacing materials are not required for equipment that requires a child to be standing or sitting on the ground during play.

RULE 125 (13)

13. Loose-fill surfacing material must not be installed over concrete or asphalt.

RATIONALE

The surface under and around playground equipment can be a major factor in determining the injury-causing potential of a fall. Head impact injuries present a significant danger to children. A fall onto a shock absorbing surface is less likely to cause a serious injury than a fall onto a hard surface.

A CPSC study of playground equipment related injuries treated in U.S. hospital emergency rooms indicated that the majority resulted from falls from equipment to the ground surface below the equipment.

TECHNICAL ASSISTANCE

Hard surfacing materials, such as asphalt or concrete, are unsuitable under and around playground equipment of any height, even if it's covered with loose-fill shock absorbing material.

Note: The CPSC's 2010 Edition of the Handbook for Public Playground Safety allows loose-fill surfacing to be placed over concrete or asphalt if specific layers of protection are added. A variance may be granted to this rule if the guidelines in the CPSC's 2010 Edition of the Handbook for Public Playground Safety are followed.

Surfacing for All Centers: All pieces of playground equipment need to be surrounded by a shock absorbing surface. This material may be either unitary or the loose-fill type as defined by the CPSC's Handbook for Public Playground Safety.

Note: Equipment that requires a child to stand or sit on the ground during play does not have to follow the recommendations for shock-absorbing surfacing. This includes:

- sand boxes,
- activity walls,
- play houses or any other equipment that has no elevated playing or climbing surface.

If the equipment has an elevated playing or climbing surface, no matter how far off the ground it needs to meet the requirements of this subrule.

The CPSC's 2010 Edition of the Handbook for Public Playground Safety outlines the minimum required depths of loose-fill material needed based on material type and fall height.

The depths assume the materials have been compressed by use and weathering (see table 1 below).

Minimum Compressed Loose-Fill Surfacing Depths		
Inches of	Loose-Fill Material	Protects to Fall Height (feet)
9	Wood Chips	10
9	Wood Mulch (non-CCA*)	7
9	Pea Gravel	5
9	Sand	4
6	Shredded/recycled rubber	10
*CCA is chromated copper arsenate. CCA-treated wood products should not be used. Mulch where the CCA-content is unknown should not be used.		

Note: Loose-fill materials will squash or compact by at least 25 percent with use and weathering. Take this into account when planning for a playground.

For example, if the playground will require 9 inches of wood chips, start with 12 inches of wood chips.

RULE 125 (14)

14. The depth of the loose-fill surface material must be restored to its required depth when it has moved or becomes otherwise compromised.

RATIONALE

Weather conditions and frequency of use may cause the material to be worn away or become disbursed. Maintenance is necessary to ensure adequate depth by redistributing materials or by adding additional material.

TECHNICAL ASSISTANCE

If the material is scattered through use, add material to keep it at the required depth. Depths are based on the compressed depth of the surface material. Therefore, when surface materials become packed, it cannot be loosened.

BEST PRACTICE

It's recommended that a border be used around loose-fill materials. A border will keep the material in the area. Centers are also encouraged to put markers on the equipment support posts that show the correct level of loose-fill protective surfacing material needed under and around the equipment.

RULE 125 (15)

15. If children's wheeled vehicles and pull toys are used, a suitable surface must be provided for their use.

RATIONALE

The use of wheeled vehicles and pull toys is an important large muscle activity for children and requires an appropriate surface.

TECHNICAL ASSISTANCE

The area used for wheeled vehicles and pull toys needs to have a flat, smooth, non-slippery surface (grass, pavement, and asphalt). The center can use a safe area next to the center (e.g. parking lot, walkway) if the surfacing material on a playground is not suitable for wheeled equipment (pea gravel, mulch, or sand). The area used for wheeled vehicles and pull toys needs to be free of standing water when in use.

RULE 125 (16)

16. Materials used on a natural playground must not be in the use zones for other playground equipment.

RULE 125 (17)

17. The elevated playing surface of materials used on a natural playground must not exceed 30 inches.

RULE 125 (18)

18. Materials used on a natural playground with elevated playing surfaces must not be installed over concrete or asphalt.

RULE 125 (19)

19. Surfacing materials are not required under elevated playing surfaces on a natural playground.

RATIONALE

Ensures the safety and well-being of children when they use natural playgrounds. Natural playgrounds contribute to the overall physical, cognitive and emotional development of children and helps them experience more diverse play. Natural playgrounds are also less expensive than playground equipment.

TECHNICAL ASSISTANCE

A natural playground is an outdoor play area that blends natural materials, features and vegetation. A natural playground may include items such as logs, stumps, and trees. A natural playground needs to be maintained in safe condition. For example, stumps cannot be rotting or have sharp branches sticking off them.

RULE 125 (20)

20. A small capacity center is exempt from subrules (3), (10), and (11) of this rule.

RULE 125 (21)

21. Small capacity centers shall abide by all of the following:
- Provide a clean, safe, and hazard-free outdoor play area on the premises or within a reasonable walking distance of the center.
 - Inspect the outdoor play areas daily before use to ensure that no hazards are present.
 - The play area size must be not less than 600 square feet.

- d. Provide an adequate and varied supply of outdoor play equipment, materials, and furniture that meets all of the following requirements:
 - i. Appropriate to the developmental needs and interests of children.
 - ii. Appropriate to the number of children.
 - iii. Safe and in good repair.
- e. The outdoor play area and equipment must be organized to meet all of the following requirements:
 - i. To separate active and quiet activities.
 - ii. For a clear and unobstructed view of the whole play area.
 - iii. To ensure that there are safe distances between equipment.
- f. Playground equipment including, but not limited to, swings, climbers, and slides with a designated play surface above 30 inches must meet all of the following requirements:
 - i. Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.
 - ii. Be safe, in good repair, and age appropriate.
 - iii. Be placed not less than 6 feet from the perimeter of other play structures or obstacles.
- g. If the playground includes commercial playground equipment, the center needs a playground inspection by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, on request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department on request and keep it on file at the center.

R400.8131 Equipment

RULE 131 (1) & (2)

1. A center shall not use equipment, toys, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission as being hazardous. This information is available free of charge at the United States Consumer Product Safety Commission website, www.cpsc.gov.
2. The current list of unsafe children's products must be conspicuously posted in the center as an actual hard copy or electronic access to the Consumer Product Safety Commission or its successor's list of recalled children's products, pursuant to section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

TECHNICAL ASSISTANCE

Licensees have to either:

- Post a copy of the CPSC recall list; OR
- Give parents a link to the CPSC website so parents can see the list of recalled items

A "conspicuous place" means a place where parents, program staff and others can easily see it.

Additional information regarding equipment safety can be found on the Consumer Product Safety Commission Website [CPSC](http://www.cpsc.gov).

RULE 131 (3)

3. Materials that have a warning label indicating they are toxic for children, or to keep out of reach of children, must not be used by children.

TECHNICAL ASSISTANCE

Children cannot use shaving cream for play purposes. Shaving cream is labeled as toxic and is not safe for use by children. Children cannot use any other materials labeled "keep out of reach of children" for play purposes.

Note: Items including, but not limited to:

- soap to wash hands,
- hand sanitizer on field trips,
- toothpaste to brush teeth after meals would not be considered a violation of this rule.

BEST PRACTICE

Soap-based foaming products that are non-toxic can be used instead of shaving cream.

RULE 131 (4)

4. Play equipment, materials, and furniture **must** be all of the following:
 - a. Appropriate to the developmental needs and interests of children as required by R 400.8271(2).
 - b. Safe, clean, and in good repair.
 - c. Child-sized or appropriately adapted for a child's use.
 - d. Easily accessible to the children.

TECHNICAL ASSISTANCE

The center is responsible and accountable for making sure that:

- Children's toys, games and play equipment will help them develop:
 - manual dexterity,
 - hand-eye coordination,
 - spatial relationships,
 - large muscle coordination,
 - language skills,
 - math and science concepts,
 - social relationships,
 - reading and writing skills, etc.
- Children have enough toys, games and other play equipment available.
- Toys, games, and other play equipment are age- and developmentally appropriate for a child: challenging and interesting, but not so difficult that the child is stressed or anxious.
- Shelves and containers are sturdy, stable and free of hazards.
- Broken equipment is immediately removed, replaced or repaired (also if it is missing pieces)

RULE 131 (5) & (6)

5. A center shall provide a minimum of 3 playspaces per child multiplied by the number of children the center is licensed to serve.
6. A minimum of 2 playspaces must be accessible per child in attendance on any given day during child-initiated activity time.

RATIONALE

A well-equipped center provides child-initiated choices, a stimulating environment and developmental opportunities.

TECHNICAL ASSISTANCE

“Playspace” means a piece or pieces of age-appropriate toys, play equipment, and materials that 1 child can use independently for 15 minutes.

Playspaces (ex: housekeeping, dramatic play, blocks, art, etc.) can vary based on:

- the amount of equipment,
- accessories and
- space available.

For example:

Type of Equipment	# of Play Spaces
3 puzzles	1
2-4 small cars/trucks	1
3 books	1
Sensory table	2-4
Set of Legos	1-2
Board game	2-4
Computer & keyboard	1
Set of building blocks	1-4, depending on the type of blocks and space available
Dramatic play area	2-4 depending on the equipment and space

The center is responsible and accountable for making sure that:

- Children's toys, games and play equipment will help them develop:
 - manual dexterity,
 - hand-eye coordination,
 - spatial relationships,
 - large muscle coordination,
 - language skills,
 - math and science concepts,
 - social relationships,
 - reading and writing skills, etc.
- Children have enough toys, games and other play equipment available.
- Toys, games, and other play equipment are age- and developmentally appropriate for a child: challenging and interesting, but not so difficult that the child is stressed or anxious.
- Shelves and containers are sturdy, stable and free of hazards.
- Broken equipment is immediately removed, replaced or repaired (also if it is missing pieces)

In infant and toddler rooms, it is recommended that:

- More than one of the same toy is available to reduce conflicts between children.
- Extra toys are on hand to replace toys that become dirty or contaminated throughout the day.

RULE 131 (7)

7. Children shall have access to equipment and materials in the following areas on a daily basis:
 - a. Large and small muscle activity.

- b. Sensory exploration.
- c. Social interaction and dramatic play.
- d. Discovery and exploration.
- e. Early math and science experiences.
- f. Creative experiences through art, music, and literature.

RATIONALE

A program with diverse equipment that supports a well-balanced curriculum enhances children's growth and development.

TECHNICAL ASSISTANCE

To be counted, equipment must be:

- Developmentally appropriate and interesting to the children.
- Safe, clean and in good repair (not broken and with all pieces).

Consultation

The following chart outlines examples of equipment and materials for different types of activities:

Type of Activity	Equipment/Material Examples
Large and small muscle	Climber, balance beam, manipulatives (such as beads, lacing boards)
Sensory Exploration	Sand, water, playdough
Social interaction and dramatic play	Home Living area, puppets
Discovery and exploration	Puzzles, table toys
Creative experiences through art, music & literature	Art supplies, musical instruments, reading materials
Math and science	Blocks, counters, nature items

RULE 131 (8)

8. A current and accurate equipment inventory must be provided to the department before issuance of the original license and updated and made available at each renewal.

RATIONALE

Assists the department in determining if the center has an adequate amount of age appropriate equipment, furnishings and materials for the capacity and age ranges on the license.

TECHNICAL ASSISTANCE

When putting together an equipment inventory, keep the following guidelines in mind:

- The inventory must show the number of items listed. For example: 25 books, 18 cots, 20 puzzles, etc.

- The inventory must include equipment, toys and materials that meet the requirements of R 400.8271.
- An equipment inventory must include the following:
 - List of play equipment including toys, sand and water tables, home living or dramatic play centers/equipment.
 - List of materials to be used by children, such as paper, paint, scissors, and other arts and crafts supplies.
 - Furniture used by the children: tables, chairs, high chairs, beds, cribs, changing tables, etc.
 - Cots or mats for resting.
 - Rocking chairs or adult-size seating for centers providing infant and toddler care.

BEST PRACTICE

Centers should organize the equipment inventory by group or room. It is also recommended that centers store the equipment inventory electronically so it can be easily updated.

RULE 131 (9)

9. A first aid kit must be readily accessible to staff and securely stored in the center.

RATIONALE

Ensures that emergency supplies are available should an emergency occurs in which first aid supplies are needed.

TECHNICAL ASSISTANCE

“First aid kit” means a kit containing, at a minimum, all of the following: sterile gauze pads of assorted sizes, a roll of gauze, adhesive bandages of assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8152.

A First aid kit must be kept out of the reach of children because it contains sharp objects. All program staff must know the location of and have access to the first aid kit.

BEST PRACTICE

Centers may wish to include additional items in the first aid kit such as:

- Hand sanitizer.
- Plastic bags.
- Disposable gloves.

It is recommended that parents be told if hand sanitizer is used by children in care.

RULE 131 (10)

10. A rocking chair or other comfortable, adult-sized seating must be provided for 50% of the program staff on duty who are providing infant and toddler care.

RATIONALE

Comfortable, adult sized seating is conducive to interacting with and holding infants and toddlers by child care staff members.

TECHNICAL ASSISTANCE

The seating shall be of appropriate size and function in a way that ensures an adult can comfortably soothe an infant or toddler.

RULE 131 (11)

11. Trampolines and bounce houses must not be used by children in care at the child care center.

RATIONALE

Trampolines present a safety hazard and have the potential for serious injury according to the American Academy of Pediatrics and the Consumer Product Safety Commission.

TECHNICAL ASSISTANCE

Trampolines of all sizes are not allowed, even with parental permission.

Bounce houses and other similar types of equipment are also prohibited, as they present the same hazards as trampolines.

Note: Child care centers can take children on field trips where trampolines, bounce houses and similar types of equipment are used with written parental permission.

RULE 131 (12)

12. Teething necklaces, bracelets, or beads must not be used by children in care at the child care center.

RATIONALE

The American Academy of Pediatrics (AAP) “strongly advises against using teething beads, necklaces, or any jewelry on infants due to the risk of choking and strangulation. These items, often made of amber, silicone, wood, or marble, are marketed to relieve teething pain, but pose significant safety hazards.”

TECHNICAL ASSISTANCE

This rule refers to necklaces, bracelets and beads meant for teething. Beaded pacifier clips are also prohibited as they are used for teething purposes.

RULE 131 (13)

13. Specialized equipment prohibited by these rules may be used by a child if specified in their individualized family service plan or individualized education program and in the manner described in their individualized family service plan or individualized education program.

R400.8134 Sleeping equipment

RULE 134 (1)

1. All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.

RATIONALE

Reduces the risk of injury and/or death.

TECHNICAL ASSISTANCE

The center must make sure cribs are safe. Safe cribs have:

- Mattresses that are in good condition.
- Mattress heights that are low enough so a child cannot tumble out.
- Plastic teething guards that are tightly secured to the rails.
- Routine checks for damaged and broken areas, peeling paint, and properly tightened bolts, nuts and screws.

RULE 134 (2)

2. Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.

RULE 134 (3)

3. A crib or portable crib must be provided for all infants in care.

RULE 134 (4)

4. A crib, portable crib, cot or mat, and a sheet or blanket of appropriate size must be provided for all toddlers and preschoolers less than 3 years of age in care.

RULE 134 (5)

5. Along with a cot or a mat, a sheet or blanket of appropriate size must be provided:
 - a. For all preschoolers 3 years of age and older in care for 5 or more continuous hours.
 - b. For any child in care who regularly naps.
 - c. On a parent's request for any child in care.

RATIONALE

Reduces the risk of injury or death. Ensures the safety and well-being of children. While portable cribs (porta-cribs) are not designed to withstand the wear and tear of normal full-sized cribs, they may provide more flexibility for programs that vary the number of infants in care.

TECHNICAL ASSISTANCE

There must be cribs or portable cribs available onsite (i.e. classroom or storage) for the number of infants the center is licensed for.

A portable crib must meet the following criteria:

- Be constructed with wood or metal slats.
- Cannot be collapsed or folded without removing the mattress.
- **Note:** Centers must follow manufacturer's specifications for the child's height and weight.

Note: Sleeping equipment constructed of fiber or mesh sides, such as a "Pack-N-Play®" or playpen, is not permitted for use.

Children cannot use the same cribs, beds, other sleep equipment, or bedding at the same time.

See Rule 400.8277 if nighttime care is provided.

BEST PRACTICE

It is recommended that mats be waterproof and at least one inch thick.

Note: Children napping or resting outdoors should be protected from extreme weather conditions, including sun and rain. This can be done with shaded areas, such as tarps, tents, or other weather-appropriate shelter to make sure children have a safe and comfortable place to rest.

Note: School age children are not required to nap or rest. Centers should consider having sleeping equipment available for children who may want to rest.

RULE 134 (6)

6. Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.

RULE 134 (7)

7. Documentation from the child's licensed health care provider is required if a child has a health issue or special need that requires the child to sleep in something other than a crib or portable crib for infants or toddlers, or cot or mat for toddlers. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

RULE 134 (8)

8. Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to 2 months of age. If a child has a health issue or special need that requires the child use a swaddle attachment or swaddle wrap after the child is 2 months of age, documentation from the child's licensed health care provider is required. The documentation must include specific sleeping instructions, and time frames for how long the child needs to sleep in this manner, including an end date.

RATIONALE

Ensures for the safety and well-being of children by reducing the risk of infant death.

According to *Keeping Kids Alive*, between 2010 and 2017, there were 136 sleep-related infant deaths in Michigan. Infant sleeping requirements are based on the AAP recommendations.

Research has shown that placing a baby to sleep on soft mattresses or other soft materials can increase the risk of death due to positional asphyxiation. Babies have been found dead with their faces, noses and mouths covered by soft bedding, such as pillows, quilts, comforters, and sheepskins.

TECHNICAL ASSISTANCE

Infants can be swaddled with a blanket while they are held by program staff. Infants swaddled in blankets must not be placed in cribs.

Wearable blankets -- sleeps sacks, sleep sacks with a swaddle attachment, and swaddle wraps -- are allowed alternatives to blankets and may be worn by infants when they are sleeping.

Note: Swaddling with sleep sacks with a swaddle attachment and swaddle wraps is allowed only for infants up to 2 months of age.

Note: The swaddle attachment for the sleep sack must be attached correctly before it is used. The Velcro on swaddle sacks and swaddle wraps must be attached securely and must be checked every time the infant is checked while sleeping.

R 400.8219(8) requires continual monitoring of the infant's breathing, sleep position, bedding, and for possible signs of distress.

If an infant has a health issue or special need that requires the use of a device, such as a wedge to prop the infant, documentation from the infant's health care provider is required prior to using the device. The documentation must include specific sleeping instructions and time frames for how long the infant needs to sleep in this manner. See also R 400.8219(7).

BEST PRACTICE

When infants are put to sleep in any type of wearable blanket, such as a sleep sack, it is essential to make sure the garment fits properly. If the infant is wearing a wearable blanket that is too big, it could bunch or gather around the infant's face and cause a suffocation hazard.

There are risks associated with swaddling. They include:

- Swaddling too tightly or with the legs extended and adducted can cause developmental dysplasia of the hips.
- Swaddling can result in overheating (hyperthermia) when the swaddling blanket is added on top of the infant's clothing.
- Tight swaddling can be a danger to the lungs and can increase the rate of breathing.
- Accidental deaths have occurred when swaddled infants are placed on their stomach or roll to their stomach. (An infant may roll onto his/her stomach even if not regularly rolling.) Swaddled infants on their stomachs can't use their arms or upper bodies to push themselves off the mattress or move their head and body if they are in a position that could cause suffocation.

Due to these risks, it is recommended that infants not be swaddled in a child care setting. For more information, see the American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards;

Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. Caring for Our Children.

Resources regarding infant safe sleep include the following:

- Michigan Department of Health and Human Services, Safe Sleep Website MDHHS [Safe Sleep for Infants](#).
- National SIDS Resource Center and the Back to Sleep Campaign [National SUID/SIDS Resource Center](#).
- Local and state health departments.
- American Academy of Pediatrics [HealthyChildren.org](#)
- Keeping Kids Alive [Fact Sheet Safe Sleep](#)

RULE 134 (9)

9. A center shall not use stacking cribs.

RATIONALE

If a center wasn't using stacking cribs as of December 7, 2006, the center was prohibited by the previous licensing rule [R 400.5204(9)] from using stacking cribs. Effective June 28, 2011, all cribs sold in the U.S. must be manufactured to new standards. Per the new standards, all child care providers were required to replace all cribs not meeting the new standards by December 28, 2012. Stacking cribs manufactured prior to December 8, 2006 do not meet the new standards and had to be replaced by December 28, 2012. Per the previous rule [R 400.5204(10)], stacking cribs could not be replaced with stacking cribs. Thus, stacking cribs are no longer allowed for any centers.

Stacking cribs were prohibited for the following reasons:

- There isn't adequate space for infants who can sit up or stand.
- When cribs have little or no spacing between them, as is the case with stacking cribs, the likelihood of the spread of infectious disease is increased.
- The structure of stacking cribs reduces airflow in and around the crib, limits the visual stimulation infants receive while in the crib and restricts movement opportunities for mobile infants.
- The AAP recommends a minimum distance of three feet between rest equipment to limit the spread of disease.

TECHNICAL ASSISTANCE

Stacking cribs were prohibited after December 28, 2012, when all cribs were required to be replaced in order to meet the new standards.

RULE 134 (10)

10. Cribs and portable cribs must comply with the federal product safety standards issued by the United States Consumer Product Safety Commission.

RATIONALE

Bedding and equipment safety standards are set forth by the U.S. Consumer Product Safety Commission (CPSC).

TECHNICAL ASSISTANCE

Since June 28, 2011, all baby cribs sold in the U.S. (both full size and non-full size) are required

to comply with new federal standards (16 C.F.R. part 1219 and 16 C.F.R. part 1220) under Section 104(c) of the Consumer Product Safety Improvement Act of 2008. It is presumed that cribs manufactured on or after June 28, 2011, comply with the new standards. If the tracking label or registration form on the crib indicates that the crib was manufactured after June 28, 2011, no additional documentation is necessary to determine compliance with 16 C.F.R. part 1219 or 16 C.F.R. part 1220.

If the crib was manufactured prior to June 28, 2011, a Children's Product Certificate (CPC) or test report from a CPSC-accepted third party lab is needed to be in compliance with 16 C.F.R. part 1219 or 16 C.F.R. part 1220. Though not required, many importers, manufacturers or retailers will provide CPCs or test reports upon request, or they post them on their websites.

Note: Under the new standards, non-full-size baby cribs must be sold with the mattress. Stacking cribs were prohibited after December 28, 2012, when all cribs were required to be replaced in order to meet the new standards.

RULE 134 (11)

11. A crib or portable crib must have a firm, tight-fitting waterproof mattress.

RULE 134 (12)

12. A tightly fitted bottom sheet must cover the crib or portable crib mattress with no additional padding placed between the sheet and mattress.

RULE 134 (13)

13. Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child must not be placed in, or within reach of, a crib or portable crib with a resting or sleeping infant.

RULE 134 (14)

14. Blankets must not be draped over cribs or portable cribs when in use.

RATIONALE

Ensures the safety and well-being of children by reducing the risk of infant death. In 2015, 159 infants died in Michigan due to unsafe sleep environments. Several infants die each year in child care due to unsafe sleep environments. Infant sleeping requirements are based on the AAP recommendations.

Research has shown that placing a baby to sleep on soft mattresses or other soft materials can increase the risk of death due to positional asphyxiation. Babies have been found dead with their faces, noses and mouths covered by soft bedding, such as pillows, quilts, comforters, and sheepskins.

The AAP recommends that infants not be swaddled after 2 months of age.

TECHNICAL ASSISTANCE

Note: Under the federal crib standards, non-full-size baby cribs must be sold with the mattress. The mattress, when inserted in the center of the crib, must not leave a gap of more than 1/2 inch at any point between the mattress and the crib side. When the mattress is placed tight to one side and end of the crib, the gap on the other sides must be less than 1 inch. These measurements must be taken with no sheet covering the mattress. If the non-full-size crib mattress was sold with the crib and meets these requirements, it will be in compliance with subrule (8) of this rule.

Note: Under the federal crib standards, full-size baby crib mattresses must measure 27 1/4 inches by 51 5/8 inches with a thickness not exceeding 6 inches.

Note: Burp cloths, sleep sacks and other similar cloth/soft items cannot be draped over side.

RULE 134 (15)

15. Cots and mats must be constructed of a fabric or plastic that is easily cleanable.

RULE 134 (16)

16. All sleeping equipment and bedding must be cleaned and sanitized when soiled, between uses by different children, and at least once a week regardless of use by different children.

RATIONALE

Reduces the spread of disease from one child to another.

TECHNICAL ASSISTANCE

Cleaned and sanitized means:

- Washing the surface vigorously with soap and water.
- Rinsing the surface with clean water.
- Wiping or spraying the surface with a sanitizing solution
- Letting the surface air dry.

Note: Laundering bedding in hot water and detergent cleans and sanitizes the bedding.

Examples of sanitizing solutions include, but are not limited to:

- Mix one gallon of water with 1 teaspoon to 1 tablespoon of unscented bleach (50 to 200 parts per million bleach)
 - Test strips can be used to check the concentration of the bleach/water solution and are available from most food service suppliers.
- Commercial sanitizers (products labeled as a sanitizer purchased at a store).
 - Centers should make sure that sanitizers are used according to manufacturer's instructions.
 - **Note:** Commercial disinfecting or sanitizing wipes may be used as long as a test

strip is used daily to check the concentration of the wipes in the container. The concentration must be at least 50 – 200 parts per million.

Note: When sanitizing toys and other items children may put in their mouths, including cots and mats:

- Bleach being used must have an EPA number that it's approved for food sanitizing.
- Commercial sanitizers used must be unscented and clearly say on the label that they are safe for food contact surfaces

BEST PRACTICE

Bleach is recommended as a sanitizing product because it is safe, effective, and inexpensive.

Refer to the Centers for Disease Control and Prevention CDC website to know the difference between cleaning, disinfecting, and sanitizing.

For cleaning up vomit (including spit-up) or feces, it is recommended that the mat be disinfected. A disinfecting solution can be made using water and non-scented chlorine bleach with a concentration of 1/3 cup bleach per gallon of water. The bleach solution should be left on the surface for 10 to 20 minutes and then rinsed with clean water.

RULE 134 (17)

17. When sleeping equipment and bedding are stored, both of the following apply:
 - a. Sleeping surfaces must not come in contact with other sleeping surfaces.
 - b. Bedding must not come in contact with other bedding.

RATIONALE

Toddlers often nap or sleep on mats or cots. These mats or cots are taken out of storage during nap time, then placed back in storage. Lice, infestations, scabies, ringworm, and other diseases can be spread if bedding materials (e.g., blankets, sheets, etc.) used by children come into contact with one another.

TECHNICAL ASSISTANCE

To prevent the spread of disease, each child should have their own bedding that is stored individually. This separates the personal items of one child from those of another child.

Each child's bedding can be stored on a cot used only for that child prior to stacking cots for storage. Take care to store each child's bedding so that it does not make contact with other bedding. Mats may be stacked only if they are sanitized prior to each use.

Note: When sanitizing mats:

- Bleach being used must have an EPA number indicating an approval for food sanitizing.

- Commercial sanitizers used must be unscented and clearly say on the label that they are safe for food contact surfaces.

BEST PRACTICE

Examples of ways bedding may be stored include labeled bins, cubbies or bags. Bleach is recommended as a sanitizing product as it is safe, effective and inexpensive.

RULE 134 (18)

18. All occupied cribs, portable cribs, cots, and mats must be placed in a manner that there is a free and direct means of egress and be spaced as follows:
- a. Cribs and portable cribs must be not less than 2 feet apart when occupied. Cribs or portable cribs with solid-panel ends may be placed end-to-end.
 - b. Cots and mats must be not less than 18 inches apart.

RATIONALE

Ensures staff and children have adequate space to evacuate the room if needed and staff have access to children in the case of an emergency.

Separated sleeping spaces reduce the spread of disease from one child to another.

TECHNICAL ASSISTANCE

This rule only applies when cribs, porta-cribs, cots, and mats are occupied. If a center uses screens, partitions, furnishings, etc., to separate children, they have to allow immediate access to children in an emergency.

Cribs or porta-cribs can have one or two sides next to a wall. If not placing cribs or porta-cribs end-to-end, the remaining two or three sides must be at least two feet from another occupied crib or porta-crib. Cots and mats can be placed so that one or two sides are next to a wall. The two or three sides must be at least 18 inches from another occupied cot or mat.

R400.8137 Telephone service

RULE 137 (1) – (3)

1. An operable phone must be available and accessible onsite during the hours the center is in operation.
2. During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.
3. Emergency phone numbers, including 911, fire, police, Michigan Mental Health Hotline (866-903-3783), and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff. For outdoor nature-based centers, emergency phone numbers, including 911, fire, police, and the poison control center, and the emergency location for emergency medical services to arrive must be available to all staff at all times while in operation and caring for children.

RATIONALE

A telephone must be available to all child care staff members in an emergency. This ensures that parents are able to reach the center and communicate with staff when needed. This also facilitates staff being able to quickly call for medical or other emergency assistance in the event of an emergency.

TECHNICAL ASSISTANCE

A telephone must be available to all personnel in an emergency.

“Available” and “accessible” refers to all calls, incoming and outgoing.

If the center has a single land-line that is used for internet service during the hours of child care operation, software must be installed that alerts the user of incoming calls.

If voice mail or an answering system is used, the center must check the system for messages frequently throughout the day and return child care-related calls promptly.

The center must immediately notify the department of any telephone number changes.

BEST PRACTICE

Emergency phone numbers should be posted in each classroom on or near the emergency plans.

R400.8140 Water supply; plumbing

RULE 140 (1)

1. The water system must comply with the requirements of the local health department.

RATIONALE

To ensure the water supply is safe and does not contain dangerous substances or spread disease.

TECHNICAL ASSISTANCE

Environmental health inspection report findings and recommendations are taken into account when deciding if a facility is in compliance.

R 400.8305(2)(b) requires an environmental health inspection at renewal if the center has private water. The environmental health inspection will include water supply testing.

In the event of drinking water contamination, contact the local health department.

RULE 140 (2)

2. Plumbing must be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

RULE 140 (3)

3. Sinks, toilet rooms, drinking fountains, and other water outlets must be supplied with safe water sufficient in quantity and pressure to meet conditions of peak demand.

RATIONALE

Ensures the safety and well-being of children and adults.

TECHNICAL ASSISTANCE

In order to meet this rule, there needs to be enough clean, safe water at each drinking fountain, sink, toilet, etc. so that all the children can use them.

RULE 140 (4)

4. All plumbing fixtures and water and waste pipes must be properly installed and

maintained in good working condition.

RATIONALE

Ensures the availability of hot water to facilitate cleaning and sanitation.

RULE 140 (5)

5. Each water heater must be equipped with a thermostatic temperature control and a pressure relief valve, both of which must be in good working condition.

RATIONALE

Prevents accidents and unsanitary conditions.

R400.8143 Toilets; hand washing sinks

RULE 143 (1)

1. A center shall provide toilet and hand washing sinks as follows:
 - a. A center operating with children toddler age or older in attendance less than 5 continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 20 children toddler age or older or fraction thereof.
 - b. A center operating with children toddler age or older in attendance 5 or more continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 15 children toddler age or older or fraction thereof.

RATIONALE

Young children use the toilet frequently and cannot wait long when they have to use the toilet.

TECHNICAL ASSISTANCE

Urinals may count for not more than half of the required number of toilets. Only one child can use the urinal at a time; more than one can contaminate the area.

Sinks with more than one faucet or fountain-type sinks may count as more than one sink, depending upon how many children can comfortably use them at one time.

A fully functioning portable sink with warm running water can be counted as a hand washing sink. Portable sinks must be cleaned and sanitized according to the manufacturer specifications. Portable sinks must be plugged into a ground fault circuit interrupter outlet per R 400.8550(6).

This rule is based on the licensed capacity of the program. Other children that may share bathrooms with the licensed program are not counted. For example, if a licensed preschool is located in a school, the school children are not counted when determining the number of sinks and toilets needed.

RULE 143 (2)

2. Any center that is new, adds an infant and toddler component, or increases the infant and toddler capacity shall have a diapering area with a readily accessible, designated hand washing sink.

RATIONALE

Helps prevent the spread of contaminants and disease.

TECHNICAL ASSISTANCE

A fully functioning portable sink with warm running water can be counted as a handwashing sink for the purposes of this rule. Portable sinks must be cleaned and sanitized according to the manufacturer specifications. Portable sinks must be plugged into a ground fault circuit interrupter outlet per R 400.8550(6).

Hand washing sinks must not be used for bathing or cleaning smeared fecal matter from a child. Hand washing sinks must not be used for rinsing dirty clothes or for cleaning toileting equipment.

BEST PRACTICE

Before buying a portable sink, consult with the local Environmental Health Sanitarian and Qualified Fire Inspector for proper installation, maintenance, and compliance with all applicable rules.

RULE 143 (3)

3. A separate hand washing sink is required in the kitchen for all of the following:
 - a. A new center with a food service component.
 - b. A center with a food service component that remodels the kitchen.
 - c. Any center that adds a food service component.

RATIONALE

Prevents cross-contamination and the spread of disease.

TECHNICAL ASSISTANCE

Hand washing sinks must not be used for rinsing dirty clothes or for cleaning toileting equipment.

RULE 143 (4)

4. Hand washing sinks for children must be accessible to children by platform or installed at children's level.

RATIONALE

Facilitates proper hand washing by children.

RULE 143 (5)

5. Hand washing sinks must have warm running water not to exceed 120 degrees Fahrenheit.

TECHNICAL ASSISTANCE

Anti-scalding devices can be bought online or at a local home improvement or hardware store.

Centers should regularly test the water temperature at sinks children use. Use a meat thermometer to test the water temperature. Run the water at its hottest setting for three to five minutes. Then, hold the thermometer under the hot water until the temperature gauge stops moving. If the water is too hot, adjust the water heater and wait one full day to test again.

BEST PRACTICE

Tap water burns are the leading cause of nonfatal burns. Children under 5 are the most frequent victims.

133-degree Fahrenheit water takes approximately 15 seconds to cause third degree burns to the skin.

Water that is 120 degrees Fahrenheit takes approximately 5 minutes to cause third degree burns. This may be enough time to remove the child from the hot water and avoid a burn.

RULE 143 (6)

6. Soap and single service towels or other approved hand drying devices must be provided near hand washing sinks.

RATIONALE

Facilitates proper hand washing.

RULE 143 (7)

7. Toilet rooms for school-age children must provide for privacy.

RATIONALE

Children should be allowed the opportunity to practice modesty.

TECHNICAL ASSISTANCE

Privacy means children cannot be seen by others while using the toilet.

R400.8143a Outdoor nature-based child care center toilets; hand washing sinks**RULE 143a (1) & (2)**

1. Outdoor nature-based child care centers are exempt from R 400.8143 (1).
2. Outdoor nature-based child care centers shall have access to the use of toileting facilities in a public park or nature center if the bathrooms are checked for cleanliness and safety before the children's use and the toilet seats, sinks, or other surfaces that children touch are cleaned and disinfected daily.

RATIONALE

Young children use the toilet frequently and cannot wait long when they have to use the toilet.

TECHNICAL ASSISTANCE

The center needs to make sure that extra toilet paper and handwashing supplies, such as soap, are readily available in case the public restroom used by children does not have the needed supplies or has run out since the last staff inspection. Additionally, the center must have extra cleaning and disinfecting supplies on hand. Staff should use them to make sure public restrooms are clean and disinfected daily.

Note: Porta-potty facilities are not allowed.

RULE 143a (3)

3. For the toileting options described in subrule (2) of this rule and to ensure successful toileting and handwashing practices, a center shall ensure children have independent access to sufficient toilets, urinals, toilet paper, handwashing equipment, and staff support.

RATIONALE

Young children use the toilet frequently and cannot wait long when they have to use the toilet.

RULE 143a (4)

4. Centers shall include a toileting policy in the parent handbook.

RATIONALE

Clear, written policies ensure that parents are aware of center policies and expectations.

R400.8146 Sewage disposal

RULE 146 (1) – (2)

1. Sewage and other water-carried wastes must be disposed of through a municipal or private sewer system.
2. Private sewer and septic systems must be designed and operated to safely dispose of all wastewater generated, be adequate in size for the projected use, and meet the criteria of the local health department.

RATIONALE

Ensures the safety and well-being of children and adults by requiring compliance with health department standards for sewage disposal.

BEST PRACTICE

Playground equipment should not be placed over a drain field. The weight of playground equipment and children may cause the system to fail by packing down the drain field. The legs of some equipment (swing sets) can sink into drain fields. The surface of the drain field can become contaminated with untreated sewage (rain, poor drainage and flooding).

R400.8149 Garbage and refuse

RULE 149 (1)

1. All garbage must be removed from the center daily.

RATIONALE

This practice provides proper sanitation and protection of health; prevents infestation of rodents, insects and other animals and prevents odors.

RULE 149 (2)

2. Garbage containers must be washed when soiled.

RATIONALE

Garbage cans that are not properly cleaned may spread contamination to the environment and causes odors.

RULE 149 (3)

3. Garbage stored outside must be in sealed plastic bags in watertight containers with tight-fitting covers or in a covered dumpster.

RATIONALE

Garbage attracts animals and insects. When trash contains organic material, decomposition creates unpleasant odors.

RULE 149 (4)

4. Outside garbage and refuse must be picked up or removed at a minimum of once a week.

RATIONALE

This practice provides proper sanitation and protection of health; prevents infestation of rodents, insects and other animals and prevents odors and injuries.

R400.8152 Heating; temperature

RULE 152 (1)

1. The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.

RATIONALE

Maintaining the required temperatures is essential for the well-being of children and staff, taking both comfort and health into consideration.

TECHNICAL ASSISTANCE

The temperature must be kept so that it's comfortable and healthy for the well-being of children and program staff.

BEST PRACTICE

It is recommended that thermometers are placed in every activity area. Use thermometers that do not break easily or have mercury. Put the thermometers on interior walls two feet above the floor.

RULE 152 (2)

2. The indoor temperature must be not less than 68 degrees Fahrenheit in child use areas at a point 2 feet above the floor.

RULE 152 (3)

3. If indoor temperatures exceed 82 degrees Fahrenheit, a center shall take measures to cool the children.

RATIONALE

Maintaining the required temperatures is essential for the well-being of children and staff, taking both comfort and health into consideration.

High humidity can promote the growth of mold, mildew and other agents that can cause eye, nose, and throat irritation and could trigger asthma episodes in people with asthma.

TECHNICAL ASSISTANCE

Air conditioning does not have to be used to cool a space. Fans and windows with screens can

be used for ventilation. Make sure the children can't get to the fans.

Very high temperatures and humidity can be bad for the comfort and safety of children in care. Be extra worried about very young children, especially infants, when temperatures and humidity are high because:

- Infants and young children may not sweat to cool off. Their sweat glands have not developed.
- They become dehydrated faster than adults.
- They may not have the words to say they are hot, thirsty, dizzy, nauseous, uncomfortable, or have a headache.

To tell if a child has heat exhaustion, look for:

- The child is quiet and lethargic.
- The child's skin is pale.
- The child is thirsty.
- The child may say they are dizzy.

Get medical help right away if the child is:

- flushed,
- limp, has no energy,
- does not respond,
- feels very hot.

The child could have heat stroke.

R400.8155 Light, ventilation, and screening

RULE 155 (1)

1. The total ventilation area in every habitable room, as provided by openable windows, must be not less than 4.5% of the floor area, unless central air conditioning is provided.

RATIONALE

The health and well-being of children and staff can be affected by the indoor air quality. The air inside a building is contaminated with organisms shared among occupants and is sometimes more polluted than the outdoor air. Air circulation is essential to clear infectious disease agents, odors and toxic substances in the air. Children who spend long hours breathing contaminated or polluted indoor air are more likely to develop respiratory problems, allergies and asthma.

TECHNICAL ASSISTANCE

Example: In a center that does not have central air conditioning, a 10' by 10' room needs to have a window that can open that is at least a 2'3" by 2'.

RULE 155 (2)

2. If ventilation is dependent on a mechanical system, the system must be on at all times while the building is occupied and comply with the ventilation requirements of the applicable mechanical code of the authority having jurisdiction.

BEST PRACTICE

Centers should have their ventilation systems inspected regularly to make sure they are operating correctly.

RULE 155 (3)

3. Windows and doors used for ventilation must be supplied with screening of not less than 16 mesh, which must be maintained in good repair. This subrule does not apply to child care programs operating in school buildings.

R400.8158 Premises

RULE 158 (1)

1. The center shall be located on land that provides good natural drainage or that is properly drained.

RATIONALE

Reduces exposure to conditions that cause injury or adversely affect health. Insects breed in poorly drained areas.

RULE 158 (2)

2. Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:
 - a. If elevated, have barriers to prevent falls and handrails designed and constructed for use by children.
 - b. Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have nonslip surfacing.
 - c. Landings must be located outside exit doors where steps or stairs are necessary and be at least as wide as the swing of the door.
 - d. Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.
 - e. Ramps, if used, must have a minimum rise-to-run ratio of 1-to-12.

RATIONALE

To assure for the safety and well-being of children. Landings are necessary to accommodate the swing of the door without pushing the person on the stairway into a precarious position while trying to leave the stairway.

TECHNICAL ASSISTANCE

See R 400.8525(8) and (9) for additional requirements for landings.

BEST PRACTICE

All porches, landings, balconies, and similar structures should have bottom guardrails.

RULE 158 (3)

3. Doors opening to the outside must not be propped open.

R400.8161 Maintenance of premises

RULE 161 (1)

1. The premises must be maintained in a clean and safe condition and must not pose a threat to health or safety.

RATIONALE

Ensures the health and safety of children and adults.

TECHNICAL ASSISTANCE

The following are examples of keeping the center (maintaining the premises) in a clean and safe condition:

- Floors are clean and safe for walking, crawling and playing.
- Rooms are free of clutter.
- All cords (drapes, blinds, appliances) are out of reach of children.
- Center does not have insects or rodents.
- Outside grounds are free of debris, animal waste, standing water, and tripping hazards.
- Children can't get to hazardous items (sharp objects, cleaning supplies, plastic bags, garbage).

Environmental Assessments

Buildings, structures, and equipment must be kept in good condition, clean, safe, and sanitary. All program staff are responsible for a DAILY sweep and assessment of all instructional areas before a program begins.

This includes:

- the managed licensed outdoor space,
- planned areas to play beyond the licensed space, and
- any public facilities used for bathrooms and handwashing.

Staff will check for hazards, including:

- open gates,
- unknown vehicles or visitors,
- the structural integrity of buildings (i.e. broken, loose, etc. parts of the building),
- obvious tripping or injury hazards,
- areas of poison ivy,
- icy trails, etc.

BEST PRACTICE

Program staff should put hinge guards on every door in the child use space. This keeps children's fingers from being injured, which is really painful and could be serious.

Safety gates should be at least 36 inches tall to keep parents and program staff from stepping over them. If a parent or staff member trips on a gate, a child could be injured. Or a child being held could be hurt if the parent or staff person trips on a gate.

RULE 161 (2)

2. The premises must be maintained so as to eliminate and prevent rodent and insect harborage.

RATIONALE

Reduces the potential health hazards to children caused by pests such as stings, bites and transmission of disease.

TECHNICAL ASSISTANCE

The following must not have openings that would let rodents or pests get into the center:

- Foundations.
- Floors.
- Walls.
- Ceilings.
- Roofs.
- Windows.
- Exterior doors.
- Basements.

Insects can be kept away from openings to the outside by:

- Having doors that open outward.
- Having doors that are self-closing.
- Keeping windows closed.
- Having screens in windows.
 - Screens should be heavy-duty steel mesh, such as ¼ inch hardware cloth.
- Other effective and approved means.

Centers can use non-chemical pest management practices before having to call a company to use chemicals. This may expose children and adults to chemical pesticides.

RULE 161 (3)

3. Roofs, exterior walls, doors, skylights, and windows must be weathertight and watertight and maintained in sound condition and good repair.

RULE 161 (4)

4. Floors, interior walls, and ceilings must be maintained in sound condition, good repair, and maintained in a clean condition.

RATIONALE

Ensures the health and safety of children and adults.

TECHNICAL ASSISTANCE

There should not be:

- Cracks
- Tears
- Gouges
- Peeling paint, etc.

Ceilings must not have missing panels or tiles.

RULE 161 (5)

5. There must be no flaking or deteriorating paint on interior and exterior surfaces or on equipment accessible to children.

RATIONALE

Ensures the health and safety of children and adults.

TECHNICAL ASSISTANCE

Paint is considered “deteriorated” if it is:

- peeling,
- chipped,
- chalking, or
- cracked.

RULE 161 (6)

6. All toilet room floor surfaces must be easily cleanable and constructed and maintained so as to be impervious to water.

RATIONALE

Cracked or porous floors cannot be kept clean and sanitary. Dampness promotes the growth of mold.

RULE 161 (7)

7. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.

RATIONALE

Ensures a clean and safe indoor environment.

RULE 161 (8)

8. A lead-based paint inspection and lead hazard risk assessment along with a lead hazard risk assessment summary form provided by the department must be completed by a certified lead risk assessor on all centers built before 1978. The assessment must be completed for all child use areas, including any outdoor play areas. Any lead hazards identified must be addressed and lead clearance must be performed and results provided to the department before issuance of the original license. The results of the assessment or assessments and the summary form or forms must be maintained on file at the center.

TECHNICAL ASSISTANCE

There might be lead in paint made before 1978. The amount of lead in paint was reduced in 1950; lead was taken out of paint in 1978. Buildings built before 1950 likely have more lead paint.

Lead is a neurotoxicant. This means lead causes bad effects on the brain, spinal cord, etc. Lead-based paint is the most common source of lead poisoning in children. Research suggests that the primary sources of lead exposure for most children are:

- Deteriorating lead-based paint.
- Lead contaminated dust.
- Lead contaminated soil.

The danger from lead paint depends on the:

- Amount of lead on the painted surface.
- Condition of paint.
- Amount of paint that the child eats or takes in.

Taking in lead may happen by:

- breathing or swallowing lead dust
- eating soil or paint chips containing lead.

High lead levels in the blood can affect the central nervous system. If not found early, children with high levels of lead in their bodies can have:

- brain damage,

- slowed growth,
- hearing problems, and
- headaches.

Even at low levels, lead can cause:

- lower IQ,
- reading and learning disabilities
- lower ability to learn,
- lower success in school and
- lower ability to function later in life.

Symptoms of low levels of lead in a child's body may be:

- subtle behavior changes,
- irritability,
- low appetite,
- weight loss,
- sleep disturbances, and
- shortened attention span.

Most children with lead poisoning do not look or act sick. A blood lead test is the only way to know if children are being lead poisoned. There is no cure. The effects cannot be reversed once the damage is done. Children under six years of age are at the greatest risk for lead poisoning.

A center applying for an original license in a building made before 1978 has to submit a lead hazard risk assessment. The risk assessment has to say the child use space and the outdoor play areas are safe. The lead hazard risk assessment must be done by a certified risk assessor. A list of certified lead risk assessors and more information on lead risk hazard assessments can be found at [Hire a Lead Professional](#).

Note: Lead hazard risk assessments can be shared if the owner changes and with licensees for the same approved use area within a building if the report says there is no lead, no matter the date. For any questions or further clarification regarding these changes please contact mileap-cclb-help@michigan.gov or your licensing consultant.

Any lead hazard risk assessment done after January 1, 2014, has to also have a Lead Hazard Risk Assessment Summary (CCL-4344) form with the lead risk assessment. The CCL-4344 shows compliance with this rule.

Exception: Centers that are in a school building with only school-age children are exempt from the requirements of this rule.

Exception: A risk assessment is not needed for a center in a new addition to a building built before 1978 if children never use the older part. The applicant has to give a statement that the part built before 1978 will not be used by children in care.

Note: Standards for a lead hazard risk assessment are in the Michigan Department of Health and Human Services (MDHHS) Administrative Rule 325.99404 (Lead Hazard Control).

All lead hazard risk assessments required in this rule must comply fully with these requirements. Copies of this standard can be found at [MDHHS Lead](#) under “Lead-Based Paint Regulations” or by calling MDHHS toll-free at 1 (866) 691-5323.

Briefly, requirements for a lead hazard risk assessment include:

- Evaluating the condition of the paint on all surfaces inside and outside. [R 325.99404(4)].
 - Any paint in poor condition (peeling, chipping, cracking, chalking, etc.) must be tested for lead.
- Wiping dust in two places – one on the floor, one on the window sills or trough. Dust wipes are required for each room up to six rooms plus any common areas next to the facility [R 325.99404(5)&(6)].
- Soil sampling. This includes composite samples from bare soil around:
 - the outside wall of the building,
 - child play areas and
 - other bare soil areas in the yard that are more than nine square feet [R 325.99404(8)].

Lead Hazard Treatment

Lead-based paint hazards can be treated by abatement or interim control procedures.

There are three types of treatments that can be considered “lead abatement”:

- Removal - Taking out the lead-based paint, or taking out the part that has lead-based paint, (old windows or doors).
- Enclosure - covering the lead-based paint with a rigid material that is firmly attached to what's under the paint (such as drywall on a ceiling or wall, or underlayment on a floor).
- Encapsulation - covering the lead-based paint with a long-lasting, paint-like material made to bind chemically with lead.

Enclosure and encapsulation procedures are designed to last for 20 years or more.

A dust wipe must be done to see if the abatement procedures worked.

“Interim control procedures” are temporary (good for less than 20 years) ways to cut down on lead-based paint hazards.

They can include, but are not limited to:

- Wet sanding/scraping the paint, then repainting with regular latex paint.
- “Super cleaning” the area using a HEPA vacuum and wet cleaning methods.
- Adding tread guards on steps.
- Repairing windows.

The following are not allowed to be done by law:

- Dry scraping,
- dry sanding,
- using a torch to burn paint off,

- using a heat gun over 1,100 degrees, and
- using power sanders or grinders without HEPA filtration attachments.

Women and children can't be in the area when lead hazard control activities are being done. They should never be allowed in the work areas.

Licensees must have a lead-based paint inspection.

Lead hazard risk assessments only look for lead-based paint hazards at the time of the inspection. The only areas tested are: deteriorated paint, paint that will be disturbed, and other potential hazard areas. A lead hazard risk assessment will not identify all lead painted surfaces.

A lead-based paint inspection must be done along with the lead hazard risk assessment. Both will identify all lead-based paint and all lead-based paint hazards.

If lead-based paint is identified, but it isn't a hazard at the time, the risk assessor will share recommendations for monitoring the paint. Someone from the center (director, maintenance person, custodian, etc.) should check that all identified lead painted surfaces are still intact every six months to one year.

For additional information on lead poisoning, contact the Environmental Protection Agency at www.epa.gov or the National Lead Information Center at 1-800-424-LEAD. Additional information can also be found at [Learn About Lead](#).

RULE 161 (9)

9. If a center is located in a new addition to a building constructed before 1978 and the older part of the building is never used by children in care, the center is exempt from subrule (8) of this rule if the center submits a statement to the department that the part of the building constructed before 1978 will not be used by children in care.

RULE 161 (10)

10. A center shall adopt and implement an integrated pest management policy pursuant to section 8316 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8316.

TECHNICAL ASSISTANCE

324.8316 Notice of pesticide application at school or day care center:

- Beginning 1 year after the effective date of the amendatory act that added this subsection, a person shall not apply a pesticide in a school or day care center unless the school or day care center has an integrated pest management program in place for the building.
- The primary administrator of a school or day care center or his or her designee shall annually notify the parents or guardians of children attending that school or cared for at

that day care center that the parents or guardians will receive advance notice of the application of a pesticide, other than a bait or gel formulation, at the school or day care center. The primary administrator of a school or his or her designee shall give the annual notification not more than 30 days after the beginning of the school year, and the primary administrator of a day care center or his or her designee shall give the annual notification in September.

- An annual notification under subsection (2) shall satisfy all of the following requirements:
 - Be in writing.
 - Specify two methods by which advance notice of the application of a pesticide will be given at least 48 hours before the application. The first method shall be by posting at the entrances to the school or day care center. Subject to next subdivision
 - the second method shall be one of the following:
 - Posting in a public, common area of the school or day care center, other than an entrance.
 - E-mail.
 - A telephone call by which direct contact is made with a parent or guardian of a student of the school or a child under the care of the day care center or a message is recorded on an answering machine.
 - Providing students of the school or children under the care of the day care center with a written notice to be delivered to their parents or guardians.
 - Posting on the school's or day care center's website.
 - State that, in addition to notice under subdivision (b), parents or guardians are entitled to receive the notice by first-class United States mail postmarked at least 3 days before the application, if they so request, and the manner in which such a request shall be made.
 - For a school, inform parents and guardians that they may review the school's integrated pest management program, if any, and records on any pesticide applications.
 - For a school, provide the name, telephone number, and, if applicable, e-mail address of the person at the school building responsible for pesticide application procedures.
- An advance notice of application of a pesticide, other than a bait or gel formulation, shall contain all of the following information:
 - A statement that a pesticide is expected to be applied.
 - The target pest or pests.
 - The approximate location of the application.
 - The date of the application.
 - The name, telephone number, and, if available, e-mail address of a contact person at the school or day care center responsible for maintaining records with specific information on pest infestation and actual pesticide application as required by rules.
 - A toll-free telephone number for a national pesticide information center recognized by the department and a telephone number for pesticide information from the department.
- Before applying a pesticide, other than a bait or gel formulation, a school or day care

center shall provide advance notice to parents and guardians consistent with subsections (3)(b) to (e) and (4). However, in an emergency, a school or day care center may apply a pesticide without providing advance notice to parents or guardians. Promptly after the emergency pesticide application, the school or day care center shall give parents or guardians notice of the emergency pesticide application that otherwise meets the requirements of subsection (3)(b) and (c). The notice shall contain a statement that a pesticide was applied and shall meet the requirements of subsection (4)(b) to (f).

- Liquid spray or aerosol insecticide applications shall not be made in a room of a school building or day care center building unless the room will be unoccupied by students or children for not less than 4 hours after the application or unless the product label requires a longer reentry period. The building manager shall be notified of the reentry restrictions by the applicator.
- The department shall do both of the following:
 - Within 1 year after the effective date of the amendatory act that added this subsection, develop a model integrated pest management policy for schools, in consultation with the department of education and the pesticide advisory committee created in section 8326, and make the policy available to all school districts, intermediate school districts, public school academies, and private schools.
 - Encourage local and intermediate school boards and boards of directors of public school academies to do both of the following:
 - Adopt and follow the model integrated pest management policy developed under subdivision (a).
 - Require appropriate staff to obtain periodic updates and training on integrated pest management from experts on the subject.
- Subsections (1) to (7) do not apply to sanitizers, germicides, disinfectants, or antimicrobial agents.

BEST PRACTICE

A sample plan can be found at [Child Care Resources](#).

R400.8164 Poisonous or toxic materials

RULE 164 (1)

1. Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children. This includes chemical sanitizers and disinfectants.

RATIONALE

Reduces the risk that children will accidentally come into contact with poisonous or toxic materials.

TECHNICAL ASSISTANCE

It is important to read labels of chemicals and products used within the center. Make sure all products are stored out of the reach of children and according to the manufacturer's directions.

R400.8167 Smoking or vaping

RULE 167 (1) & (2)

1. Smoking and vaping must not occur at any time in or during both of the following:
 - a. In the child care center or on real property that is under the control of the center and on which the center is located.
 - b. On field trips and in vehicles when children are present.
2. A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center's property:

RATIONALE

The Child Care Organizations Act (MCL 722.113b) prohibits an individual from smoking in a child care center or on the real property under control of the center.

The hazards of second-hand smoke warrant the prohibition of smoking in proximity of child care areas at any time. Residual toxins from smoking at times when children are not using the space can trigger asthma and allergies when children do use the space.

TECHNICAL ASSISTANCE

Licensees must make sure that employees, volunteers, parents, and visitors follow this rule, including when children are not in care.

Note: The “real property” includes the parking lot of the center. Employees shall not smoke or vape in their personal vehicles while in the parking lot.

R400.8201 Comprehensive background check; fingerprinting

RULE 201 (1)

1. Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:
 - a. A licensee.
 - b. A licensee designee.
 - c. A child care staff member.
 - d. An unsupervised volunteer.

TECHNICAL ASSISTANCE

Definitions according to PA 116 and the Administrative Rules are as follows:

- "Licensee" means a person, legal entity organized under a law of this state, state or local government, or trust that has been issued a license under this act to operate a child care organization.
- "Licensee designee" means the individual designated in writing by the board of directors of the corporation or by the owner or person with legal authority to act on behalf of the company or organization on licensing matters. The individual must agree in writing to be designated as the licensee designee. All license applications must be signed by the licensee in the case of the individual or by a member of the corporation, company, or organization.
- "Child care staff member" means an individual who is 16 years of age or older to whom 1 or more of the following apply:
 - The individual is employed by a child care center, group child care home, or family child care home for compensation, including a contract employee or a self-employed individual.
 - An individual whose activities involve the unsupervised care or supervision of children for a child care center, group child care home, or family child care home.
 - An individual who has unsupervised access to children who are cared for or supervised by a child care center, group child care home, or family child care home.
 - An individual who acts in the role of a licensee designee or program director.
- "Unsupervised volunteer" is defined in the Administrative Rules to mean an individual who is 18 years of age or older, who provides service for a child care center that is not compensated, and who has been determined eligible by the department to be unsupervised with children.

Eligibility is determined through the comprehensive background check process. In order to receive a determination, the individual must be entered into the [Child Care Background Check \(CCBC\) system](#) by the person authorized to use the system and then fingerprinted under the Child Care Licensing (CCL) Reason Code. Upon receipt of the fingerprint results, all remaining registry checks will be completed by the department. Any applicant

who has resided out of state or country within the past 5 years is required to submit additional information in order to complete the comprehensive background check. This may include the submission of additional forms and fees required by state(s) in order to complete the remaining components of the comprehensive background check.

RULE 201 (2)(a)

2. An applicant or licensee shall do all of the following:
 - a. Ensure that each individual who requires an eligibility determination completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department.

RATIONALE

Ensures the safety and welfare of children.

TECHNICAL ASSISTANCE

Each person who needs a comprehensive background check has to complete the Consent and Disclosure form. The form can be found at www.michigan.gov/ccbc under [Forms and Resources](#). Make sure the form is filled out accurately and thoroughly.

This form must be signed and dated before fingerprinting to be compliant with this rule. The licensee is also required to accurately and thoroughly complete the Consent and Disclosure form. Licensees are also entered into the CCBC System.

RULE 201 (2)(b) – (c)

- b. Maintain on file at the center or the central office, a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.
- c. Provide to the department, on request, a copy of the individual's completed and signed form or forms.

TECHNICAL ASSISTANCE

The Consent and Disclosure form can be found at [CCBC Forms and Resources](#). This form is important for several reasons:

- The form spells out how to appeal criminal history record information if the applicant thinks it's not accurate.
- The form reminds applicants and licensees of the statutory requirement under MCL 722.115e to report arraignments and convictions for crimes listed in section 5r within 3 business days.
- The form has personal information needed to do a comprehensive background check. Giving false information or skipping information on this form will make the applicant ineligible. So, the department may request a copy of the Consent and Disclosure form to make sure the applicant did not knowingly skip or give false information (e.g., names

previously used or states previously lived in).

Michigan State Police (MSP), the Federal Bureau of Investigation (FBI), and MiLEAP will periodically request a copy of this form to ensure compliance.

MSP and the FBI have Criminal Justice Information Services (CJIS) policies that require a Consent form. Both MSP and the FBI audit MiLEAP to make sure people fingerprinted under the child care reason code know their rights and responsibilities (as documented in this form).

Because the department is audited by the FBI/MSP for compliance with CJIS policies, a copy of the Consent and Disclosure form may be requested to be provided.

Sometimes, the department may find out about other names the applicant has used or states lived in that aren't in the CCBC system. If this happens, the department may request a copy of the Consent and Disclosure form. The Department will try to see if the person was trying to hide or give false information on the background check.

Giving the wrong information or leaving out information on a comprehensive background check will mean the applicant is found ineligible for that application.

If the Department thinks that an applicant may have left out or given false information in the Consent and Disclosure form (and by extension the CCBC System), the department may request to see the form.

BEST PRACTICE

Licensees should look over all sections of the Consent and Disclosure form with the applicant when they complete the form so that know their rights and responsibilities (as outlined above). After the applicant completes the Consent and Disclosure form, they should be given a copy of the form for their records.

RULE 201 (2)(d) – (f)

- d. Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.
- e. Complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license within the department's child care background check system.
- f. Immediately disconnect each individual within the department's child care background check system once the individual is no longer a licensee, licensee designee, child care staff member, or an unsupervised volunteer under the license.

TECHNICAL ASSISTANCE

The licensee must keep the status of each person connected with their license up to date and correct (connection, disconnection, withdrawn).

A person that is on leave, including but not limited to medical leave, summer break, etc. does not need to be disconnected from the facility in the Child Care Background Check (CCBC) system if they intend to return to work at the center once the leave is over. The person must be disconnected once they are no longer employed at the center.

Substitute or intermittent staff members may remain connected to the facility in CCBC if there is an intention to have them return to work at the center.

Once a person is entered into the system for a facility, the licensee will be notified in writing of the applicant's eligibility. The letter tells the licensee to log into the Child Care Background Check system. Once a final hiring decision has been made, the licensee can log in and finalize their "Action." After a person is found eligible, the licensee must "Connect" them to your facility in CCBC if the person will be:

- a child care staff member,
- an unsupervised volunteer or
- a licensee designee.

If the person will no longer be in one of these roles, you will "Disconnect" them.

If you no longer want to have a background check for someone, you will "Withdraw" them. The CCBC [Forms and Resources](#) has a PowerPoint training guide for using the Child Care Background Check System.

For questions, contact the CCBC unit at 844-765-2247.

Frequently Asked Questions for using the CCBC system can be found here: [FAQ](#)

RULE 201 (3)

3. An individual may serve as a child care staff member pending an eligibility determination by the department pursuant to sections 5n(8) and 5q of the act, MCL 722.115n and 722.115q, and shall always be supervised by the licensee or an eligible child care staff member.

TECHNICAL ASSISTANCE

A person can serve as a child care staff member while waiting for the results of the comprehensive background if they are supervised at all times by an eligible staff member. "Supervised at all times" means the eligible staff member can see and hear the person at all times. Example: An eligible staff member is supervising the person. The staff member needs to use the restroom. Another eligible staff member must step in to supervise the person before the first staff member leaves the room.

RULE 201 (4)

4. For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:

- a. Prohibit the individual from being on the premises of the child care center.
- b. Prohibit the individual from having any contact with children in care.
- c. Disconnect the individual from the child care background check system.

TECHNICAL ASSISTANCE

If you fail to:

- disconnect an ineligible person or
- keep an ineligible person away from the child care center or
- keep an ineligible person from having contact with the children in care,

there may be disciplinary action against your license and/or loss of any subsidy payments.

RULE 201 (5)

5. An individual who requires a comprehensive background check pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:
 - a. Full legal name.
 - b. All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.
 - c. Suffix, if applicable.
 - d. Social Security number.
 - e. Date of birth.
 - f. Place of birth.
 - g. Country of citizenship.
 - h. Height.
 - i. Weight.
 - j. Hair color.
 - k. Eye color.
 - l. Gender.
 - m. Race.
 - n. Current address.
 - o. If the individual resided outside this state during the last 5 years, provide each of those addresses.
 - p. Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.
 - q. Phone number.
 - r. Email address, if available.
 - s. Other information determined reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

RULE 201 (6)

6. The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent allowed by law.

TECHNICAL ASSISTANCE

If people are worried about having their personal information in the file, a center may black out some information. The information that can be blacked out is:

- Social Security Number
- Address
- Driver's License Number
- Telephone Number
- Email Address
- Prior Residency Information

The rest of the information is required by Michigan State Police.

R400.8201a Department; information; eligibility

RULE 201a (1)

1. The department may request information from an applicant, licensee, licensee designee, child care staff member, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction where the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual is ineligible under the statutory requirements.

RATIONALE

Determine eligibility/conducive to the welfare of children.

TECHNICAL ASSISTANCE

The department may ask for more information about anyone working in the center to make sure they meet the requirements of Public Act 116. Public Act 116 can be found [here](#).

R400.8201b Eligibility determination; individual who resided out of the United States; self-certifying statement

RULE 201b (1)

1. An individual who requires an eligibility determination pursuant to section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, pursuant to section 5n(2) of the act, MCL 722.115n, complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.

RATIONALE

Ensures the safety and welfare of children.

TECHNICAL ASSISTANCE

The Out of Country Self-Certification form can be found on the Child Care Background Check website at [CCBC Forms and Resources](#)

R400.8204 Early childhood center, small capacity child care center, and outdoor nature-based child care center program administrator qualifications; responsibilities**RULE 204 (1)**

1. Before hiring a new program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

RATIONALE

A trained and qualified program administrator is essential to ensure optimal program functioning.

TECHNICAL ASSISTANCE

Credentials can be submitted through CCHIRP or via email to the licensing consultant.

RULE 204 (2)

2. All program administrators are responsible for the general management of the center, including the following minimum responsibilities:
 - a. Developing, implementing, and evaluating program and center policies.
 - b. Administering day-to-day operations, including being available to address parent, child, and staff issues.
 - c. Monitoring staff, including annual evaluations.

RATIONALE

Ensures that the facility, staff and program are properly administered and managed.

TECHNICAL ASSISTANCE

Subrule (c) of this rule does not require a written annual evaluation.

Documenting that an annual evaluation was done includes, but is not limited to:

- A written evaluation document.
- A signed and dated statement that it was completed.
- A checklist with the date the evaluation was completed.
- Interviews with the program director and staff.

If the evaluations have been updated at the time of renewal, the center will be in compliance with this rule.

A program administrator may be counted in child:staff ratio as long as that role does not interfere with management and supervisory responsibilities.

RULE 204 (3)

3. A program administrator can oversee multiple sites if all of the following are met:
 - a. Is immediately available for not less than 5 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.
 - b. Maintain written documentation of visits, including dates and times.
 - c. Appoint a site administrator when the program administrator is not on the premises.

RATIONALE

The program administrator of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility within the framework of appropriate child development principles and knowledge of family relationships. The wellbeing of children, the confidence of the parents and the high morale and consistent professional growth of staff depend largely on the knowledge, skills and dependable presence of a program administrator who is able to respond to long range and immediate needs and able to engage staff in decision-making that affects their day-to-day practice.

TECHNICAL ASSISTANCE (a)

Per R 400.8101 Definitions; A to I, and R 400 8103 Definitions; S to Z:

- “Immediately available” means a program administrator, site administrator, parent, or guardian remains onsite at the address of the child care center.
- “Session” means 8 hours within a 24-hour day from midnight until 11:59 p.m. for centers operating 8 hours or more per day or 50% of the time open for centers operating less than 8 hours per day.

TECHNICAL ASSISTANCE (b)

Electronic records may be used; they must be accessible to the department at the center or central office at the time of an inspection.

RULE 204 (4)

4. A program administrator of a single site shall appoint a staff-in-charge when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

RATIONALE

The program administrator and staff in charge of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility. Ensures that the facility, staff and program are properly administered and managed.

TECHNICAL ASSISTANCE

A staff-in-charge must be someone named by the program administrator who meets the definition of program staff.

BEST PRACTICE

All program staff should know who was named as staff-in-charge and know the individual themselves.

RULE 204 (5)

5. A staff-in-charge shall be present at the center during all hours of operation when the program administrator, who is overseeing a single site, is not on the premises.

RULE 204 (6)

6. A substitute program administrator shall be appointed for a program administrator who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement, which must not exceed the agreed-on timeframe.

RATIONALE

The program administrator of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility. Ensures that the facility, staff and program are properly administered and managed.

TECHNICAL ASSISTANCE

A “temporary absence” is one where the program administrator plans to return to work. This includes but is not limited to:

- Any leave of absence (as defined under the Family and Medical Leave Act).
- Parental leave.
- Military leave.
- Extended vacation.
- Leave of absence.
- Extended jury duty.

Centers should work with the licensing consultant as soon as you know the program administrator has left employment or may have a temporary absence of over 30 consecutive days to finalize the agreed-on timeframe appropriately.

The licensing consultant will review documents or interview the licensee to see:

- when the program administrator left employment or
- when the temporary absence was longer than 30 consecutive workdays.

The licensing consultant will allow up to 5 business days from when the:

- program administrator left employment or
- temporary absence extended over 30 consecutive workdays for the provider to work with licensing to finalize the agreed-on timeframe for replacement or return from the temporary absence.

RULE 204 (7) & (8)

7. The department shall be notified when a substitute program administrator is appointed.
8. A substitute program administrator shall at least meet the qualifications of lead teacher.

RATIONALE

The program administrator of a center plays a pivotal role in ensuring the smooth day-to-day functioning of the facility. It is important that the department is informed when a substitute program administrator is appointed.

TECHNICAL ASSISTANCE

See **Rule 400.8210** to be sure qualifications are met. The qualifications must be on file.

RULE 204 (9)

9. A program administrator shall have all of the following qualifications:
 - a. Be not less than 21 years of age.
 - b. Have a high school diploma or general equivalency diploma (GED).
 - c. Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

TECHNICAL ASSISTANCE

Examples of acceptable verification of age include:

- A copy of a driver's license or state/government ID.
- A copy of the birth certificate.

Acceptable verification of compliance with subrule (b) of this rule are:

- A copy of a high school diploma, GED.
- A specific learning track for child care administration is available at MiRegistry

RULE 204 (10) & (11)

10. A program administrator is exempt from subrule (2)(c) of this rule if there is a central administrator that complies with both of the following:

- a. Meets the requirements of a site administrator in subrule (9) of this rule.
- b. Is responsible for subrules (2)(a) and (c) of this rule.

Review documentation of how the central administrator meets the child care administration course requirement by having:

- at least 2 semester hours or a minimum of 3.0 CEUs in child care administration or
- an administrative credential approved by the department.

Documentation may include the following:

- A copy of the official transcripts.
- Written documentation of completed CEUs.
- Copy of the administrative credential.

Verify that the central administrator does the following duties:

- Develops, implements, and evaluates center policies and programs.
- Monitoring staff, including an annual evaluation of each staff member

BEST PRACTICE

Centers should keep the central administrator approval letter.

11. A program administrator of a small capacity center shall meet 1 of the following to be qualified:

- a. All of the following:
 - i. A minimum of 1 year of experience.
 - ii. 3 hours of MiRegistry approved training in each of the following areas:
 1. Program Management.
 2. Observation, Documentation, and Assessment.
 3. Teaching and Learning.
 - iii. 6 hours of MiRegistry approved training in any of the following areas:
 1. Interactions and Guidance.
 2. Challenging Behaviors.
 3. Trauma Informed Practices.
 - iv. Works in a center that participates in Great Start to Quality.
- b. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours

of MiRegistry-approved training may be used to meet these requirements.

- iii. Works in a center that participates in Great Start to Quality.
- c. A valid child development associate credential, Montessori credential, Michigan Youth Development Associate Certificate or Credential, Infant Family Associate Credential, or associate degree or higher in any field of study.

RATIONALE

The program administrator of a child care center is the team leader. Both administrative and child development skills are essential for this individual to manage the facility. Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning. College-level coursework has been shown to have a measurable, positive effect on quality child care.

TECHNICAL ASSISTANCE

Per R 400.8101 Definitions; A through to I, “experience” means paid and unpaid experience serving the ages and developmental abilities of children for which the center is licensed.

Examples of experience include but are not limited to:

- Being licensed or registered as a family or group child care home (now or in the past).
- Working as child care staff in a licensed or registered child care facility.
- Internships, field placements or student teaching working directly with children of the ages and developmental abilities of children for which the center is licensed.
- Employment or being a supervised volunteer working directly with children of the ages and developmental abilities of children for which the center is licensed.

Unapproved experience includes but are not limited to:

- Babysitting.
- Being a nanny.
- Being a foster parent.
- Raising one’s own children or the children of a relative.

College courses can be approved if the course description has content that includes:

- program management,
- observation,
- documentation and assessment,
- teaching and learning,
- interactions and guidance,
- challenging behaviors and
- trauma informed practices.

To convert term/quarter hours into semester hours, multiply the term or quarter hours by 0.66. The following are considered equal to the CDA credential:

- The Preschool Curriculum Course credential (formerly known as the Lead Teacher Training Program credential) offered by High/Scope, the Michigan School Age/Youth

Development Credential and the ChildCare Education Institute Early Childhood Credential.

Note: Self-paced courses cannot be approved, even from accredited universities. Self-paced courses have no guidelines**

Example: Penn Foster and Wisconsin Stout are listed as accredited universities that have courses program staff can take but, there are no semester or quarter hours stated because the person works on them at their own pace.

Accreditation: The [US Department of Education Database of Accredited Postsecondary Institutions and Programs](#) provides a listing of schools that are accredited.

If a college, university, online course, or correspondence course is not accredited, the center must see if any accredited colleges or universities will accept transfer credits from the college/university in question. The center should get written verification from the accepting college.

Official transcripts from other countries may be accepted. The center must provide written verification from:

- a university or
- a private agency that determines equivalency to American credits.

The following organizations evaluate international transcripts:

- World Education Services, WES
- Educational Credential Evaluators, ECE

Official transcripts from the following colleges are acceptable:

- Bob Jones University.
- Tennessee Temple College.
- Maranatha Bible College.
- Hyles-Anderson College.

Hours of Experience: Approved hours of experience must be verifiable.

Hours of Experience Equivalents

- 480 hours of experience = 3 months of full-time work experience.
- 960 hours of experience = 6 months of full-time work experience.
- 1920 hours of experience = 12 months of full-time work experience.

Education requirements for small capacity early childhood program administrator:

Official Transcripts with course titles or descriptions that show one of the following will be accepted as meeting the rule without a course-by-course review:

- child care administration,
- early childhood education,
- child development,
- youth development or
- a child-related field.

Exception: Per court order, the following five churches are specifically exempt from the program staff qualification rule 400.8122(6) "by reason of the First Amendment of the United States Constitution":

- Bethany Bible Church (Belleville, MI).
- Dixie Baptist Church (Springfield, MI).
- Faithway Baptist Church (Ypsilanti, MI).
- Lewis Avenue Baptist Church (Temperance, MI).
- Sturgis Church of the Nazarene (Sturgis, MI) United States Constitution":

Official transcripts, copies of transcripts and those stamped "Issued to Student" are acceptable. Those downloaded from a school's website are not acceptable.

R 400.8204 (9) & (11)

Program Administrator Qualifications	Option A (9) & (11)(a)(i),(ii),(iii),(iv)	Option B (9) & (11)(b)(i),(ii),(iii)	Option C (9) & (11)(c)
Minimum Age (9)(a)	21 years	21 years	21 years
Minimum Education (9)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Administration Training (9)(c)	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*
Minimum Experience	1 year	6 months	None
Training/ Semester Hours/CEUs	<p>3 hours of MiRegistry approved training in each of the following:</p> <p>(A) Program Management. (B) Challenging Behaviors (C) Trauma Informed Practices.</p> <p align="center">AND</p> <p>6 hours of MiRegistry approved training in any of the following areas:</p> <p>(A) Interactions and Guidance (B) Challenging Behaviors (C) Trauma Informed Practices</p>	<p>6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in:</p> <ul style="list-style-type: none"> • Child Care Administration, • Early Childhood Education • Child Development • Youth Development • A Child-Related Field <p>Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.</p>	<p>One of the following:</p> <ul style="list-style-type: none"> • A valid child development associate credential • Montessori credential • Michigan Youth Development Associate Certificate or Credential • Infant Family Associate Credential • Associate degree or higher in any field of study
Center Requirements (11)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

*A program administrator is exempt from this requirement if there is a central administrator that meets the requirements and is responsible for (a) Developing, implementing, and evaluating program and center policies. (c) Monitoring staff, including annual evaluations. Verification of the qualifications of the central administrator must be maintained on file at the center or at the central office.

If utilizing Option A:

A combination of training hours may be used to equal the 6 hours of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

If utilizing Option B:

The trainings may be in a single topic or any combination that meets the total requirement with a minimum of 90 clock hours.

If utilizing Option C:

The Director certificate from Washtenaw Community College consists of 30 total credit hours, with 21 credits in Early Childhood Education (ECE) courses and 9 credits in restricted business electives. All ECE courses included in this certificate are part of the Associate of Arts (AA) in Early Childhood Education transfer pathway.

The certificate also includes content to meet the administration training requirement.

Required Early Childhood Education (ECE) Courses – 21 credits

- ECD 101: Child Development (3 credits)
- ECD 180: Working with Families (3 credits)
- ECD 200: Child Guidance and Classroom Management (3 credits)
- ECD 205: Child Care Administration (3 credits)
- ECD 210: Curriculum for Young Children (3 credits)
- ECD 220: Development and Care of Infants/Toddlers (3 credits)
- ECD 230: Child Observation and Assessment (3 credits)

Restricted Electives – Students select three (9 credits total)

- ACC 111: Principles of Financial Accounting (3 credits)
- BMG 230: Applied Management (3 credits)
- BMG 240: Human Resources Management (3 credits)
- BMG 250: Principles of Marketing (3 credits)

Certificate Total: 30 credits

The Child Care Center Director Certificate at Washtenaw Community College is designed to ensure that prospective child care center directors acquire both the specialized knowledge in early childhood education necessary for high-quality programming and the business and management competencies required to successfully administer and sustain a licensed child care program.

RULE 204 (12)

12. A program administrator of an early childhood center or outdoor nature-based child care center shall meet 1 of the following to be qualified:
 - a. All of the following:

- i. A minimum of 3 months of experience.
- ii. A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.
- iii. Works in a center that participates in great start to quality.
- b. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. An associate degree or higher in any field of study.
 - iii. 3 hours of MiRegistry approved training in each of the following areas:
 1. Program management.
 2. Observation, documentation, and assessment.
 3. Teaching and learning.
 - iv. 6 hours of MiRegistry approved training in any of the following areas:
 1. Interactions and guidance.
 2. Challenging behaviors.
 3. Trauma informed practices.
 - v. Works in a center that participates in great start to quality.
- c. A bachelor's degree or higher in a child-related field.

RATIONALE

The program administrator of a child care center is the team leader. Both administrative and child development skills are essential for this individual to manage the facility. Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning. College-level coursework has been shown to have a measurable, positive effect on quality child care.

TECHNICAL ASSISTANCE

Examples of experience include but are not limited to:

- Being licensed or registered as a family or group child care home (now or in the past).
- Working as program staff in a licensed or registered child care facility.
- Internships, field placements or student teaching working directly with children of the ages and developmental abilities of children for which the center is licensed.
- Employment or being a supervised volunteer working directly with children of the ages and developmental abilities of children for which the center is licensed.

Unapproved experience includes but is not limited to:

- Babysitting.
- Being a nanny.
- Being a foster parent.
- Raising one's own children or the children of a relative.

To approve a course, the description must address:

- program management,
- observation,
- documentation and assessment,

- teaching and learning,
- interactions and guidance,
- challenging behaviors and
- trauma informed practices.

To convert term/quarter hours into semester hours, multiply the term or quarter hours by 0.66.

The following are considered equal to the CDA credential:

- The Preschool Curriculum Course credential (formerly known as the Lead Teacher Training Program credential) offered by High/Scope,
- the Michigan School Age/Youth Development Credential and
- the ChildCare Education Institute Early Childhood Credential.

Note: **Self-paced courses are not approved because they have no guidelines – even from accredited universities**

Example: Penn Foster and Wisconsin Stout are accredited universities. They have courses program staff can take that don't list semester hours or quarter hours because the person works on them at their own pace.

Accreditation: The [US Department of Education Database of Accredited Postsecondary Institutions and Programs](#) lists schools that are accredited.

If a college, university, online course, or correspondence course is not accredited, the center must see if any accredited colleges or universities will accept transfer credits from the college/university in question. Written verification is required from the accepting college.

Official transcripts from other countries may be accepted. The center must get written verification from a university or a private agency of equivalency to American credits. The following organizations evaluate international transcripts:

- World Education Services, WES
- Educational Credential Evaluators, ECE

Official transcripts from the following colleges are acceptable:

- Bob Jones University.
- Tennessee Temple College.
- Maranatha Bible College.
- Hyles-Anderson College.

Hours of Experience: Approved hours of experience must be verifiable.

Hours of Experience Equivalents

- 480 hours of experience = 3 months of full-time work experience.
- 960 hours of experience = 6 months of full-time work experience.
- 1920 hours of experience = 12 months of full-time work experience.

Note: Official transcripts, copies of transcripts and those stamped "Issued to Student" are acceptable. Those downloaded from a school's website are not acceptable.

R 400.8204 (9) & (12) (continued on next page)

Program Administrator Qualifications	Option A (9) & (12)(a)(i)(ii)(iii)	Option B (12)(b)(i),(ii),(iii),(iv),(v)	Option C (12)(c)
Minimum Age (9)(a)	21 years	21 years	21 years
Minimum Education (9)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Administration Training (9)(c)	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*
Minimum Experience	3 months	6 months	None
Training/ Semester Hours/CEUs	One of the following: <ul style="list-style-type: none"> A valid child development associate credential. Montessori credential. Infant Family. Associate Credential. Associate degree or higher in a child-related field. 	<ul style="list-style-type: none"> Associate degree or higher in any field of study. AND 3 hours of MiRegistry approved training in each of the following: <ul style="list-style-type: none"> (A) Program Management. (B) Observation, documentation, and assessment. (C) Teaching and learning. AND 6 hours of MiRegistry approved training in any of the following areas: <ul style="list-style-type: none"> (A) Interactions and Guidance (B) Challenging Behaviors. (C) Trauma Informed Practices. 	<ul style="list-style-type: none"> Bachelor's degree or higher in a child-related field.
Center Requirements (12)(a)(iii),(b)(v)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

*A program administrator is exempt from this requirement if there is a central administrator that meets the requirements and is responsible for (a) Developing, implementing, and evaluating program and center policies. (c) Monitoring staff, including annual evaluations. Verification of the qualifications of the central administrator must be maintained on file at the center or at the central office.

If utilizing Option B:

A combination of training hours may be used to equal the 6 hours of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

RULE 204 (13) & (14)

13. A program director who was qualified on the director's date of hire remains qualified as a program administrator as of the effective date of this rule as long as the program director

remains continuously employed as a program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule will be voided.

14. A substitute director who was qualified on the substitute's director's date of hire remains qualified as a substitute program administrator as of the effective date of this rule as long as the substitute director remains continuously employed as a substitute program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule will be voided.

RATIONALE

A trained and qualified program administrator is essential to ensure optimal program functioning.

TECHNICAL ASSISTANCE

If a program director was approved prior to the rule change they will remain the program administrator as long as there has not been a break in service at the center or another center for more than 180 days. If the program director was approved under a variance, the terms of the variance remain in effect, and they must complete the qualifications of the variance by the timeframes listed in the variance.

If a substitute director was approved prior to the rule change they will remain the substitute program administrator as long as there has not been a break in service at the center or another center for more than 180 days. If the program director was approved under a variance, the terms of the variance remain in effect, and they must complete the qualifications of the variance by the timeframes listed in the variance.

RULE 204 (15)

15. Verification of the qualifications of the program administrator, substitute program administrator, and the central administrator if the option in subrule (8) of this rule is used, must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

RATIONALE

Documents that the program administrator meets the rule requirements.

R 400.8207 Early childhood center, small capacity child care center, and outdoor nature-based child care center site administrator; qualifications

RULE 207 (1) – (5)

1. A site administrator shall be present at the center during all hours of operation when the program administrator, who is overseeing multiple sites, is not on the premises.
2. Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.
3. Site administrators shall assist the program administrator in all of the following:
 - a. Developing, implementing, and evaluating program and center policies.
 - b. Administering day-to-day operations, including being available to address parent, child, and staff issues.
 - c. Monitoring and overseeing staff.
4. Site administrators shall meet both of the following qualifications:
 - a. Be not less than 19 years of age.
 - b. Have a high school diploma or GED.
5. Site administrators shall meet 1 of the following to be qualified:
 - a. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.
 - iii. Works in a center that participates in great start to quality.
 - b. All of the following:
 - i. A minimum of 3 months of experience.
 - ii. A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.
 - iii. Work in a center that participates in great start to quality.
 - c. All of the following:
 - i. An associate degree or higher in any field of study.
 - ii. 3 hours of MiRegistry approved training in each of the following areas:
 1. Program management.
 2. Observation, documentation, and assessment.
 3. Teaching and learning.
 - iii. 6 hours of MiRegistry approved training in any of the following areas:
 1. Interactions and guidance
 2. Challenging behaviors.
 3. Trauma informed practices.

RATIONALE

Ensures that the facility, staff and program are properly administered and managed. Ensures that a trained staff person is present at all times who is responsible for the daily operation of the program, including the supervision of staff and care of children. Ensures the site supervisor has relevant work experience for working with children.

TECHNICAL ASSISTANCE

The center must have documentation of the site administrators age and education on file. Examples of acceptable verification of age include:

- A copy of a driver's license or state identification card.
- A copy of the site supervisor's birth certificate.
- A self-certifying statement.

The following are acceptable verifications of compliance with subrule (b) of this rule:

- A copy of a high school diploma, GED or equivalent.
- A self-certifying statement.

R 400.8207 (4) & (5) (continued on next page)

Site Administrator Qualifications	Option A (4) & (5)(a)	Option B (4) & (5)(b)	Option C (4) & (5)(c)
Minimum Age (4)(a)	19 years	19 years	19 years
Minimum Education (4)(b)	High school diploma or GED.	High school diploma or GED.	High school diploma or GED.
Minimum Experience	6 months	3 months	None
Training/ Semester Hours/CEUs	<p>6 semester hours 9 CEUs or a combination to equal 90 clock hours of coursework in:</p> <ul style="list-style-type: none"> • Child care administration • Early childhood education • Child development • Youth development • A child-related field <p>Up to 30 hours of training from MiRegistry may be used to meet these requirements.</p>	<p>One of the following:</p> <ul style="list-style-type: none"> • Valid child development associate credential • Montessori credential • Associate degree in a child related field 	<ul style="list-style-type: none"> • An associate degree or higher in any field of study. AND • 3 hours of MiRegistry approved training in each of the following: <ul style="list-style-type: none"> (A) Program Management (B) Observation, documentation, and assessment (C) Teaching and learning • AND • 6 hours of MiRegistry approved training in any of the following areas: <ul style="list-style-type: none"> (A) Interactions and Guidance (B) Challenging Behaviors (C) Trauma Informed Practices

Center Requirements (5)(a)(iii), (5)(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None
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If utilizing Option C: A combination of training hours may be used to equal the 6 hours of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

RULE 207 (6)

6. A site supervisor who was qualified on the site supervisor's date of hire remains qualified as a site administrator of the effective date of this rule as long as the site supervisor remains continuously employed as a site supervisor at the center or at another licensed center without a break in service of more than 180 days.

RATIONALE

Provides documentation of the site supervisor qualifications.

TECHNICAL ASSISTANCE

Centers must have documentation of experience on file.

Examples include but are not limited to:

- Documentation in MiRegistry,
- Proof of previous or current license or registration as a family or group child care home.
- Written verification from previous employer(s).
- Written verification from supervisors for:
 - internships,
 - student teaching,
 - field placements,
 - volunteer work.

Note: Resumes are not accepted as verifiable documentation of experience.

RULE 207 (7)

7. Verification of the qualifications must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

RATIONALE

Documents that the site administrator meets the rule requirements.

R400.8210 Lead teacher; qualifications; responsibilities

RULE 210 (1)

1. Lead teachers are required only for groups of children who are preschool-age and younger.

TECHNICAL ASSISTANCE

A program administrator can also be a lead teacher if he/she can fulfill the requirements of both positions.

RULE 210 (2)

2. Lead teachers are responsible for both of the following:
 - a. Overseeing the planning, implementation, and evaluation of the classroom program and child assessment.
 - b. Overseeing child care staff members for a specific group of children and overall care and supervision of children.

RULE 210 (3)

3. At least 1 lead teacher shall be assigned to each group of children in a self-contained or well-defined space and be present and provide care in the assigned group in the following manner:
 - a. Full time for programs operating less than 6 continuous hours.
 - b. Not less than 6 hours per day for programs operating 6 or more continuous hours.

RATIONALE

Child care that promotes healthy child development is based on the developmental needs of the children. Lead teachers have greater knowledge of and ability to respond appropriately to the needs of children for which they are responsible.

The more the lead teacher is on-site on a consistent basis, the better understanding she/he has about individual children's needs, individual strengths and weaknesses of the staff and an overall view of the functioning of the group or classroom.

TECHNICAL ASSISTANCE

“Well-defined space” means space set up and used only for a specific group of children.
Well-defined space:

- Can be created with:

- moveable room dividers,
 - equipment,
 - shelves,
 - floor coverings, etc.
 - Permanent walls and dividers are not required.
 - Must meet the square footage requirements for the number of children in the group.
- Barriers may not be needed in a large room, gym or cafeteria for groups on opposite sides of the room.

RULE 210 (4)

4. A substitute for a lead teacher shall be appointed for a lead teacher who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute lead teacher has 90 days from appointment to meet the qualifications of a lead teacher.

RULE 210 (5) & (6)

5. Lead teachers shall have both of the following qualifications:
 - a. Be not less than 19 years of age.
 - b. Have a high school diploma or GED.

The center must have documentation of the lead teacher's age and education on file.

The following would be acceptable verification of age:

- A copy of a driver's license.
- A copy of the lead teacher's birth certificate.

The following would verify compliance with subrule (b) of this rule:

- A copy of a high school diploma, GED or equivalent.

6. A lead teacher shall meet 1 of the following to qualify:
 - a. All of the following:
 - i. A minimum of 1 year of experience.
 - ii. 3 hours of MiRegistry approved training in each of the following areas:
 1. Program management.
 2. Observation, documentation, and assessment.
 3. Teaching and learning.
 - iii. 6 hours of MiRegistry approved training in any of the following areas:
 1. Interactions and guidance.
 2. Challenging behaviors.
 3. Trauma informed practices.
 - iv. Works in a center that participates in great start to quality.
 - b. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of

coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

- iii. Works in a center that participates in great start to quality.
- c. All of the following:
 - i. A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree or higher in any field of study.
 - ii. 3 hours of MiRegistry approved training in each of the following areas:
 - 1. Program management.
 - 2. Observation, documentation, and assessment.
 - 3. Teaching and learning.
 - iii. 6 hours of MiRegistry approved training in any of the following areas:
 - 1. Interactions and guidance.
 - 2. Challenging behaviors.
 - 3. Trauma informed practices.

RATIONALE

Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning.

College-level coursework has been shown to have a measurable, positive effect on quality child care.

R 400.8210 (5) & (6) *(continued on next page)*

Lead Teacher Qualifications	Option A (6)(a)	Option B (6)(b)	Option C (6)(c)
Minimum Age (5)(a)	19 years	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	1 year	6 months	None

Training/ Semester Hours/CEUs	3 hours of MiRegistry approved training in each of the following: <ul style="list-style-type: none"> (a) Program Management. (b) Observation, documentation, and assessment. (c) Teaching and learning. <p style="text-align: center;"><u>AND</u></p> 6 hours of MiRegistry approved training in any of the following areas: <ul style="list-style-type: none"> (a) Interactions and Guidance. (b) Challenging Behaviors. (c) Trauma Informed Practices. 	6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in: <ul style="list-style-type: none"> • Child Care Administration, • Early Childhood Education • Child Development, • A Child-Related Field. <p>Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.</p>	One of the following: <ul style="list-style-type: none"> (a) A valid child development associate credential (b) Montessori credential (c) Infant Family Associate Credential (d) Associate degree or higher in any field of study. <p style="text-align: center;"><u>AND</u></p> 3 hours of MiRegistry approved training in each of the following: <ul style="list-style-type: none"> (a) Program Management. (b) Observation, documentation, and assessment. (c) Teaching and learning. <p style="text-align: center;"><u>AND</u></p> 6 hours of MiRegistry approved training in any of the following areas: <ul style="list-style-type: none"> (a) Interactions and Guidance. (b) Challenging Behaviors. (c) Trauma Informed Practices.
Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

A lead teacher for infants and toddlers must complete the 45 hours of Mi-registry approved track in **addition to the required hours listed in this chart to be in compliance with subrules (6) and (10) of this rule.*

If utilizing Option A or C: A combination of training hours may be used to equal the 6 hrs of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

If utilizing Option B: The trainings may be in a single topic or any combination that meets the total requirement with a minimum of 90 clock hours.

BEST PRACTICE

To verify that the person works in a center that participates in Great Start to Quality, check for “Reflecting on Quality” and “application submitted” status on the Great Start to Quality website.

RULE 210 (7)

7. Small capacity centers are exempt from subrule (6) of this rule.

RULE 210 (8)

8. A lead teacher in a small capacity center shall meet 1 of the following to qualify:
- All of the following:
 - A minimum of 3 months of experience.
 - 3 hours of MiRegistry approved training in each of the following areas:
 - Program management.
 - Observation, documentation, and assessment.
 - Teaching and learning.
 - 6 hours of MiRegistry approved training in any of the following areas:
 - Interactions and guidance.
 - Challenging behaviors.
 - Trauma informed practices.
 - Works in a center that participates in great start to quality.
 - Both of the following:
 - 3 semester hours, 4.5 CEUs, or a combination to equal 45 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field or an associate degree or higher in any field of study. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.
 - Works for a center that participates in great start to quality.

TECHNICAL ASSISTANCE**R 400.8210 (8) (continued on next page)**

Lead Teacher Qualifications	Option A	Option B
Minimum Age (5)(a)	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	3 months	None
Training/ Semester Hours/CEUs	<p>3 hours of MiRegistry approved training in each of the following:</p> <p>(A) Program Management (B) Observation, documentation, and assessment (C) Teaching and learning</p> <p><u>AND</u></p> <p>6 hours of MiRegistry approved training in any of the following areas:</p> <p>(A) Interactions and Guidance (B) Challenging Behaviors (C) Trauma Informed Practices</p>	<p>3 semester hours, 4.5 CEUs, or a combination to equal 45 clock hours of coursework in:</p> <ul style="list-style-type: none"> Child Care Administration Early Childhood Education Child Development A Child-Related Field <p>Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.</p> <p><u>OR</u></p> <ul style="list-style-type: none"> Associate degree or higher in any field of study

Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.
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**A lead teacher for infants and toddlers must complete the 45 hours of MI-registry approved track in addition to the required hours listed in this chart to be in compliance with subrules (8) and (10) of this rule.*

Examples of experience include but are not limited to:

- Being a licensed or registered family or group child care home, now or in the past.
- Working as a child care staff member in a licensed or registered child care facility.
- Doing an Internship, field placement, or student teaching working directly with children
 - children must be the same ages and developmental abilities as those the center is licensed to serve.
- Working or volunteering directly with children of the ages and developmental abilities of children for which the center is licensed. Volunteering must be supervised.

Unapproved experience includes but are not limited to:

- Babysitting.
- Being a nanny.
- Being a foster parent.
- Raising one's own children or
- Raising a relative's children.

The course content description must address the following to be approved:

- program management,
- observation,
- documentation and assessment,
- teaching and learning,
- interactions and guidance,
- challenging behaviors and
- trauma informed practices.

You can convert term/quarter hours into semester hours by multiplying the term or quarter hours by 0.66.

Note: Self-paced courses cannot be approved, even from accredited universities. Self-paced courses have no guidelines.

Example: Penn Foster and Wisconsin Stout are listed as accredited universities. They have courses program staff can take but they don't have semester hours or quarter hours. That is because the person works on them at their own pace; they can't be compared to classes taken during a semester or quarter.

Accreditation: The [US Department of Education website Database of Accredited Postsecondary Institutions and Programs](#) provides a listing of schools that are accredited. A center can find out if a credits will apply by getting a written statement from a college or university. The statement must say that they will accept transfer credits from the unaccredited college, university, online course, or correspondence course. Official transcripts from other countries may be accepted. The center must get written verification from a university or a private agency that determines equivalency to American credits.

The following organizations evaluate international transcripts:

- World Education Services, WES
- Educational Credential Evaluators, ECE

Official transcripts from the following colleges are acceptable:

- Bob Jones University.
- Tennessee Temple College.
- Maranatha Bible College.
- Hyles-Anderson College.

Hours of Experience: Approved hours of experience must be verifiable.

Hours of Experience Equivalents

- 480 hours of experience = 3 months of full-time work experience.
- 960 hours of experience = 6 months of full-time work experience.
- 1920 hours of experience = 12 months of full-time work experience.

Official transcripts that show one of the following has been earned will be accepted as meeting the rule without a course-by-course review:

- The title or course description must reflect that the course meets the requirement of being in:
 - child care administration,
 - early childhood education,
 - child development,
 - youth development or
 - a child-related field.

“Child-related field” means one of the following:

- For an early childhood education program director, administrator, program staff member, lead teacher, academic courses in:
 - elementary education,
 - child guidance,
 - child counseling,
 - child psychology,
 - family studies,
 - environmental or outdoor education,
 - social work, or
 - special education.

Exception: Per court order, the following five churches are specifically exempt from the lead teacher qualification rule 400.8122(6) “by reason of the First Amendment of the United States Constitution”:

- Bethany Bible Church (Belleville, MI).
- Dixie Baptist Church (Springfield, MI).
- Faithway Baptist Church (Ypsilanti, MI).
- Lewis Avenue Baptist Church (Temperance, MI).
- Sturgis Church of the Nazarene (Sturgis, MI) United States Constitution”

Official transcripts, copies of transcripts and those stamped "Issued to Student" are acceptable. Those downloaded from a school's website are not acceptable

RULE 210 (9)

9. A lead teacher who was qualified on the lead teacher's date of hire remains qualified as of the effective date of this rule as long as the lead teacher remains continuously employed as a lead teacher at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule must be voided.

TECHNICAL ASSISTANCE

If a lead teacher was approved prior to the rule change they will remain the lead teacher as long as there has not been a break in service at the center or another center for more than 180 days. If the lead teacher was approved under a variance, the terms of the variance remain in effect, and they must complete the qualifications of the variance by the timeframes listed in the variance.

RULE 210 (10)

10. Lead teachers for infants and toddlers shall have 3 semester hours, 4.5 CEUs, or 45 hours of MiRegistry-approved track of infant and toddler development and care practices within 6 months of hire.

RATIONALE

The brain development of infants is particularly sensitive to the quality and consistency of interpersonal relationships. Much of the stimulation for brain development comes from the responsive interactions of child care staff members and children during daily routines. An appropriately trained child care staff member will allow infants and toddlers to pursue their interests and encourage them to develop new skills.

TECHNICAL ASSISTANCE

The title or course description must show that the course meets the requirement of being specific to infant and toddler development and care practices.

RULE 210 (11)

11. Verification of the qualifications of each lead teacher must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R400.8213 Staff; volunteer**RULE 213 (1)**

1. All staff and volunteers present at the center shall:
 - a. Provide appropriate care and supervision of children at all times.
 - b. Act in a manner that is conducive to the welfare of children.
 - c. Make an immediate verbal report to the department of health and human services, children's protective services, by telephone at 1-855-444-3911, on reasonable cause to suspect child abuse or child neglect. The verbal report must be followed by submission of a written report within 72 hours of the verbal report.
 - d. Sign and date a written statement at the time of hiring or before volunteering and indicate all of the following information:
 - i. The individual is aware that abuse and neglect of children is against the law.
 - ii. The individual is informed of the center's policies on child abuse and neglect.
 - iii. The individual knows they are mandated reporters of child abuse and child neglect and are required by law to immediately report suspected abuse and neglect to the department of health and human services, children's protective services, as described in subdivision (c) of this subrule.

RATIONALE

- Ensures that appropriate care and supervision is provided to all children.
- Supervision is basic to the prevention of harm.
- Ensures for the safety and well-being of children and ensures their basic needs are being met.

TECHNICAL ASSISTANCE

All staff and volunteers working directly with children must meet the basic needs of each child and make sure they are safe and well.

This means:

- Meeting the child care staff -to-child ratios and group size.
- Providing a program that meets the developmental needs of all children in care.
- Interacting with each child in a positive manner.
- Knowing what each child is doing.
- Knowing where each child is at all times.
- Being close enough to the children to make sure they are safe.

If a program staff needs to be away from their assigned area for a brief time (ex: to use the restroom, toileting a child, taking care of a sick child, bringing children from the bus, etc.), do not leave children unattended. If multiple program staff are in the room, an extra or additional

program staff may not be necessary; a sub may be needed if children's needs aren't being met, the absences are too long or often, or if there is a significant disruption in the room.

Volunteers not acting as program staff must care for the children appropriately. This includes, but is not limited to:

- Interacting with children in a positive manner.
- If working with one child, knowing where the child is and what they are doing.
- Following the volunteer policy of the center.

722.115m(14)(b) "Conducive to the welfare of the children" means:

- The service and facility comply with this act and the administrative rules promulgated under this act.
- The disposition, temperament, condition, and action of the applicant, licensee, licensee designee, program director, child care staff member, and member of the household promote the safety and well-being of the children served.

Conducive to the welfare of children also includes the licensee:

- Is truthful to the department and the public.
- Is capable of making appropriate judgements.
- Is knowledgeable of the developmental needs of children of varying ages.
- Conducts self in a way so that rule requirements are met.

722.115m(4) To assess whether the service, facility, applicant, licensee, child care staff member, or member of the household is conducive to the welfare of the children, the department may utilize available information, including, but not limited to, any of the following:

- Investigative report, such as a law enforcement report and a children's protective services report.
- Medical report.
- Public record.
- Child care center, group child care home, or family child care home record.
- Inspection of the child care center, group child care home, or family child care home.

All staff and volunteers (including minors) are mandated reporters. Under the Child Protection Law, center staff and volunteers must contact Children's Protective Services (CPS)

immediately when they suspect child abuse and/or neglect.

- The immediate verbal report must be made to Centralized Intake by calling (855) 444-3911. The verbal report must be followed by a written report. The written report must be submitted within 72 hours. Michigan Department of Health and Human Services (MDHHS) encourages the use of the Report of Suspected or Actual Child Abuse or Neglect (DHS-3200) form which includes all the information required by the law. The written report may be faxed to (616) 977- 1154 or (616) 977-1158 or emailed to MDHHS-CPS-CIGroup@michigan.gov.
- The immediate online report eliminates the requirement to fill out a DHS-3200 form. To report online, you can register as a mandated reporter at [Mi Bridges Mandated Reporters](#)

Reporting the situation to administration or other staff person does not relieve the center

employee or volunteer of their mandated responsibility to report to CPS.

When child abuse and/or neglect is suspected, the center staff or volunteer needs to **only** obtain enough information to make a report. If a child starts disclosing information regarding abuse and/or neglect, the center employee/volunteer must ask **only** open- ended questions, if necessary, to determine whether a report needs to be made to CPS. The child must not be led during the conversation. The center staff/volunteer must not attempt to conduct their own investigation either before reporting it to CPS or during the CPS investigation.

BEST PRACTICE

Determining when to report situations of suspected child abuse/neglect can be difficult. When in doubt, contact Centralized Intake by calling (855) 444-3911 for consultation.

For more information on signs of child abuse and neglect and reporting suspected child abuse and neglect, refer to the mandated reporter's website at [Mandated Reporters](#). The Mandated Reporter's Resource Guide (DHS-Pub 112) is also available online at [Mandated Reporter' Resource Guide](#). Also see the publication *The Role of Professional Child Care Providers in Preventing and Responding to Child Abuse and Neglect* at [Child Welfare Information Gateway](#).

RULE 213 (2)

2. All supervised volunteers shall receive a public sex offender registry clearance by the licensee against the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website before having any contact with a child in care. A copy of this clearance must be maintained on file at the center or at the central office.

RATIONALE

Ensures that children are protected at all times when around personnel and volunteers.

TECHNICAL ASSISTANCE

The Michigan State Police Sex Offender Registry (PSOR) can be found at: [PSOR](#)

The National Sex Offender Public Website (NSOPW) can be found at: [NSOPW](#)

A supervised volunteer does not include the rare times when parents go with their child on a special activity, such as a classroom party or field trip, when the parent is only with their child and has no responsibility for classroom or group activities.

BEST PRACTICE

It is recommended that the PSOR clearance be done yearly. It is recommended that

you use an application and/or a written statement for supervised volunteers that includes their legal name and address to make sure the PSOR results are accurate.

RULE 213 (3)

3. A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any staff or volunteer registered on either the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website is prohibited from having contact with any child in care.

RATIONALE

- Ensures that children are protected at all times when around staff and volunteers.
- Ensures that volunteers are appropriately supervised while in the center.

TECHNICAL ASSISTANCE

The written screening policy needs to describe how the center screens employees and volunteers.

The written policy needs to describe how volunteers are supervised; it may include volunteer duties and restrictions.

R400.8213a MiRegistry

RULE 213a (1) – (3)

1. Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have an individual MiRegistry account and a non-expired MiRegistry membership status, which includes submitted, materials received, awaiting print, or current.
2. Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have a verified program organization employment entry in MiRegistry.
3. Verification of the qualifications of all staff must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be verified in MiRegistry.

RATIONALE

Ensures that all program staff, unsupervised volunteers and substitute teachers have all required verification and training.

TECHNICAL ASSISTANCE

Access MiRegistry [here](#) to make your own account and link it to an organization employer. Make sure your account is kept up to date and accurate.

The MiRegistry membership toolkit can be found [here](#).

A “verified program organization employment entry” in MiRegistry means that an organization profile has been created, and all program staff are connected to the organization. More information on managing an organization profile can be found [here](#).

A guide to adding staff and managing an organization profile can be found [here](#).

R400.8216 Orientation

RULE 216 (1)

1. Program staff and unsupervised volunteers shall participate in the center's orientation training about the center's policies and practices and these rules.

RULE 216 (2)

2. Within 30 calendar days after being present at the center and before caring for children, program staff and unsupervised volunteers shall have training on all of the following, as applicable:
 - a. The prevention of shaken baby syndrome, if the center serves infants and toddlers.
 - b. The prevention of sudden infant death syndrome and use of safe sleep practices, if the center serves infants and toddlers.
 - c. The prevention of abusive head trauma.
 - d. The prevention of child maltreatment.
 - e. The recognition and reporting of child abuse and neglect.

RULE 216 (3)

3. Within 30 calendar days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall have training on all of the following:
 - a. Who to contact for questions.
 - b. Discipline policy.
 - c. Emergency procedures to include, but not limited to, location of first aid equipment, fire prevention, fire exits, and responsibilities during an emergency.
 - d. Information to provide to parents.
 - e. Appropriate care and supervision, including child care staff member to child ratios.
 - f. Daily schedules, such as planned daily activities and routines.
 - g. Health policies and procedures.
 - h. The prevention and control of infectious diseases, including immunizations.
 - i. Illness procedures for children and staff.
 - j. Diapering procedures, only if applicable to children served.

RULE 216 (4)

4. Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8269.

RULE 216 (5)

5. Within 90 days after being present at the center, all other staff and supervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8269.

RULE 216 (6)

6. Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall complete the following trainings, which are allowed to be counted toward annual professional development hours and are available at MiRegistry:
 - a. Administration of medication.
 - b. Prevention of and response to emergencies due to food and allergic reactions as provided in R 400.8269a.
 - c. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.
 - d. Handling and storage of hazardous materials and appropriate disposal of biocontaminants.
 - e. Precautions in transporting children if the center has a transportation component.
 - f. Child development including the major domains of cognitive, social, emotional, physical development, and approaches to learning as provided in R 400.8271.
 - g. Pediatric first aid and pediatric, infant, child, and adult cardiopulmonary resuscitation training.

RATIONALE

Ensures that staff are familiar with the Child Care Center Licensing Rules and the center's policies and understand their job duties. Ensures the safety and well-being of young children.

TECHNICAL ASSISTANCE

"Trained in first aid and pediatric, child and adult cardiopulmonary resuscitation (CPR)" means you have received instruction in the skills.

RULE 216 (7)

7. Before issuing a license to operate a child care center, and before the renewal of a license, the department shall verify that not less than 50% of the program staff are currently certified in pediatric first aid and pediatric, child, and adult cardiopulmonary resuscitation. Each of these program staff's first aid and cardiopulmonary resuscitation certificates must be valid and retained on file in the center or at the central office until 2 years after the effective date of this rule, after which they must be made available online at MiRegistry.

RATIONALE

Ensures the safety and welfare of children by having someone in attendance at all times who is qualified to respond to common life-threatening emergencies

TECHNICAL ASSISTANCE

The center must have at least one program staff member on site at all times that has current certification in CPR and First Aid, per MCL 722.112a.

A child caring institution, foster family home, foster family group home, child care center, group child care home, and family child care home shall have individuals present, as prescribed in the appropriate administrative rules, who have current certification in first aid and cardiopulmonary resuscitation obtained through the American Red Cross, the American Heart Association, or an equivalent organization or institution approved by the department.

Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. (see subrule 11).

Verification of CPR/first aid training can be:

- Copies of the cards or
- a statement on training institution letterhead.

A payment receipt is not verification of certification, attendance, or participation.

The First aid/CPR certification training must be done by a person certified as a Red Cross instructor or a trainer approved by the department. The current list of approved organizations can be found on the department website, CPR and First Aid Training, found [here](#).

First aid and CPR training can be done online with an in-person skills test if it is done by one of the approved organizations.

BEST PRACTICE

It is recommended that a child care staff member with valid CPR and first aid training go on field trips. If there are different types of CPR and first aid training offered, child care staff members should take workplace CPR and first aid training, if offered. It is not necessary to take the course designed for health care/emergency response professionals.

RULE 216 (8)

8. Before caring for children, program staff and unsupervised volunteers of outdoor nature-based child care centers shall be trained on the outdoor benefit-risk assessment and the risk management plan as indicated in R 400.8269b.

This detailed plan may also be included in the parent handbook and/or staff policies and procedures.

RULE 216 (9)

9. Outdoor nature-based child care centers operating more than 30 minutes from emergency medical care shall have at least 1 program staff present at all times trained in wilderness first aid.

TECHNICAL ASSISTANCE

“Emergency medical care” means:

- a hospital with an emergency room or
- an urgent care.

Use driving directions from a map or navigation app to tell if there is emergency medical care within 30 minutes of the outdoor nature-based child care center (Google Maps, MapQuest, Apple Maps, etc.). The address of the emergency medical care facility must be included on the outdoor benefit-risk assessment and the risk management plan.

Wilderness first aid training is available from the American Red Cross.

Wilderness first aid is a two-year certification.

RULE 216 (10)

10. In regard to subrules (3) to (9) of this rule, as applicable to the type of center, until a program staff member or unsupervised volunteer has completed the orientation training, the program staff member or unsupervised volunteer shall be supervised by a program staff member who has completed the orientation training.

RULE 216 (11)

11. Verification of all training required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

R400.8216a Professional development requirements

RULE 216a (1)

1. Program staff, except for substitute teachers and unsupervised volunteers, shall complete 16 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:
 - a. Child development and learning.
 - b. Health, safety, and nutrition.
 - c. Family and community collaboration.
 - d. Program management.
 - e. Teaching and learning.
 - f. Observation, documentation, and assessment.
 - g. Interactions and guidance.
 - h. Updates to topics covered in R 400.8216.
 - i. Child care center rules R 400.8101 to R 400.8840, as applicable to the center.

RULE 216a (2)

2. Program staff of small capacity centers, except for substitute teachers and unsupervised volunteers, shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

RULE 216a (3)

3. Substitute teachers that work an average of 20 hours a week in a calendar year shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

RULE 216a (4)

4. Substitute teachers that work less than an average of 20 hours a week in a calendar year shall complete 5 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

RULE 216a (5)

5. Unsupervised volunteers shall complete 2 clock hours of professional development in a

calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

RULE 216a (6)

6. A center may count CPR and first aid training or certification hours toward the professional development hours in the calendar year taken.

RULE 216a (7)

7. Hours from MiRegistry may be used to meet the professional development requirements in subrules (1) to (5) of this rule.

RULE 216a (8)

8. A center may count emergency preparedness and response planning training toward professional development hours and is available at MiRegistry.

RULE 216a (9)

9. An on-going professional development plan must be implemented to include all the training and professional development required by these rules.

RULE 216a (10)

10. On-line trainings and correspondence courses must have an assessment of learning.

RULE 216a (11)

11. Verification of all professional development required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Verification of professional development for a program staff member must be conducted by reviewing the 2 previous calendar years from the current license renewal year.

RULE 216a (12)

12. Two years after the effective date of this rule, all training to meet professional development requirements must be approved in MiRegistry.

RULE 216a (13)

13. When the department publishes a notice that a new health and safety update document or a new health and safety update training activity is published on MiRegistry, the licensee shall ensure that all identified staff or volunteers in the notice read and acknowledge the document or complete the activity within the timeframe indicated in the notice.

RATIONALE

Staff training improves the quality of care. Child care staff members who are trained are better able to prevent, recognize and correct health and safety problems and promote children's healthy development. This rule ensures that center staff receive on-going training related to the functions and responsibilities of their role as a child care staff member.

Implementation of a training plan ensures that all staff receive specific and basic training for the work they will be doing and are aware of their responsibilities. Training ensures that staff are challenged and stimulated, have access to current knowledge and have access to education that will qualify them for new roles.

TECHNICAL ASSISTANCE

"Who work directly with children" means that the person spends time in the classroom and may interact with children. This does not include (for example) a kitchen aid, who only drops off food and then leaves, or the custodian who may come in the classroom to change the trash. All program staff who are in a classroom and are counted in the staff member-to-child ratio must complete this professional development. Professional development records of program staff employed less than 1 year will not be reviewed at licensing inspections unless needed as a follow up of a previous inspection or a special investigation.

Documentation of 16 clock hours each calendar year for all program staff is required.
Documentation of 5 clock hours each calendar year for all substitute teachers is required.
Documentation of 2 clock hours each calendar year for all unsupervised volunteers is required.
If the center license expires on 10/02/2025, you will need to provide documentation of training hours from calendar years 2024 and 2023.

Equivalencies:

- 60 minutes equals one clock hour of training.
- One semester hour of college credit equals 15 hours of training.
- One term hour equals 10 hours of training.
- One CEU or State Board CEU (SB-CEU) equals 10 hours of training.
- One State Continuing Education Clock Hour (SCECHs) equals 1 hour of training.

BEST PRACTICE

The Michigan Core Knowledge and Core Competencies (CKCCs) for the Early Care and Education Workforce outlines what adults who work with young children need to know, understand, and be able to do in order to provide quality early learning.

The CKCCs should be used to:

- Assess staff knowledge and skill in the competency areas.
- Find areas where staff need to improve.
- Create a professional development plan for each staff member.
- Track and map staff professional growth.

The CKCC document and a related webinar are on the Office of Great Start website at [MiLEAP](#) Office of Great Start Training opportunities are available through a variety of sources, including, but not limited to:

- Training is available at MiRegistry
- Department of Licensing and Regulatory Affairs, Child Care Licensing - and your licensing consultant.
- Michigan Association for the Education of Young Children (MIAEYC)
- Department of Health and Human Services, Infant Safe Sleep. Safe sleep for Infants
- Michigan Department of Lifelong Education, Advancement and Potential, Office of Great Start - Office of Great Start
- Afterschool Alliance- After School Alliance
- Michigan After-School Partnership - After School Partnership
- Michigan Association for Infant Mental Health - Infant Mental Health
- Local hospitals, health departments and libraries.

R400.8219 Sleeping, resting

RULE 219 (1)

1. Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.

RATIONALE

Young children benefit from scheduled periods of rest. This rest may take the form of actual napping or a quiet time.

TECHNICAL ASSISTANCE

Naptime or quiet time is required, even if not all children fall asleep. Give children quiet activities like looking at books or doing puzzles, during this time.

BEST PRACTICE

It's a best practice to have an area where kids can do quiet activities away from sleeping children.

Centers may wish to have a naptime/quiet time policy and share it with parents.

RULE 219 (2)

2. A center shall permit children under 18 months of age to sleep on demand.

RATIONALE

To ensure that the changing developmental and individual needs of each child are met.

TECHNICAL ASSISTANCE

Children under 18 months must be allowed to sleep when tired. Do not try to force children to stay awake to meet a classroom's daily schedule or a parent's request.

RULE 219 (3)

3. Infants shall rest or sleep alone in cribs or porta-cribs.

RATIONALE

Reduces the spread of disease.

TECHNICAL ASSISTANCE

If an infant has to sleep in something other than a crib or porta-crib (due to a health issue or special need), you must have a note from the health care provider first. The letter must include specific sleeping instructions and time frames for how long the infant needs to sleep in this manner. See also R 400.8219(7).

RULE 219 (4) – (6)

4. Infants shall be placed on their backs for resting and sleeping.
5. Infants who can't roll from stomach to back or from backs to stomachs must be placed on their backs when found face down.
6. When infants can easily turn over from their stomachs to their backs and from backs to stomachs, place them on their backs but let them sleep in whatever position they prefer.

RATIONALE

Since 1992 the American Academy of Pediatrics has recommended that infants sleep on their backs. Placing infants to sleep on their backs instead of their stomachs has been associated with a dramatic decrease in infant deaths. Once infants develop motor skills to move from their back to the side or stomach it is safe to put them to sleep on their backs and allow them to adapt to whatever position makes them comfortable.

TECHNICAL ASSISTANCE

Resources regarding infant safe sleep include the following:

- Michigan Department of Health and Human Services, Safe Sleep Website [MDHHS Safe Sleep for Infants](#).
- National SIDS Resource Center and the Back to Sleep Campaign [National SUID/SIDS Resource Center](#).
- Local and state health departments.
- American Academy of Pediatrics [Healthy Children](#)
- Keeping Kids Alive [Fact Sheet Safe Sleep](#)

RULE 219 (7)

7. For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant's licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant shall be followed and kept on file at the center. The instructions must include an end date.

RATIONALE

To ensure an infant's special needs are being met and medical instructions are being followed.

TECHNICAL ASSISTANCE

Information from the health care provider must be on file prior to letting the infant sleep in the alternate position. This includes when a device, such as a wedge, is required to prop the crib mattress or the infant.

The special written instructions from the health care provider must be kept in a location that is easy to access and must be shared with all the infant's teachers.

RULE 219 (8)

8. A sleeping infant's breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.

RATIONALE

Supervision is basic to the prevention of harm. Infants who are presumed sleeping might be awake and in need of adult attention.

TECHNICAL ASSISTANCE

Infants must be watched at all times; this includes program staff periodically standing close enough to the infant to watch their breathing patterns, sleep position and any signs of distress or discomfort.

Program Staff must approach each crib.

Signs of distress or discomfort include but are not limited to turning pale, lips changing color, and chest not rising and falling or shallow breaths.

RULE 219 (9)

9. An infant's head must remain uncovered during sleep.

RATIONALE

Ensures the safety and well-being of children by reducing the risk of infant death. According to Keeping Kids Alive, between 2010 and 2017, there were 136 sleep related infant deaths in Michigan. Infant sleeping requirements are based on the American Academy of Pediatrics (AAP) recommendations.

RULE 219 (10)

10. Toddlers shall rest or sleep alone in cribs, porta-cribs, or on mats or cots.

RATIONALE

Reduces the spread of disease and ensures the safety of children.

TECHNICAL ASSISTANCE

If a child has to sleep in something other than a crib, porta-crib, cot, or mat due to a health issue or special need, a letter from the child's health care provider is required first. The letter must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner. See also subrule (7) of this rule.

RULE 219 (11)

11. Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.

RATIONALE

Ensures the safety and well-being of children. According to Keeping Kids Alive, between 2010 and 2017, there were 136 sleep related infant deaths in Michigan. Infant sleeping requirements are based on the American Academy of Pediatrics (AAP) recommendations.

RULE 219 (12)

12. Naptime or quiet time **must** be provided when children under school-age are in attendance 5 or more continuous hours per day.

RATIONALE

Preschool children benefit from scheduled periods of rest. This rest may take the form of actual napping or a quiet time.

BEST PRACTICE

Centers may wish to set a naptime/quiet time policy and share it with parents.

RULE 219 (13)

13. For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.

BEST PRACTICE

It's a best practice to have an area where kids can do quiet activities away from sleeping children.

RULE 219 (14)

14. Resting or sleeping areas **must** have adequate soft lighting to allow the **child care staff member** to assess children.

RATIONALE

Facilitates supervision of resting or sleeping children.

RULE 219 (15)

15. Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule and R 400.8213(1)

RATIONALE

Supervision is basic to the prevention of harm. Electronic equipment is subject to malfunction or failure.

R400.8222 Capacity, ratio and group

RULE 222 (1)

1. The actual number and ages of children in care at any time must never exceed the number and ages of children for which the center is licensed.

RATIONALE

Ensures that appropriate care and supervision is provided to all children and ensures the safety and welfare of all children.

TECHNICAL ASSISTANCE

Overlapping children's schedules, which puts the number of children above the licensed capacity, is not permitted at any time.

BEST PRACTICE

Be careful when enrolling children so there are no overlaps that exceed the license capacity.

- Recommend to parents that they have a back-up care plan when they are not able to drop off or pick up their children at the agreed-upon time.
- To prevent misunderstanding and conflicts, write an attendance and drop-off/pick-up policy that tells parents how important it is to follow the agreed-upon schedule.

Children Age 13 and Older

Programs serving children age 13 and older are not required to be licensed under the Child Care Organizations Act (1973 PA 116) because "center" is defined as a facility receiving 1 or more children under 13 years of age for care. However, some programs may choose to serve children age 13 and older if the program is licensed for school-age children and serves both children age 12 and younger and children age 13 and older:

- The licensing rules don't apply to children age 13 and older if the children who are age 13 and older are in their own well-defined space.
- ALL licensing rules apply to all the children, including required records for children, if children age 12 and younger and children age 13 and older are mixed in the same well-defined space. The staff-to-child ratio for the youngest child present would apply.

RULE 222 (2)

2. Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when not less than 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

RATIONALE

Ensures that a child care staff member is not alone in the center with a group of three or more children that includes infants or toddlers and that a second individual is present to assist the child care staff members in the case of an emergency.

TECHNICAL ASSISTANCE

This rule is about times when there are few children at the center and only one child care staff member is required (per subrule (3) of this rule) – most likely at opening and closing times. The second adult must be available to the child care staff member at the center or on a field trip in case assistance is needed. This second adult does not need to be a child care staff member until it is necessary per ratio requirements.

Example 1: There are two children, ages 6 months and 2 years, present with one child care staff member. A third child arrives, aged 1 year. When this third child arrives, a second adult is required. When two more infants arrive, another child care staff member is required to meet the 1:4 child care staff member-to-child ratio for this age group.

Example 2: There are four children present, three 4-year-olds and a 2-year-old. Only one child care staff member is required; the second adult is not needed.

Example 3: There are eight toddlers in attendance in the center and there are two child care staff members. Four toddlers and one child care staff member go outside to the center's playground and four toddlers stay inside with one child care staff member. This meets the ratio requirements. The center does not have to provide a second adult inside or a second adult outside under these circumstances.

However, if four toddlers leave the center to go to the park, on a field trip or other activity away from the center, a second adult would have to go with them and a second adult would be needed at the center. When age groups of children are mixed, the center must meet the ratio requirement for the youngest child in the group.

See definition of adult to ensure compliance with this rule.

RULE 222 (3)

3. Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

RATIONALE

Ensures that a child care staff member is not alone in the center, with seven or more children, and that a second individual is present to assist the child care staff member in the case of an emergency.

TECHNICAL ASSISTANCE

This rule is for times when fewer children are at the center and only one child care staff member is required (per subrule (3) of this rule), such as during opening and closing times. It is meant to ensure there is enough staff in case of an emergency. The second adult must be available to the child care staff member at the center or on a field trip in case they need help. This second adult does not need to be a child care staff member until an additional child care staff member is necessary to meet ratio requirements.

Example 1: There are 20 children, 3 to 4 years of age, in the center with two child care staff members. Ten children and one child care staff member go outside to the center's playground and ten children stay inside with one child care staff member. This meets the ratio requirements. The center does not have to provide a second adult inside or a second adult outside under these circumstances. Compliance is cited.

Should 10 children leave the center to go to the park, on a field trip or other activity away from the center, a second adult would have to go with them and a second adult would need to be at the center.

Example 2: There are six children, ages 3 and older, present with one child care staff member. When the seventh child arrives, a second adult is required. When the eleventh child in this age group arrives, another child care staff member is required to meet the 1:10 child care staff member-to-child ratio for this mixed age group.

Example 3: There are six children, ages 4 and older, present with one child care staff member. When the seventh child arrives, a second adult is required. When the thirteenth child in this age group arrives, another child care staff member is required to meet the 1:12 child care staff member-to-child ratio for this mixed age group.

Note: When age groups of children are mixed, the center must meet the ratio requirement for the youngest child in the group.

RULE 222 (4)

4. In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 1.

TABLE 1. CHILD CARE STAFF MEMBER TO CHILD RATIOS

	Age	Child Care Staff Member to Child Ratio	Maximum Group Size
(a)	Infants and toddlers, birth until 30 months of age	1 to 4	12
(b)	Preschoolers, 30 months of age until 3 years of age	1 to 8	24

(c)	Preschoolers, 3 years of age until 4 years of age.	1 to 10	30
(d)	Preschoolers, 4 years of age until school-age	1 to 12	40
(e)	School-agers	1 to 18	54

TECHNICAL ASSISTANCE

Child care staff member to child ratio must be maintained at all times and children must not be left completely alone.

RULE 222 (5)

- Children who have reached 33 months of age may, when developmentally appropriate, be enrolled in a 3-year-old classroom with written parental permission. The ratio listed in subrule (4)(c) of this rule applies.

RULE 222 (6)

- Children who have reached 45 months of age may, when developmentally appropriate, be enrolled in a 4-year-old classroom with written parental permission. The ratio listed in subrule (4)(d) of this rule applies.

RULE 222 (7)

- Children who have reached 57 months of age but who are not considered a school-aged child may, when developmentally appropriate, be enrolled in a school-age classroom with written parental permission. The ratio listed in subrule (4)(e) of this rule applies.

RULE 222 (8)

- If there are children of mixed ages in the same room or well-defined space, the ratio and group size is determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child care staff member-to-child ratios and group sizes, if applicable, for each age group are maintained.

RATIONALE

Infant development and caregiving quality improves when group size is smaller. A group provides the psychological base with which the child identifies and from which the child gains continual guidance and support in various activities.

Group size refers to the total size of the group in which a child spends the day, with one or several child care staff members. Children in smaller groups benefit from social interactions with peers. Larger groups are generally associated with less responsive care; more restrictive child care staff members; and less cooperative, more aggressive children who talk less, cry more, and are more engaged in aimless wandering. Larger groups are also associated with higher rates of infectious illness.

Low child care staff member-to-child ratios are important for all children but are most critical for infants and toddlers. Infant development and caregiving quality improve when child care staff member/child ratios are smaller. It also allows for more frequent one to one interaction, intimate knowledge of individual children and consistent caregiving. Improved verbal interactions are correlated with lower ratios.

Child care staff member-to-child ratios ensure that appropriate care and supervision is provided to all children. Although child care staff member-to-child ratios alone do not predict the quality of care, direct warm social interaction between adults and children is more common and more likely with lower child care staff members-to-child ratios.

TECHNICAL ASSISTANCE

"Well-defined space," as stated in the definitions, means space designed and used exclusively for a specific group of children.

"Well-defined space" must meet the square footage requirements for the number and age of children in the group, except as outlined in rule 400.8121 (2)(f) Group Size

Group size does not affect the capacity for which a center is licensed.

Example: An infant/toddler room is licensed for 16. The center does not have to limit the classroom to 12 children to meet the group size requirement of 12. Two groups of 8 children, or other combinations that do not exceed the group size, ratio, or licensed capacity and are each in a well-defined space will meet the intent of the rule and still allow the center to continue to care for 16 infants/toddlers.

Note: When one room is divided into two or more groups of children, the well-defined space must be outlined in either the original licensing study report or an addendum to the original licensing study report.

Group size must be maintained at all times.

Child care staff members must know the whereabouts of all children at all times.

Child care staff member-to-child ratios must be maintained in each room and child use area, outside on the playground, and on field trips.

Children must not be left unattended when a child care staff member needs to briefly be away from their assigned area (example: using the restroom, toileting a child, caring for a sick child, escorting children from the bus, etc.). If there is already more than one child care staff member in the room, a replacement child care staff member may not be necessary unless: (a) there is a

significant disruption in the room; (b) children's needs are not being met; or (c) absences are too lengthy or too frequent.

Note: Children aged 33 months up to 36 months are considered 3-year-olds when enrolled in a 3-year-old classroom (when developmentally appropriate and with written parental permission), per rule 400.8222(5).

If a center is licensed to accept children age 3 and older, the center can enroll children as young as 33 months in a 3-year-old classroom when developmentally appropriate and with written parental permission. The same applies to subrules 400.8222(6) and (7) of this rule.

Note: When children turn age 5, they may be considered a school-ager, even if they are not attending kindergarten.

Combining Age Groups

When combining age groups of children, the child care staff member-to-child ratio and maximum group size for the youngest child applies.

There may be times, such as during lunch and special presentations, where groups of children of different ages may be combined. The center may assign the appropriate number of child care staff members to maintain ratio for each subgroup. It should be made clear that the child care staff members for each subgroup are responsible for the care and supervision of the children in the subgroup.

Example: A guest presenter, such as a firefighter, visits the center to discuss fire safety with all age groups. The groups may be combined for the presentation as long as the center designates the appropriate number of child care staff members to maintain ratio for each subgroup.

Ratios for Children Age 13 and Older

Programs serving children age 13 and older do not have to be licensed under the Child Care Organizations Act (1973 PA 116, as amended) because "center" is defined as a facility receiving 1 or more children under 13 years of age for care.

However, some centers may choose to serve children age 13 and older. If the program serves only children age 13 and older, there isn't a required child care staff member-to-child ratio. If the program is licensed for school-age children and serves children age 12 and younger and children age 13 and older:

- There isn't a required child care staff member-to-child ratio for children age 13 and older if those children are in their own well-defined space.

The program must follow the child care staff member-to-child ratio for the youngest child present, if children aged 12 and younger and children age 13 and older are mixed in the same well-defined space.

Refer to technical assistance of R 400.8222(1) for more information if a program is serving children ages 13 and older.

BEST PRACTICE

It is recommended that programs licensed for children ages 13 and older maintain a child care staff member-to-child ratio of 1 child care staff member to every 18 children.

RULE 222 (9)

9. When all children in a room are asleep, 1 child care staff member may provide supervision as long as all of the following are met:
 - a. A child care staff member remains in the room and is not performing any duties other than supervision.
 - b. All children are visible to the child care staff member in the room.
 - c. Additional child care staff members are present at the center and near enough to immediately intervene if needed.
 - d. When the first child wakes up, the required ratios in the room must be met immediately.

RULE 222 (10)

10. An exception to the requirements of subrule (4) of this rule may be made when the center is transporting children and complies with R 400.8760(1) and (2).

RATIONALE

Children being transported are seated in a confined space that limits their activities.

RULE 222 (11)

11. Two or more groups of the same age may be combined for collective activities as long as appropriate child care staff member-to-child ratios are maintained in the room or area.

RULE 222 (12)

12. Group sizes for all ages may vary during outdoor play only if the center maintains the child care staff member to child ratios required by this rule.

RULE 222 (13)

13. Written approval from the department must be obtained before making any changes in the terms of the license, including, but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.

RATIONALE

Ensures that children have safe and adequate space for daily activities and room to move.
Ensures that department is aware of the services offered by the center and that the center is in compliance with rules related to newly added components.

The center must submit a modification request and get approval from the licensing consultant before using a new or unapproved space or for other changes to the terms of the license or program components. The center must notify the department before making changes to a room or a well-defined space (e.g., switching classrooms, etc.) that will change capacity of the room or well-defined space.

BEST PRACTICE

The Request for Modification of the Terms of the License/Registration (BCAL-5054) and the Change of Use Space Request for School-Age Programs Located in Schools (BCAL- 4342) forms are available on the department's website at Child Care Forms.

RULE 222 (14)

14. Small capacity centers are exempt from subrules (2) to (11) of this rule.

RULE 222 (15)

15. Small capacity centers shall abide by all of the following:
- a. The ratio of child care staff member to children present at any one time must be a minimum of 1 to 6.
 - b. The ratio of child care staff member to children present at one time may be a minimum of 1:10 if the center meets both of the following:
 - i. Operates a preschool great start readiness program.
 - ii. Only serves children enrolled in the great start readiness program.
 - c. For each child care staff member, not more than 4 children shall be under the age of 30 months.
 - d. The maximum group size is 20.

R400.8251 Hand washing

RULE 251(1) – (2)

1. All program staff and volunteers shall wash their hands at all of the following times:
 - a. On arrival for the workday at the center.
 - b. Before care of children.
 - c. Before and after preparing and serving food and feeding children.
 - d. Before and after giving medication.
 - e. After each diapering.
 - f. After using the toilet or helping a child use the toilet.
 - g. After handling bodily fluids from sneezing, wiping, blowing noses, mouths, or sores.
 - h. After handling animals and pets and cleaning cages.
 - i. After cleaning or handling garbage.
 - j. When soiled.
2. Program staff and volunteers shall ensure that children wash their hands at all of the following times:
 - a. Before and after meals, snacks, or food preparation experiences.
 - b. After toileting or diapering.
 - c. After contact with any bodily fluids.
 - d. After handling animals and pets and cleaning cages.
 - e. When soiled.

RATIONALE

Prevents contamination and the spread of disease.

TECHNICAL ASSISTANCE

Wash hands with soap and running water.

- Do not use any of the following in place of soap and running water: Hand sanitizers.
- Water basins.
- Pre-moistened cleansing wipes

BEST PRACTICE

Liquid soaps are preferred to bar soaps. Bar soaps can stay wet and sit in water. They can then grow bacteria. Soil stays on the soap bar when it is not rinsed properly, and the next user gets the soil on their hands.

If program staff, volunteers, or children use hand sanitizer after washing their hands, the following best practices are recommended:

- Use alcohol-based hand sanitizers containing 60% to 95% alcohol.

- Monitor children using hand sanitizers to make sure they are using it right.
- Do not use hand sanitizers with children under the age of 2.
- Tell parents if hand sanitizer is used by children in care.

RULE 251 (3)

3. Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.

RATIONALE

Educates and reminds child care staff members and children of the proper techniques for hand washing.

Prevents contamination and the spread of disease.

TECHNICAL ASSISTANCE

In a bathroom or other area that has a group of hand washing sinks next to each other, only one set of hand washing guidelines needs to be posted if they can be seen from all the hand washing sinks.

BEST PRACTICE

- Have a clean, single service towel.
- Turn on the water to a comfortable temperature (between 60° F to 120° F).
- Wet hands with water and apply soap.
- Rub hands together for 20 seconds. Rub strongly and make a soapy lather.
- Rub between your fingers, around your nails, , under fingernails and jewelry, and the back of your hands.
- Rinse hands under running water until there is no more soap and dirt. Leave the water running while drying hands.
- Dry hands with a clean, single service towel (or other approved hand drying device).
- Turn off the water using the single service towel (If the faucet does not shut off automatically).
- Put the single service towel in a lined trash container.

Additional Hand Washing Information

- Using the single service towel to turn off the water keeps hands from being contaminated.
- Shared cloth towels can pass along diseases.
- Water faucets that turn off automatically or that can be turned off without using hands prevents recontamination.

Resources

- American Academy of Pediatrics, American Public Health Association, National

Resource Center for Health and Safety in Child Care and Early Education. *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs*, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. [Caring for Our Children](#).

RULE 251 (4)

4. Program staff may wash children's hands with non-toxic disposable wipes in the following situations:
 - a. When the child is too heavy to hold for hand washing.
 - b. When the child cannot stand safely at the sink.
 - c. When the child is not developmentally ready to hold their head up.
 - d. When the child has a special need, so the child is not able to wash their own hands.

RATIONALE

To provide an alternate method for cleaning children's hands when the above situations are present.

TECHNICAL ASSISTANCE

"Non-toxic disposable wipes" include, but are not limited to:

- cleansing wipes,
- baby wipes,
- diaper wipes,
- kid wipes,
- wet wipes for hands and face.

Only use wipes meant for use on skin. Do not use household cleaning wipes.

Follow all guidelines on packaging.

Watch children when they use disposable wipes.

BEST PRACTICE

Tell parents the brand and type of wipe used.

RULE 251 (5)

5. When soap and running water are not available during an outing, hand sanitizers containing not less than 60% alcohol, or single-use wipes may be used as a temporary measure.

TECHNICAL ASSISTANCE

If you can't wash your hands thoroughly on a field trip, you can use sanitizing gel with single service wipes.,

"Non-toxic disposable wipes" include but are not limited to:

- cleansing wipes,
- baby wipes,
- diaper wipes,
- kid wipes,
- wet wipes for hands and face, etc.

Only use wipes meant to be used on skin. Do not use household cleaning wipes.

Follow all guidelines on the package.

BEST PRACTICE

Wash hands when you return to the center.

Parents should be told if children use hand sanitizer.

Tell parents the brand and type of wipes used.

R400.8254 Diapering; toileting

RULE 254 (1) (a) & (b)

1. Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:
 - a. Is physically separated from food preparation and food service.
 - b. Is within close proximity to a sink that is used exclusively for hand washing.

RATIONALE

A separate area for diaper changing reduces the contamination of other parts of the child care environment.

TECHNICAL ASSISTANCE

Sinks that are used to make, serve, and clean-up food and bottles must not be used for hand washing after diapering or toileting.

Centers may need to put a sink next to the diapering area.

One way to meet the rule is a portable sink with warm running water near the diapering area.

BEST PRACTICE

The hand-washing sink should be right next to the diaper changing area.

RULE 254 (1) (c) – (e)

1. Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:
 - c. Has non-absorbent, smooth, easily cleanable surfaces in good repair.
 - d. Is of sturdy construction with railings or barriers to prevent falls.
 - e. Is an elevated diapering table or similar structure.

RATIONALE

Reduces contamination and ensures the health and safety of children in care.

TECHNICAL ASSISTANCE

Check changing pads and surfaces of the changing table for tears and cracks. Replace them when needed. Taping cracks and tears is not acceptable. Do not diaper on the floor, except as allowed in subrule (2) of this rule.

BEST PRACTICE

Changing tables should be 28 to 32 inches high (standard table height). This will cut down on back strain for program staff. They should have a 6-inch barrier to keep children from falling off. Straps are not recommended – they are hard to clean and could strangle a child.

RULE 254 (1) (f)

1. Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:
 - f. Is cleaned and disinfected after each use.

RATIONALE

Reduces the contamination of other parts of the child care environment and ensures the health and safety of children.

TECHNICAL ASSISTANCE

Program Staff must clean and disinfect the diaper changing surface even when using paper liners. To clean and disinfect:

- Wash the surface firmly with soap and water.
- Rinse the surface with clean water.
- Wipe or spray the surface with a disinfecting solution.
- Let the surface dry for two minutes (air dry or wipe dry with a single service towel).

As used in these rules, “Disinfect” means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or an EPA-registered disinfecting product as described on the label.

BEST PRACTICE

Centers for Disease Control and Prevention [CDC Website](#) says:

- Know the difference between cleaning, disinfecting, and sanitizing. Cleaning removes germs, dirt, and impurities from surfaces or objects. Cleaning works by using soap (or detergent) and water to physically remove germs from surfaces. This process does not necessarily kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.
- Sanitizing lowers the number of germs on surfaces or objects to a safe level, as judged by public health standards or requirements. This process works by either cleaning or disinfecting surfaces or objects to lower the risk of spreading infection.
- Disinfecting kills germs on surfaces or objects. Disinfecting works by using chemicals to kill germs on surfaces or objects. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface after cleaning, it can further lower the risk of spreading infection.

The diapering surface and the diaper disposal container should be disinfected weekly or when needed.

A disinfecting solution can be made using water and non-scented chlorine bleach: 1/3 cup bleach per gallon of water. Leave the bleach solution on the surface for 10 to 20 minutes. Then rinse with clean water.

Centers should use separate spray bottles: one with soapy water, one with rinse water, and one with disinfecting solution.

Bleach is recommended as a disinfecting product, as it is safe, it works well, and does not cost much.

Bleach is corrosive, meaning it can break down or destroy materials. Prior to using corrosive things, like bleach, you can contact Michigan Occupational Safety and Health Administration (MIOSHA) to make sure you follow any safety requirements, like having an eyewash station. For more information, go to [LEO-MIOSHA](#) or contact the Consultation, Education & Training Division at (517) 284- 7720.

Local health department sanitarians may have a list of approved commercial sanitizers.

Resource:

American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. Caring for Our Children.

RULE 254 (2)

2. Children 1 year of age and older may be changed in a bathroom standing up or on a nonabsorbent, easily disinfected surface, with a changing pad between the child and the surface.

TECHNICAL ASSISTANCE

If children are changed in the bathroom and they are not changed standing up, they must be changed on a changing pad placed on the floor. Both the changing pad and the floor must be non-absorbent and easily disinfected. .

RULE 254 (3)

3. Diapering supplies must be within easy reach of the designated diapering area.

RATIONALE

Reduces the contamination of other parts of the child care environment and ensures the health and safety of children.

TECHNICAL ASSISTANCE

Program Staff must be able to reach your diapering supplies while changing diapers. But they can't be where children can reach them.

RULE 254 (4)

4. A plastic-lined, tightly covered container must be used exclusively for disposable diapers, training pants, and diapering supplies. The container must be emptied, cleaned, and disinfected at the end of each day.

RATIONALE

Reduces the contamination of other parts of the child care environment and ensures the health and safety of children.

TECHNICAL ASSISTANCE

Diaper Genies or other products like it meet the intent of this rule.

BEST PRACTICE

Diaper disposal containers should not need to have the lid lifted by hand.

RULE 254 (5)

5. Only single-use disposable wipes or other single-use cleaning cloths must be used to clean a child during the diapering or toileting process.

BEST PRACTICE

The following best practices are recommended:

- Take the diaper off. Lift the child's legs as needed to clean the child's skin.
- Wipe off stool and urine from front to back.
- Use a fresh wipe each time.
- Put the used wipes into the dirty diaper or into a plastic lined, covered container

RULE 254 (6)

6. Diapers and training pants must be checked frequently and changed when wet or soiled.

RATIONALE

Frequency and severity of diaper dermatitis or rash are lower when diapers are changed more often.

BEST PRACTICE

Check diapers at least every two hours.

RULE 254 (7)

7. Guidelines for diapering must be posted in diapering areas.

RATIONALE

Educates and reminds child care staff members of the proper techniques for diapering and hand washing to reduce urine and fecal contamination and the spread of disease.

BEST PRACTICE

The following are suggested guidelines for the posted diapering procedures:

- Be Prepared: Get all the supplies you need first. Put a clean section of paper on the changing table before putting the child on the table.
- Take off the soiled diaper. Set aside on papered surface. Always keep one hand on the child while he/she is on the table. The child should always be seated or lying down during diaper changes.
- Use a wipe to clean diapering area front to back. Do not reuse wipes. Put the wipe with the soiled diaper. This is the time to notice any rash or reddened areas.
- Diaper ointment provided by the parent may be applied as directed with written permission.
- Remove gloves, if wearing them, and set them aside on the paper.
- Put a clean diaper on the child.
- Wash the child's hands.
- Fold the used/dirty diaper, wipes and gloves together and throw away in the diaper disposal container. Be careful not to touch dirty areas.
- Clean the changing surface with detergent and water. Rinse with water.
- Wet the changing surface with a disinfecting solution. Let air dry or wait two minutes and wipe dry with a single service towel.
- Wash your hands vigorously and thoroughly with soap and warm water.
- Record the diaper change in the child's daily log.

Resource

American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. Caring for Our Children.

RULE 254 (8)

8. Disposable gloves, if used for diapering, must only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

RATIONALE

Reduces urine and fecal contamination and the spread of infection.

TECHNICAL ASSISTANCE

Using gloves is not required during diapering. If gloves are used, program staff must still wash their hands after each diaper change to prevent spreading disease.

Consultation: examples of how to remove gloves:

Example 1

- Start to take the first glove off by pinching at the wrist. Be careful to only touch the outside of the glove.
- Pull glove toward the fingertips but don't take it all the way off until it's inside out.
- Take off the second glove in the same way: pinch the outside at the wrist with the partially gloved hand.
- Pull the second glove toward the fingertips until it is inside out, then take it all the way off.
- Use your free hand to finish taking off both gloves. Only touch the clean (inside) part of the glove.
- Throw away the gloves, diaper, and wipes in a covered diaper disposal container.

Example 2

- Remove each glove carefully. Grab the first glove at the palm and strip the glove off. Touch dirty surfaces only to dirty surfaces.
- Ball up the dirty glove in the palm of the other gloved hand.
- Using your clean hand, strip the glove off from underneath at the wrist, turning the glove inside out. Touch dirty surfaces to dirty surfaces only.
- Discard the dirty gloves with the diaper and wipes in a covered diaper disposal container.

RULE 254 (9)

9. The following apply when cloth diapers or training pants are used:
 - a. Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.

- b. Diapers, training pants, and outer coverings must not be reused until washed and sanitized.
- c. Rinsing the contents must not occur at the center.
- d. Soiled diapers must be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child's soiled diapers.
- e. Soiled diapers or training pants must be stored and handled in a manner that will not contaminate other items and must not be accessible to children.
- f. Soiled diapers or training pants must be removed from the center every day by the child's parent.
- g. A child's supply of clean diapers or training pants may only be used for that child

RATIONALE

Reduces urine and fecal contamination and the spread of infection.

TECHNICAL ASSISTANCE

Program Staff may dump the fecal contents of a cloth diaper or training pants into the toilet to be flushed. But do not rinse the cloth diaper or training pants. Put cloth diapers in a plastic-lined, covered container or a plastic-lined, closable bag made for cloth diapers to return to the parents.

This rule does not apply to children who sometimes have an accident and need to have soiled items sent home.

RULE 254 (10)

10. Toilet learning or training must be planned cooperatively between the child's regular teachers and the child's parent so the toilet routine established is consistent between the center and the child's home.

RATIONALE

Toilet learning is more likely to be consistent and successful when coordinated between center child care staff members and the child's parents.

TECHNICAL ASSISTANCE

Toilet learning/training, when started, must follow:

- a set plan
- the plan must have steps spelled out
- the plan must be made with parents
- the plan must go with the parents' plan at home
- the plan must be based on the child's developmental level, not their age.

BEST PRACTICE

To help children learn to use the toilet (to get bowel and bladder control):

- help the children take an active role in using the toilet
- when they are physically able to do so and
- when parents support their children's learning to use the toilet.

Program Staff should take into account a family's:

- preferences,
- customs and
- cultural expectations.

For children who have not yet learned to use the toilet, the center should wait on training until

- the child's family is ready to support this learning and
- the child demonstrates the following:
 - They get cause and effect.
 - They can communicate (tell you they need to go).
 - They can stay dry for up to two hours.

Toilet Learning and the Toddler ([BCAL Pub-686](#)) is available on the department's website at [Child Care Resources](#).

RULE 254 (11) (a) & (b)

11. Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:
- a. Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.
 - b. Child-sized toilets.

RATIONALE

Flushable child-sized toilets, step aids and modified toilet seats for adult-sized toilets provide for easier maintenance and reduce the possibility of urine and fecal contamination better than non-flushing toilets (potty chairs). Flushing toilets are superior to any type of device that exposes staff to contact with feces or urine.

TECHNICAL ASSISTANCE

Modified toilet seats must:

- Resist moisture.
- Be in good repair with no cracks.

Non-flushing toilets (potty chairs) are allowed if they meet the requirements subrule (11) of this rule.

RULE 254 (11) (c)

11. Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:
- c. Non-flushing toilets or potty chairs, if they are all of the following:
 - i. Made of a material that is easily cleanable.
 - ii. Used only in a bathroom area.
 - iii. Used over a surface that is impervious to moisture.
 - iv. Cleaned and disinfected after each use.

RATIONALE

Prevents the spread of disease. The use of potty chairs at home and in the center facilitates consistency in a child's toilet training routine.

TECHNICAL ASSISTANCE

If using potty chairs, they must be:

- made of plastic or similar type of material that does not soak up moisture.
- Do not use a wooden potty chair even if it is coated with a finish. The finished surface wears off so it can be hard to wash and disinfect it well.

Empty potty chairs into a toilet. Store potty chairs in the bathroom. Do not wash or rinse potty chairs in a sink used for washing hands.

To clean and disinfect:

- Wash the surface vigorously (powerfully) with soap and water.
- Rinse the surface with clean water.
- Wipe or spray the surface with a disinfecting solution.
- Let the surface air dry.

Examples of disinfecting solutions include but are not limited to:

- Water and non-scented chlorine bleach: one teaspoon to one tablespoon of bleach in one gallon of water (a concentration of bleach between 50 – 200 parts per million) (.
 - Use a test strip every day to check the bleach/water concentration.
 - You can buy test strips from most food service suppliers.
- Commercial disinfectors (products labeled for disinfection purchased at a store).
 - Be careful to make sure they are used according to the manufacturer's directions.
 - Note: Disinfecting or sanitizing wipes that you buy at a store may be used.
 - Use a test strip every day to check the concentration of the wipes in the container.
 - The concentration must be at least 50 – 200 parts per million.

R400.8257 Biocontaminants

RULE 257 (1)

1. A center shall use standard precautions regarding prevention, exposure, and disposal of biocontaminants.

RATIONALE

Ensures the safety and well-being of children.

TECHNICAL ASSISTANCE

“Standard Precautions” are the minimum ways to prevent infection. Standard Precautions include:

- Hand cleaning.
- Use of personal protective equipment (e.g., gloves, masks, eyewear).
- Respiratory hygiene/cough etiquette.
- How to safely take care of sharp items (syringes, needles, etc.) (engineering and work practice controls).
- How to safely give medication injections i.e., aseptic technique for parenteral medications).
- How to clean and disinfect surfaces.

Additional resources can be found on the CDC website found [here](#).

An informative guide from the state of California on standard and universal precautions in a child care setting can be found [here](#).

R400.8260 Medication; administrative

RULE 260 (1)

1. Medication, prescription or nonprescription, must be given to a child by program staff only.

RATIONALE

Ensures the safety and well-being of children by assuring that medication is appropriately administered.

TECHNICAL ASSISTANCE

This rule does not require centers to give children medication.

RULE 260 (2)

2. Program staff shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.

RATIONALE

Ensures the safety and well-being of children by assuring that medication is appropriately administered.

TECHNICAL ASSISTANCE

To stay in compliance with this rule, follow these guidelines when giving children medication: For oral medications, both prescription and nonprescription, and topical prescription medications, centers should have parents fill out a Medication Permission form with the dose, times given per day and number of days to use the medicine. Centers can use the CCL 1243 form (Medication Permission and Instructions) or make one of their own that has the same information as the CCL1243.

Note: Nonprescription medication is something you can find on the shelves at a store.

Note: An “oral medication” is anything that goes into the child’s mouth (other than food and beverages) and a “topical medication” is anything that is applied to the outside of a child’s body.

- Have parents fill out a permission form for each medicine a child will be given.
- The medication permission form should list a beginning date; it is acceptable to have “ongoing” as an ending date for ongoing or maintenance medications (e.g., inhalers, allergy medication etc.).

- The medication permission can have “as needed” for the time the medication will be given. This is only for medicine given in an emergency (e.g., epi pen) or that will be given on an as needed basis (e.g., Tylenol when a child complains of a headache or has a fever).
- Any change in the prescription means parents need to fill out a new medication permission form.
- Electronic signatures are acceptable for medication permission forms.

BEST PRACTICE

It is recommended that the parent review and re-sign all medical permission forms at least yearly.

RULE 260 (3)

3. All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.

RATIONALE

Ensures the safety and well-being of children by assuring that medication is appropriately administered.

TECHNICAL ASSISTANCE

Nonprescription medications must also be labeled with the child’s name.

Program Staff can only give medication (prescription or non-prescription) from a prescription bottle or manufacturer’s bottle that is labeled with the child’s name. Containers like baggies, old prescription bottles, or others are not allowed.

RULE 260 (4)

4. Prescription medication must have the pharmacy label indicating the physician’s name, child’s first and last name, instructions, name and strength of the medication, and must be given according to those instructions.

RATIONALE

Ensures the safety and well-being of children by assuring that medication is appropriately administered.

TECHNICAL ASSISTANCE

Program Staff must follow these rules, not give children medication based solely on a parent’s wish or written permission to give the child medication.

RULE 260 (5)

5. Program staff shall keep all medication out of the reach of children and return it to the child's parent or destroy it if the parent determines it is no longer needed or it has expired.

RATIONALE

Ensures the safety and well-being of children and ensures that all medication is appropriately administered.

TECHNICAL ASSISTANCE

Expired medications should not be on site or given. This includes epi pen or other emergency medications.

RULE 260 (6)

6. Program staff shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order from the child's licensed health care provider.

RATIONALE

Ensures the safety and well-being of children by assuring that all medication is appropriately administered.

Attorney General Opinion No. 7274, dated August 28, 2013, confirmed that child care center rules allow child care staff members to administer insulin and glucagon. Insulin is often administered by syringe through an injection, but other options include insulin pens and pumps. Glucagon is only administered by injection.

TECHNICAL ASSISTANCE

If the label on a nonprescription medication says that a physician should be consulted for the dosage, including if it says to consult for a specific age or weight, you must get written instructions from the physician before giving a child the medication.

RULE 260 (7)

7. Program staff shall not add medication to a child's bottle, beverage, or food unless indicated on the prescription label.

RATIONALE

Adding medication to a child's bottle does not ensure they will ingest the proper dosage of the medication.

TECHNICAL ASSISTANCE

This rule includes nonprescription medication, such as infant gas drops.

RULE 260 (8)

8. Topical nonprescription medication, including, but not limited to, diapering cream, triple antibiotic, sunscreen, and insect repellent, requires written parental authorization annually.

RATIONALE

Allows centers more flexibility regarding the administration of topical nonprescription medications.

TECHNICAL ASSISTANCE

Topical nonprescription medication includes, but is not limited to:

- VapoRub
- Rubbing alcohol.
- Hydrogen peroxide.
- Essential oils.

Topical nonprescription medication does not include:

- Hand sanitizer.
- Hand or body lotion, including Vaseline or other petroleum jelly-based products.
- Lip balm.
- Topical, nonprescription medications require only annual written parental permission. Parent permission can be done through an electronic signature on a form or application used by the center. The CCL 1243 (or comparable substitute) does not need to be used.

BEST PRACTICE

It is recommended that parents be told if their child uses hand sanitizer or any other lotion or cream.

RULE 260 (9)

9. A center shall maintain a record as to the time and the amount of medication given or applied, with the exception of medications described in subrule (8) of this rule, on a form provided by the department or a comparable substitute approved by the department. One form per medication is required. The signature of the program staff administering

the medication must be included.

RATIONALE

Protects the center by documenting the administration of medication to children. Medication records may be critical in the course of a complaint investigation.

TECHNICAL ASSISTANCE

The Medical Permission and Instructions (CCL-1243) form or a form that the center makes, shall be used to document compliance with this subrule for oral prescription or nonprescription and topical prescription medications.

R400.8263 Child accidents and incidents; child and staff illness

RULE 263 (1)

1. A center shall develop and implement a written plan for how and when a parent is notified if program staff or volunteers observe any of the following:
 - a. Changes in a child's health.
 - b. A child experiences an accident, injury, or incident.
 - c. A child is too ill to remain in the group.

RATIONALE

- Allows parents to be given the opportunity to decide how they want the situation handled.
- Ensures the health and safety of children.
- Helps to minimize the spread of infection.

TECHNICAL ASSISTANCE

An incident includes, but is not limited to, the following:

- A child is lost or left unsupervised.
- Alleged sexual contact between children or a child and a staff member or volunteer.
- Physical discipline of a child by a staff member or volunteer.
- A child has a seizure that requires medical treatment, whether it is the first time or known condition.

The plan needs to talk about how parents will be notified, such as:

- Written injury report they are given at pick up.
- Phone call.
- Email.
- Text message.

If a parent will be notified differently for different types of situations, this needs to be covered in the plan. For example, the plan may require that parents be called when a child has a head injury but may receive a written injury report at pick-up if the child falls and skins his or her knee. The plan needs to cover the timeframes for when parents will be notified and who will notify the parent.

BEST PRACTICE

Parents need to be notified when indicators of changes in a child's health, including but not limited to:

- Fever - If a child has a temperature of 100°F (taken by mouth) or 99°F (taken under the arm).

- Diarrhea - If a child has two loose or watery stools, even if there are no other signs of illness.

Exception: This may sometimes be caused by new foods a child has eaten, but call the parents to find out if this is the likely cause.

- Vomiting - Any vomiting.

Exception: Some babies may “burp up” following a feeding – this is not vomiting.

- Rash - If the child develops any rash.
- Crying and complaining for a long time - If the child is not him/herself and is complaining about discomfort or is just cranky and crying more than usual for that child.

Managing Communicable Diseases in Child Care Settings ([BCAL Pub 111](#)) is available on the department’s website under Child Care Resources.

RULE 263 (2)

2. A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised by program staff or an unsupervised volunteer until the parent arrives. The separate area may be an unlicensed space such as the office area, reception area, or hallway but supervision must occur during this time. Food preparation areas may not be used.

RATIONALE

Helps to minimize the spread of infection and ensures the comfort of the ill child.

TECHNICAL ASSISTANCE

A child is considered too ill to remain in the group if one or more of the following conditions exists:

- If the illness keeps the child from comfortably taking part in activities as determined by the center.
- The illness causes a greater need for care than the program staff can provide without compromising the health and safety of the other children.

The center is responsible and accountable for making sure that:

- A child too ill to stay in the group is far enough away from well children to keep the illness from spreading to the other children.
- The child is supervised when away from the group.

BEST PRACTICE

Managing Communicable Diseases in Child Care Settings (BCAL-Pub 111) is available on the department’s website [Child Care Resources](#).

RULE 263 (3)

3. Items and facilities used by an ill child or adult must not be used by another individual until cleaned and disinfected.

RATIONALE

Helps to prevent the spread of illness or communicable diseases within a center.

TECHNICAL ASSISTANCE

Washing, rinsing and sanitizing means:

- Washing the surface or item vigorously (hard or strongly) with soap and water.
- Rinsing the surface or article with clean water.
- Dunking, wiping, or spraying the surface or the item with a sanitizing solution.
- Letting the item or surface air dry.

Note: Washing bedding, stuffed toys and dress-up clothes in a washing machine with HOT water and detergent cleans and sanitizes these items. If the item cannot be laundered, it needs to be thrown away when soiled.

Examples of sanitizing solutions include, but are not limited to:

- Water and non-scented chlorine bleach, one teaspoon to one tablespoon bleach per gallon of water (a concentration of bleach between 50– 200 parts per million)
- Test strips need to be used daily to check the concentration of the bleach/water solution and are available from most food service suppliers.
- Commercial sanitizers (products labeled as a sanitizer bought at a store).

Be careful to make sure that they are used according to the manufacturer's instructions.

Note: Wipes labeled for disinfecting or sanitizing bought at a store may be used as long as they are tested every day with a test strip to check the concentration of the wipes in the container. The concentration needs to be at least 50 – 200 parts per million.

Note: When sanitizing toys and other items children may put in their mouths, and cots and mats:

- Bleach needs to have an EPA number that shows it's ok for food sanitizing.
- Commercial sanitizers used need to be unscented and the label must say that they are safe for food contact surfaces.

BEST PRACTICE

Bleach is recommended as a sanitizing product because it is safe, it works well, and it doesn't cost a lot.

Centers for Disease Control and Prevention CDC website: [Know the Difference Between Cleaning, Disinfecting, and Sanitizing](#) says that:

- Cleaning removes germs, dirt, and impurities from surfaces or objects. Cleaning works by using soap (or detergent) and water to physically remove germs from surfaces. This process does not necessarily kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.
- Sanitizing lowers the number of germs on surfaces or objects to a safe level, as judged by public health standards or requirements. This process works by either cleaning or disinfecting surfaces or objects to lower the risk of spreading infection.
- Disinfecting kills germs on surfaces or objects. Disinfecting works by using chemicals to kill germs on surfaces or objects. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface after cleaning, it can further lower the risk of spreading infection.

Bleach is corrosive, meaning it can destroy or weaken things it touches. Before using something corrosive, contact Michigan Occupational Safety and Health Administration (MIOSHA) to make sure you follow any safety requirements, (such as putting in an eyewash station). For more information go to the [MIOSHA](#) website or contact the Consultation, Education & Training Division at (517) 284-7720.

Local health department sanitarians may keep a list of approved sanitizers. Centers should use separate spray bottles for soapy water, rinse water, and a sanitizing solution.

To clean up vomit (including spit-up) or feces, the surface or item should be disinfected. A disinfecting solution can be made using water and non-scented chlorine bleach as follows:

- Stainless steel and food/mouth contact items - 1 tablespoon of bleach per gallon of water.
- Non-porous surfaces (meaning water doesn't soak into it), tile floors, countertops, sinks, and toilets - 1/3 cup bleach per gallon of water.
- Porous surfaces (meaning water will soak in) and wood floors - 1 2/3 cups bleach per gallon of water. Leave the bleach solution on the surface for 10 to 20 minutes and then rinse with clean water.

RULE 263 (4)

4. If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, the center shall notify parents and provide all of the following information:
 - a. The name of the communicable disease the children were exposed to.
 - b. The symptoms of the disease.
 - c. Prevention measures as recommended by the United States Centers for Disease Control and Prevention at the following website: <https://www.cdc.gov>.

RATIONALE

Ensures parents are aware that their child has been exposed to a communicable disease, educates parents about what symptoms to watch for and prevents the spread of

communicable diseases.

TECHNICAL ASSISTANCE

All parents of children in care need to be notified, not just the parents of children who have contact with a communicable disease. When informing parents that their child was exposed to a communicable disease, do not share the name of the ill child – per the Child Care Organizations Act, 1973 PA 116, MCL 722.120 amended (3), this information is defined as confidential.

If a child was exposed to Hepatitis B or HIV/AIDS, contact the local health department before telling parents about the exposure. The local health department will help decide what information can be released to parents to make sure confidentiality laws are not broken.

Options for telling parents include, but are not limited to, the following:

- Posting the information in a place that is easily seen at the center.
- Sending home a written notice to parents.
- Emailing parents.
- Calling parents.

Centers need to give parents a full list of ways to prevent spread as recommended by the U.S. Centers for Disease Control and Prevention (CDC) at the following website:

[Preventing Infectious Diseases](#) | [Early Care and Education Portal](#) | [CDC](#)

RULE 263 (5)

5. A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.

RATIONALE

Helps to prevent the spread of illness or communicable diseases within a center.

TECHNICAL ASSISTANCE

The policy needs to spell out when a child, staff, or volunteers cannot be at the center and when they can come back.

R400.8266 Incident, accident, injury, illness, death, fire

RULE 266 (1)

1. If the death of a child occurs in care, a licensee, licensee designee, or program administrator shall do both of the following:
 - a. Immediately report the death, in-person or via phone, directly to the child's parent.
 - b. Report the death to the department within 24 hours, via phone.

TECHNICAL ASSISTANCE

The center must talk to someone at the department if a child dies.

RULE 266 (2)

2. A licensee, licensee designee, or program administrator shall report to the child's parent on the same day of the incident and to the department within 24 hours, directly or via phone, fax, or email, if a child is lost or left unsupervised.

RULE 266 (3)

3. A licensee, licensee designee, or program administrator shall report to the child's parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following:
 - a. An incident involving an allegation of inappropriate contact.
 - b. A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.
 - c. The center is evacuated for any reason.

RATIONALE

Informs the department and allows the department to determine if an investigation is warranted based on the circumstances of the incident.

TECHNICAL ASSISTANCE

Leaving a voice message with the details of the incident meets the intent of this rule. Examples of when a child is considered lost or unsupervised include but are not limited to:

- A child is missing when returning from a field trip.
- A child leaves the building and no one notices.
- A child is away from the group with no supervision.
- A child is left outside or on the bus.

Examples of an incident with an allegation of inappropriate contact includes but is not limited to:

- Sexual contact between children, a child and child care staff member or a child and a volunteer.
- Physical discipline of a child by a child care staff member or volunteer.

Medical conditions that occur while the child is in care does not include common illnesses like:

- strep throat,
- ear infections,
- colds, or
- the flu.

Medical conditions that need medical treatment or hospitalization include but are not limited to:

- Seizures.
- A serious allergic reaction.

If you are in doubt whether you need to contact the department, get a hold of your licensing consultant.

The center does not have to report a normal evacuation drill, like a fire drill.

Refer to subrule (4) of this rule for the mandatory written requirement.

BEST PRACTICE

The center should also notify the local fire authority of all details of a fire.

The center should also notify their licensing consultant when a lock down occurs.

RULE 266 (4)

4. A licensee, licensee designee, or program administrator shall report to the department, via phone, fax, or email, within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.

RULE 266 (5)

5. A licensee, licensee designee, or program administrator shall submit a written report to the department of the occurrences outlined in subrules (1) to (4) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.

RATIONALE

Documents the circumstances of the incident, including the center's actions.

TECHNICAL ASSISTANCE

The Incident Report needs to be completed on the Child Care Hub Information Records Portal found [here](#).

For more help with this process, contact your licensing consultant.

RULE 266 (6)

6. A licensee, licensee designee, or program administrator shall keep a copy of the report on file at the center.

R400.8269 Emergency preparedness and response planning procedures

RULE 269 (1)

1. Written plans and procedures for emergency preparedness and response planning for the care of children and staff in each of the following emergencies must be developed and implemented:
 - a. Fires.
 - b. Tornadoes.
 - c. Floods.
 - d. Power outages.
 - e. Extreme weather events.
 - f. Other natural or man-made disasters.
 - g. Serious injuries or accidents.
 - h. Bomb threats and other man-made emergencies.
 - i. Intruders or active shooters.

RATIONALE

As emergency situations are not conducive to calm and composed thinking, having written plans allows for the opportunity to prepare and to prevent poor judgments made during an emergency.

TECHNICAL ASSISTANCE

The licensee should:

- Make sure that the fire plan includes:
 - Where fire extinguishers are.
 - Where to meet outside.
 - What program staff and volunteers will do, including how to account for all children.
 - Specific plans to get infants and toddlers out of the building.
- Make sure that the tornado plan includes:
 - The duties and responsibilities of program staff and volunteers, including how to account for all children.
 - Specific plans for moving infants and toddlers.

The following recommended emergency supplies for the tornado shelter area include, but are not limited to:

- Flashlight.
- Battery operated radio.
- Water and snacks.
- First aid kit.
- Extra batteries.
- Child information records.
- Diapers and wipes

- Toys, books and activity materials, as well as soothing supplies for children with special needs and infants and toddlers.
- Pillows and blankets.
- Make sure that the serious accident/illness/injury plan includes:
 - Phone numbers for emergency services, including Poison Control.
 - Where child information records are kept.
 - Where emergency supplies can be found.
 - Steps to get help for the victim while caring for the other children present.
- Make sure that the crisis management plan includes:
 - Steps to take if there are other crises (for example, custody disputes; power outages; missing, lost, or abducted children; drive-by shootings, etc.)
 - Phone numbers for emergency personnel.
- When making a crisis management plan, centers may want to consult with:
 - Local law enforcement.
 - Local school district.
 - Homeland Security (DHS)
 - American Red Cross.

Sample emergency plans are also available on the department's website Child Care Resources.

A copy of these plans should be posted in each room used by children (except bathrooms).

All program staff should know where to find the written crisis management plan.

The emergency and evacuation plans may be one plan with fire exits and tornado shelter areas highlighted in different colors so there is no confusion about where to go in the event of these crises.

Sample emergency plans are also available on the department's website Child Care Resources.

Other natural or man-made disasters include but are not limited to:

- Gas leak or chemical spill
- Sewer back-up

There may be other events that could be included based on the location of the center.

BEST PRACTICE

It is recommended that the fire plan includes a floor plan showing where the nearest exits are. It is also recommended that the tornado plan includes a floor plan showing where adults and children should take cover.

Emergency plans under subrule (1) list who will contact 911. For centers located in school buildings, the person who calls 911 must be part of the child care center.

Extreme weather events are weather conditions that are severe and can cause significant damage and loss of life. Extreme weather events include heat waves, cold waves,

thunderstorms.

RULE 269 (2)

2. The written procedures must include all the following as applicable to the type of emergency:
 - a. A plan for evacuation.
 - b. A plan for safely moving children to a relocation site.
 - c. A plan for shelter-in-place.
 - d. A plan for lockdown.
 - e. A plan for contacting parents and reuniting families.
 - f. A plan for continuity of operations.
 - g. A plan for how each child with special needs will be accommodated during an emergency.
 - h. A plan for how infants and toddlers will be accommodated during an emergency.
 - i. A plan for how children with chronic medical conditions will be accommodated during an emergency.

A sample emergency preparedness plan can be found [here](#).

The relocation site must be decided ahead of time and be included in the plan. The relocation site must be clean and safe.

The plan should spell out how parents will be contacted, which can include (and is not limited to):

- A mass email or text message.
- Phone trees.
- Notifying the local police department so they can let parents know where their children have been taken if a parent calls them.
- Posting the relocation site address at the center in a place that can be seen from outside.

Each emergency plan must address how each child with a special need will be accommodated in each type of emergency.

The plan must be based on each child's special needs when first enrolled in care. If possible, the plan can broadly address a special need area, such as children with mobility issues.

A center may need to use special equipment when moving infants and toddlers to another space. Check manufacturer weight limits when using equipment for multiple children. Refer to fire safety rules for using cribs to evacuate.

A plan for shelter-in-place and lock downs must be created; parents should be notified of the plan in advance to avoid panic since they will not be able to enter the building.

RULE 269 (3)

3. A hard copy of the plans must be posted as indicated below:
 - a. The plans required by subrules (1)(a) to (d) of this rule must be posted in a place visible to staff, volunteers, and parents.
 - b. The plans required by subrules (1)(e) to (h) of this rule must be maintained in a place known and easily accessible to staff, volunteers, and parents.
 - c. The plan required by subrule (1)(i) of this rule must be maintained in a place known and easily accessible to staff and volunteers.

The center must make sure to share the crisis management plan with all personnel and program staff.

RATIONALE

Ensures that all staff and visitors to the center can locate the posted emergency and evacuation plans. The center must make sure to share the crisis management plan with all personnel and program staff.

BEST PRACTICE

A suggestion is to post the plan on the inside of a cupboard door in each of the classrooms.

RULE 269 (4) – (9)

4. Training on the written procedures in subrules (1) of this rule must occur in the timeframe indicated in R 400.8216a(3) and (4).
5. All staff present at the center and volunteers shall be trained on and participate in the drills held during their presence at the center.
6. A fire drill program, consisting of not less than 1 fire drill every 3 months, must be established and implemented.

RATIONALE

The frequent practice of fire drills is essential due to turnover of both staff and children, as well as the changing developmental ability of children to participate in evacuation procedures.

Practicing fire evacuation procedures on a regular basis:

- Helps make them routine for everyone.
- Fosters calm, competent use of the plans in the event of an emergency.

Smoke inhalation is the most common cause of death in fires.

7. A tornado drill program, consisting of not less than 2 tornado drills between the months of March to November, must be established and implemented.

RATIONALE

Regular drills constitute an important safety practice in areas where tornados occur.

8. Drills for other emergency plans not listed in subrules (6) and (7) of this rule must be conducted annually.
9. A written log indicating the date and time of each drill must be maintained on file at the center.

RATIONALE

Provides documentation that the center is having the required number of drills.

TECHNICAL ASSISTANCE

To document compliance during the two-year licensing cycle, the center must keep drill logs on file for two years.

Centers may develop their own log or use the log available on the department's website at Child Care Forms.

Drills for emergency plans that must happen each year include:

- Floods
- Power Outages
- Extreme weather events
- Other natural or man-made emergencies
- Bomb threats and man-made emergencies
- Intruders or active shooters

The center must provide a log of drills done each year to the department if asked.

A fire and tornado drill log form can be found [here](#).

BEST PRACTICE

It is recommended that the center:

- Time the procedure
- Try to evacuate or take shelter in the number of minutes recommended by local emergency personnel.

Centers should have fire drills at different times of the day and on different days of the week so all staff and children can practice the drills.

Drills should be practiced early in the season, so program staff and children know the drill

routine in case there is a tornado or severe storm that they need to take shelter from.

RULE 269 (10)

10. Staff shall be trained not less than twice a year on their duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.

RATIONALE

Ensures staff is aware of the center's emergency procedures and what their responsibilities are in the event of an emergency. Emergency situations are not always conducive to calm or composed thinking.

TECHNICAL ASSISTANCE

Training on emergency procedures counts toward the annual clock hours of professional development as required by R 400.8216a(1-5), Verification of training must be kept as required by R 400.8216a(11).

Reviewing the center's emergency procedures must be part of the ongoing professional development plan as required by R 400.8216a(9).

RULE 269 (11)

11. If cribs are used in emergency evacuations, all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.

RATIONALE

Facilitates quick evacuation of infants. To know if the center can comply with R 400.8269(11), measure the cribs and the doors or try to push a crib through a doorway. Standard cribs have a weight limit; more than one infant or toddler in each crib might be too heavy for it. Read the manufacturer's specifications.

TECHNICAL ASSISTANCE

Using cribs to evacuate is suggested.

RULE 269 (12)

12. If the fire alarm is not monitored, 9-1-1 must be contacted immediately on notice.

RULE 269 (13)

13. Centers established and operated by an intermediate school district or local school

district, and located in a school building, may use the school's emergency preparedness plan or drills, or both, if they meet all of the requirements in this rule.

R400.8269a Food

RULE 269a (1)

1. A written plan for the prevention of and response to emergencies due to food and allergic reactions must be developed and implemented to include a child care plan, prevention measures, and emergency procedures.

RULE 269a (2)

2. The child's care plan must include all of the following, at a minimum:
 - a. The child's name with a list of their food allergies.
 - b. The names, doses, and methods of medication administration the child should receive if there is a reaction.
 - c. Training on the recognition of the child's allergic reaction.

RATIONALE

As emergency situations are not conducive to calm and composed thinking, having written plans allows for the opportunity to prepare and to prevent poor judgments made during an emergency.

TECHNICAL ASSISTANCE

Medications can be given:

- by mouth (orally)
- on the skin (topically)
- injected (subcutaneously), etc.

RULE 269a (3)

3. The child's care plan must be carried on field trips.

RULE 269a (4)

4. The prevention measures must include all of the following, at a minimum:
 - a. Notify parents and guardians of all known food allergens to avoid bringing in foods to the classroom or center.
 - b. Post the child's name and known food allergy prominently in the classroom or other area, on parent approval.
 - c. Train program staff and unsupervised volunteers on the symptoms of anaphylaxis.
 - d. Prevent food sharing between children.

RATIONALE

To reduce risk of exposure to allergen and ensure program staff and unsupervised volunteers know the symptoms to watch for.

TECHNICAL ASSISTANCE

If a child shows signs of a food allergy, parents can be notified electronically or in writing. Centers should get written permission to post or not post a child's name for subrule 4(b).

BEST PRACTICE

Make sure the child's allergies match on the child information card allergy section and the health appraisal information.

RULE 269a (5)

5. The emergency procedures must include all of the following, at a minimum:
 - a. Promptly and properly administer medications in an event of an allergic reaction according to the instructions in the child's care plan.
 - b. Contact emergency medical services immediately if any child has a serious allergic reaction, a new suspected serious allergic reaction occurs with any child, or whenever epinephrine is administered, even if the child appears to have recovered from the allergic reaction.
 - c. Notify parents or guardians immediately of any suspected allergic reactions, the ingestion of the problem food, or contact with the problem food, even if a reaction did not occur.

RATIONALE

As emergency situations are not conducive to calm and composed thinking, having written plans allows for the opportunity to prepare and to prevent poor judgments made during an emergency.

R400.8269b Outdoor benefit-risk assessment; risk management plan for outdoor nature-based child care centers**RULE 269b (1)**

1. An outdoor nature-based child care center shall submit an outdoor benefit-risk assessment on a form prescribed by the department that includes, but is not limited to, all of the following:
 - a. Information about the site or sites that will be used.
 - b. Different seasons of the year, such as summer versus winter plans, based on how conditions change within sites and locations used by the center on a regular basis.
 - c. Risky play activities, including, but not limited to, all of the following:
 - i. Climbing natural features.
 - ii. Water activities.
 - iii. Using sharp tools.
 - iv. Plant foraging and gardening.
 - v. Program pets and livestock management.
 - vi. Campfire activities.
 - vii. Activities near water, cliffs, steep slopes, or other potentially hazardous natural features.
 - d. Guidance for when increased staffing is necessary and provide guidance for the development of the applicable risk management policies and procedures in subrule (1) of this rule.

RATIONALE

Ensures a safe outdoor learning environment.

TECHNICAL ASSISTANCE

A benefit-risk assessment will list things that could be risky in the outdoor spaces and decide if the benefit to the children is greater than the risk. It will also talk about how the risks will be decreased, who will be responsible for safety and how. The assessment should also make it clear how each activity will be rated in terms of safety.

When conducting a benefit-risk assessment for a specific scenario, if the identified risk is deemed acceptable based on the outlined management strategies and benefits to children's development, the activity may proceed. However, if the risks outweigh the benefits and cannot be effectively managed, the activity should not continue.

The following terms are important for deciding about risks:

- Risky play refers to activities that are thrilling and exciting while also carrying the potential for physical injury.
- Risk is a challenge that children can recognize, decide how to do it, or not do it.

- A hazard is something the children might not see or know that could cause injury.

An **ACTIVITY** risk-benefit assessment must be done before any activity requiring it. This may include tool usage, dip netting, animal care, etc. Specific additional risk assessments may be done for children whose medical condition or behavior requires them.

Risk analysis procedure:

- Identify potential hazards, the impacts, and the potential harm that could occur.
- Identify the benefits of engaging in an activity.
- Evaluate the current level of risk.
- Decide on a course of action and set of precautions that will be put in place to reduce potential risk.
- Re-evaluate the level of risk once your decisions have been put in place.
- Tell all adults accompanying the group about the risk analysis and outcome.
- See best practices below (e.g. annual review and training).

BEST PRACTICE

- Risk-Benefit Assessments are reviewed annually by the staff.
- Staff are given training on risk-benefit assessments annually.
- To have risky play into outdoor learning, children should first learn safety before the risky play. For example, practice campfire safety first without an open flame to set safe behaviors. Use stories and role-playing to help children understand safety, risks, make good decisions, and build confidence.

TECHNICAL ASSISTANCE (1)(b)

Outdoor nature-based child care centers should include planning for the different seasons and weather conditions when creating the risk-benefit assessment.

Winter Considerations

- Assessing the impact of cold temperatures, wind chill, and ice accumulation on site safety.
- Implementing layering policies to prevent cold-related conditions such as frostbite and hypothermia.
- Identifying safe pathways and play areas by monitoring ice, snow accumulation, and slippery surfaces.
- Establishing indoor transition plans for extreme cold or wind chill conditions.
- Ensuring adequate shelter and warming stations are available for rest periods.

Summer Considerations

- Evaluating heat exposure risks, including high temperatures and humidity levels.
- Developing hydration policies to prevent dehydration and heat exhaustion.
- Implementing sun safety measures, such as shaded play areas, sunscreen use, and protective clothing.
- Monitoring air quality and limiting strenuous activities during high heat or poor air conditions.
- Providing insect protection strategies for areas prone to ticks, mosquitoes, or stinging

insects.

Fall & Spring Considerations

- Preparing for muddy or wet conditions by ensuring appropriate footwear and safe pathways.
- Monitoring for changing water levels in streams, ponds, or wetlands after heavy rains.
- Evaluating storm preparedness plans for lightning, high winds, or flooding risks.
- Adjusting activities based on seasonal wildlife behavior, such as nesting birds or increased animal activity.

Centers should include seasonal risk assessments into their risk-benefit assessments; staff should always evaluate how weather changes affect site conditions, child safety, and activity planning. Seasonal planning should also be included in staff training and emergency preparedness protocols so all child care staff members are equipped to manage environmental changes effectively.

TECHNICAL ASSISTANCE (1)(c)(i)

Tree Climbing: Before a child climbs a tree, staff should first check the tree for hazards, like unstable branches, fall risks, or things that stick out around the tree that could be a danger. Children are then taught to ask staff for permission before climbing so the staff can check the tree first and be there to supervise.

During climbing, staff should actively spot the child, standing nearby with arms out to support under the child's armpits if they slip. Staff should be able to reach the child's midriff at all times. Children should be taught to use the "three points of contact" rule -- at least two hands and one foot, or two feet and one hand, are always on the tree. Children should not climb above a staff member's reach.

TECHNICAL ASSISTANCE (1)(c)(ii)

Water Activities: In addition to understanding risk mitigation practices, it is important to define what constitutes appropriate water activities in an outdoor nature-based child care setting. Adult supervision is required at all times.

Examples of Water Activities That May Be Permitted:

- Wading in water no higher than the child's boot level to catch frogs or tadpoles.
- Using dip nets to search for macroinvertebrate species (e.g., mayflies, crayfish, dragonflies, etc.).
- Fishing from land or a dock.
- Exploring water from a dock.
- Puddle jumping.
- Standing near a stream, river, pond, or lake.

Examples of How to Lessen Risk in Water Activities:

- Child care staff should look for any hazards before going near a pond, stream, or large body of water.

- If children are on a dock, they should sit on their bottoms or lay on their bellies.
- Tell children not to touch water unless the staff person says they can.
- Tell children to keep their boots on dry land (grass, etc.).
- When going to a stream: Look for where it's safe to wade in boots/water shoes. Check rocks that might be slippery. Tell the children where it's safe.

Model Boundaries:

- Set up an exit signal: clapping, whistling, words.
- An exit signal can be used when conditions change and the children need to leave the water.
- Practice going in and out of water safely.

Water Activities That Are Not Permitted:

- Swimming (See swimming rules R 400.8810, R 400.8830, and R 400.8840 for further guidance.)

TECHNICAL ASSISTANCE (1)(c)(iii)

Using sharp tools: Sharp tools could include a stick that has been whittled with a vegetable peeler or child-friendly knives used to make food.

When using sharp tools:

- Adults should watch children at all times.
- Tools should only be used with adults watching.
- Children should be careful with tools.
- Tools should only be used for their intended purpose.
- Tools must be stored in one area.
- Tools should be inspected for damage before using.
- Children should be aware of the other children around them when using tools.

Safety gear is really important when working with tools: goggles, gloves, hair ties, closed-toe shoes or boots.

- Goggles must be used for activities that may cause flying debris, (hammering, drilling, or carving).
- Gloves should be used when handling rough materials or using cutting tools to protect hands from splinters and cuts.
- Long hair must be tied back.
- loose clothing, scarves, or jewelry should be secured or removed to keep it from getting tangled with the tools.
- Closed-toe shoes or boots must be worn to protect feet from falling objects or sharp materials.
- Different tools require specific precautions. Each tool requires a separate risk-benefit assessment. For example, when using hammers and mallets, always hold nails or pegs steadily, on a stable surface, keeping fingers clear of the striking area.
- Hand saws should be gripped firmly and used with slow, controlled movements; keep fingers clear of the cutting path. Adult supervision must be maintained at all times when

using a hand saw.

- Whittling and carving tools must only be used under adult supervision, carving away from the body while keeping a safe distance from others.
- Drills and screwdrivers should only be used on materials that are secure, with fingers kept away from the tool's tip.
- Pruners and clippers are for plant material only. Cut away from the body in a controlled and mindful way.

A fully stocked first aid kit must be available during all tool-related activities. Any injury, no matter how minor, must be reported to an adult immediately and assessed. All supervising adults must have access to emergency contact information and know the location of the nearest medical facility.

TECHNICAL ASSISTANCE (1)(c)(iv)

Foraging: A center consult with a Naturalist, or someone who is properly trained in plant identification, before introducing children to plants. Staff should develop a site-specific plant inventory, identifying both edible and hazardous species. Staff should complete training on safe and responsible foraging practices so they can guide the children in identifying, collecting, and eating wild plants.

Teachers should inspect all plants collected before eating to make sure they are free of insects, mold, or signs of decay. Children and staff should only eat a small portion of any foraged food to avoid allergic reactions. If pesticides or herbicides are used near foraging areas, the staff should notify the Program Administrator to prevent accidental contamination, and refrain from foraging affected plants.

Gardening: Any herbicide or pesticide used in garden areas should be applied according to the product manufacturer's instructions and should never be applied while children are present. Children should not handle or apply these products or have access to garden areas until the manufacturer's prescribed waiting period following application has passed.

Garden beds should be constructed from materials that do not leach harmful chemicals into the soil, including, but not limited to, wood treated with CCA (chromated copper arsenate), creosote, PCP (pentachlorophenol, usually used to utility poles), reclaimed railroad ties, or tires.

Certain plants with toxic leaves or parts, such as tomatoes, potatoes, and rhubarb, may be grown in the garden if identified on the risk assessment and children should be actively supervised whenever these plants are present.

Water used for gardening should come from a private well approved by the local health jurisdiction or a public water system. If irrigation or non-potable water is used, children should not have access to it to prevent accidental ingestion.

If gardening directly in the ground, programs should make sure the soil is free from agricultural or industrial contaminants, such as lead or arsenic.

TECHNICAL ASSISTANCE (1)(c)(v)

Program pets and livestock management: Animals, whether domesticated or wild, can sometimes carry germs that may lead to illness or infection. Some of these illnesses can be passed from animals to humans (known as zoonotic diseases). These infections can occur through both direct and indirect contact with animals, their waste, bedding, or animal products like milk and meat.

It's important to be aware of a few common zoonotic diseases: Leptospirosis, rabies, salmonella, and ringworm. These diseases can cause tummy aches, rashes, or general sickness.

Children and staff should, wash hands thoroughly with soap and water after handling animals or anything they've touched. Wearing gloves around sick animals is a good precaution, too.

Refer to the following websites for more information:

- [CDC Healthy Pets - Resources for Schools and Daycares](#)
- [MDARD - Bird Flu](#)
- [Michigan DNR Wildlife](#)

TECHNICAL ASSISTANCE (1)(c)(vi)**Campfire Activities****Environmental Conditions**

- Leaders should understand the local campfire ordinances and bureau of fire services rules if applicable.
- Staff leading the program will:
 - Be aware of current fire conditions, especially if it has been dry or windy. Check for any active burn ban. Refer to the Michigan DNR Burn Permit Map to determine where there are restrictions.
 - Check the wind direction and review the plan for the projected size/location of the fire before starting. Wind above a force of 5 (NOAA Wind Chart) would be considered unsafe for fires. Consider the position of the fire and whether there is a wind break that would reduce the force.

Maintain Your Campsite

- Maintain a 25-foot buffer between the fire ring and the location where participants will stand or sit around the fire.
- Be sure your fire is a minimum of 25-feet from tents, shrubs, trees or other flammable objects. Always check for low-hanging branches above the fire.
- Store matches, lighters and items used as fire starters in a secure waterproof box or bag.
- Practice low impact harvesting and collect materials away from camp. Use dead and downed wood that can be broken easily with your hand. When possible, burn all wood to ash. Be certain all wood and campfire debris is dead out.
- The adult fire tender will model safe practice when tending the fire. Slow body, sitting position and attention to fire.

Fires shall only be made with adult supervision

For large fires:

- Set up a safety circle using a red rope or other markers positioned 3 feet from the fire ring. Remind students of the following guidelines and expectations:
- Walk with care
- Don't add to the fire unless approved to do so

Personal Care

- Avoid wearing nylon or polyester clothing near the fires.
- Tie back long hair.
- Check to make sure that no one near the fire is wearing loose or dangling clothing or accessories. Never bend over the fire.

Additives

- Additives to the fire are prohibited unless approved by the operations team. This includes chemicals, accelerants, color-changers and other flame-enhancing products.

Emergency Response

- Never leave a campfire unattended.
- Always have a shovel/rake, 5-gallon of water, and a 10lb fire extinguisher available. Be prepared to respond to burns or someone on fire with "Stop, drop and roll."

TECHNICAL ASSISTANCE (1)(c)(vii)

Activities near water, cliffs, steep slopes, or other potentially hazardous natural features:

Outdoor nature-based programs with permanent outdoor classroom spaces should erect barriers or boundaries (like guardrails), to separate classroom space from hazards, such as ravines, cliffs, or bodies of water deeper than two feet and wider than six feet in diameter. Barriers may be made with natural materials; it is highly recommended that the barrier is at least 48 inches in height.

Where permanent barriers are not possible, programs should have supervision plans in their benefit-risk assessments. If an outdoor nature-based child care center operates in a public park that does not meet barrier requirements, the program should submit a supervision plan to their licensing consultant for review and approval and adhere to the plan as part of their risk management strategy.

These measures ensure that children can explore natural environments safely while minimizing risks associated with steep terrain and water-adjacent spaces.

RULE 269b (2)

2. An outdoor nature-based child care center shall have a risk management plan that includes, but is not limited to, all of the following:
 - a. Encountering non-program pets and wildlife.

- b. Interacting with strangers.
- c. The shared use of public spaces.
- d. Weather requiring the use of an emergency shelter and access to the shelter during program hours.
- e. Required clothing and keeping children dressed for the weather.
- f. Using public facilities or buildings.
- g. Encountering poisonous species.
- h. All other potentially hazardous situations and natural features.

RATIONALE

Ensures a safe outdoor learning environment.

R400.8271 Child development

RULE 271 (1)

1. As used in this rule:
 - a. “Confining equipment” means equipment used to assist in caring for infants, including but is not limited to, swings, stationary activity centers, infant seats, and molded seats.
 - b. “Media” means use of electronic devices with a screen, including, but not limited to, the following:
 - i. Televisions.
 - ii. Computers.
 - iii. Tablets.
 - iv. Multi-touch screens.
 - v. Interactive white boards.
 - vi. Mobile devices.
 - vii. Cameras.
 - viii. Movie players.
 - ix. E-book readers.
 - x. Electronic game consoles.
 - c. “Interactive media” means media designed to facilitate active and creative use by children and to encourage social engagement with other children and adults.
 - d. “Non-interactive media” means media that is used passively by children.

RULE 271 (2)

2. A center shall implement a child development program plan that includes daily learning experiences appropriate to the developmental level of the children. Experiences must be designed to develop all of the following, which are described in Michigan’s early childhood standards of quality:
 - a. Physical development.
 - b. Social development.
 - c. Emotional development.
 - d. Cognitive development.
 - e. Approaches to play and learning.

RATIONALE

Children benefit from a diverse and balanced program that promotes all areas of development.

TECHNICAL ASSISTANCE

To review Michigan’s Early Childhood Standards of Quality for Birth to Kindergarten, see website [here](#) for helpful information on developing a plan that includes everything in this rule.

An observer should be able to see all the learning experiences throughout the program day.

BEST PRACTICE

It is recommended that an established curriculum be used to meet the requirements of the child development program rule.

RULE 271 (3)

3. The program must be planned to provide a flexible balance of all of the following experiences:
 - a. Quiet and active.
 - b. Individual and group.
 - c. Large and small muscle.
 - d. Child initiated, and staff initiated

RATIONALE

A planned but flexible program allows children to make decisions about their activities; encourages independence and creative expression; and fosters physical, social and emotional development.

BEST PRACTICE

Remember to include transitions when developing a program plan for all of the experiences required by this rule.

Transitions:

- Are often the most difficult and stressful times of the day.
- Bring out more challenging behaviors.

Look at the daily schedule regularly to see:

- How many transitions happen each day.
- If the schedule works for the current group of children.

Try to limit the number to:

- Six or fewer for half day programs.
- Eight or fewer for full day programs.

Important questions to ask:

- How many minutes does each transition take?
- Do you see challenging behaviors? How many and what types? Are children waiting for others or for the child care staff members?

- Are the children engaged while waiting or is it dead time?
- What are the child care staff members doing during transitions?

The goal should be to have fewer transitions and offer at least 30 minutes of uninterrupted play time because:

- Teachers will have more time to engage and interact with the children.
- There can be more small group interactions based on the child's interests rather than whole group activities led by the child care staff member.
- Longer time can let children have deeper play themes. Children feel ownership and are more engaged in group activities.
- It reduces challenging behaviors.
- Teachers feel less rushed.
- It reduces stress for everyone.

Spend time observing before making changes; eliminate as many transitions as possible.

Transition tips:

- Set a calm, relaxed tone.
- Be organized by having one activity start as soon as another finishes or by having activities overlap.
- Use music or movement to get the children's attention during the transition.
- Give children a warning just prior to the transition.
- Offer ways to save and protect projects.
- Alternate times of high activity with quieter activities.

Working with Children Who Have Special Needs (BCAL-Pub 96) is available on the department's website. [Child Care Resources](#)

RULE 271 (4) (a) – (d)

4. Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:
 - a. Practice social interaction skills.
 - b. Use materials and take part in activities that encourage creativity.
 - c. Learn new ideas and skills.
 - d. Participate in imaginative play.

RATIONALE

A planned but flexible program allows children to make decisions about their activities; encourages independence and creative expression; and fosters physical, social and emotional development.

RULE 271 (4) (e)

4. Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:
 - e. Participate in developmentally appropriate language and literacy experiences.

RATIONALE

Literacy is a process that begins at birth. Becoming literate is about using language to make oneself understood and to understand others and the world. Language is the foundation of reading development.

Engaging children in meaningful language and literacy experiences supports the development of communication skills including exchanging information, sharing feelings and developing strong emotional ties.

TECHNICAL ASSISTANCE

Language and literacy experiences include, but are not limited to:

- Looking at books with children.
- Reading (individually, in groups, during story time, etc.).
- Felt board stories.
- Finger plays.
- Talking with each other (serve & return).
- Playing games.
- Singing and playing music.
- Writing activities.
- Dramatic play activities.
- Show and tell and circle time.

BEST PRACTICE

Additional resources from the National Institute for Literacy include:

- “Learning to Talk and Listen” - An oral language resource for early childhood child care staff members at: [Learning to Talk and Listen pdf](#)
- “Make Time to Talk” - Language Building Tips for Center-Based Child Care Providers at: [Make Time to Talk pdf](#)
- [Michigan Library](#) resources
- [Literacy Supports](#)
- Great Start Collaborative and Family Coalitions for [Talking is Teaching](#) supports
- [Reach Out and Read](#)
- Michigan’s B-3 and Pre-K [Essential Practices](#)

RULE 271 (4) (f)

4. Developmentally appropriate experiences must be designed so that throughout the day

each child has opportunities to do all of the following:

- f. Participate in early math and science experiences.

RATIONALE

Math and science help children make sense of the world around them and find meaning in the physical world. They learn to reason, to connect ideas and to think logically.

Through mathematics, children learn to understand their world in terms of numbers and shapes. Integrating math into all parts of the day increases their learning and shows children that math is part of everyday life.

Children have a natural curiosity and interest in science, which allows them to be active learners and to construct knowledge through experimentation, problem solving and play. It also allows children to make choices about what they explore and experience.

TECHNICAL ASSISTANCE

Math and science experiences include but are not limited to:

- Counting.
- Sorting, classifying and sequencing.
- Baking/cooking activities.
- Setting the table, folding laundry.
- Matching games and puzzles.
- Water and sand play.
- Sensory activities.
- Exploring the outdoor environment.

RULE 271 (4) (g)

4. Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:
 - g. Be physically active.

RATIONALE

Increased physical activity is a key factor in reducing childhood obesity. Research indicates that regular physical activity seems to help protect against obesity during the preschool age. Physical activity improves children's attentiveness and decreases restlessness.

TECHNICAL ASSISTANCE

Examples of how children can be physically active include but are not limited to:

- Music and movement.
- Active games.
- Large motor activities.

- Outdoor play.
- Active transitions.
- Gym time.
- Stretching or exercises.

BEST PRACTICE

It is recommended that child care staff members be physically active with children.

RULE 271 (5)

5. A school-age program must supplement the areas of development not regularly provided for during the school day.

RATIONALE

A program for school-age children should provide an enriching contrast to the formal school program. Facilities that offer a wide range of activities such as outdoor play, team sports, food experiences, dramatics, art, music, crafts, games, free choice, quiet time, and use of community resources allow children to explore new interests and relationships.

TECHNICAL ASSISTANCE

School-age programs can allow children to do homework; however, the program must also have other activities available.

Resources:

- Michigan Out of School time Standards of Quality: [Michigan Out of School Time Standards of Quality](#)
- National Institute on Out of School Time: [NIOST](#)

RULE 271 (6)

6. A typical daily routine must be made available to parents.

RATIONALE

Preplanning provides a predictable, consistent routine for children and staff.

TECHNICAL ASSISTANCE

A parent's signed receipt for the parent handbook meets this rule if it includes a typical daily routine. The typical daily routine must include the general time frame or *order of daily activities* as well as activities that occur less often (such as gym time on Wednesdays).

BEST PRACTICE

Having a detailed plan for the day will help with doing a typical daily routine.

RULE 271 (7)

7. If awake, use of confining equipment for infants must be minimized, not to exceed 30 minutes at a time.

RATIONALE

American Academy of Pediatrics (AAP) Caring for Our Children: National Health and Safety Performance Standards recommends that infants not be seated for more than 15 minutes at a time, except during meals and naps.

The National Association of Sports and Physical Education reports that using confining equipment for infants and young children for extended periods of time may delay physical development, such as learning to roll over, crawl, and walk. It may also affect cognitive development.

NOTE: Moving infants from one confining piece to another does not meet this rule.

RULE 271 (8)

8. Tummy time must be required daily for all infants under 12 months of age, and must meet all of the following requirements:
 - a. Infants shall be directly supervised at all times while engaged in tummy time.
 - b. Infants shall be healthy, awake, and alert during tummy time. If an infant falls asleep, the infant must be immediately moved to a safe sleeping space.
 - c. During tummy time, infants shall not be placed on or near soft surfaces, including but not limited to cushions, pillows, or padded mats.
 - d. A parent may request in writing an exemption for their infant from tummy time. The request must be maintained in the child's file.

RATIONALE

Tummy time is not only one of the ways to prevent flat spots on an infant's head, it also helps strengthen baby's neck and arm muscles.

TECHNICAL ASSISTANCE

Firm mats, such as gross motor mats or play pads, that would not cause a suffocation hazard would be in compliance with this rule. Padded mats with soft surfaces that may cause suffocation cannot be used.

Activity centers or infant gyms specifically made for tummy time that could not cause suffocation

can be used.

Infants must be directly supervised while in tummy time while the other children in care are also supervised and cared for.

Infants who are crawling, cruising and walking are no longer required to have daily tummy time.

Resources:

- [Healthychildren.org: *Back to Sleep, Tummy to Play*](https://www.healthychildren.org/back-to-sleep-tummy-to-play)
- *American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. [Caring for Our Children](#).*

RULE 271 (9) & (10)

9. Use of media is prohibited for children under 2 years of age.
10. If media are used with children 2 years of age and older, all of the following apply:
 - a. Activities must be developmentally appropriate.
 - b. Interactive media must be used to support learning and to expand children's access to content and be suitable to the age of the child in terms of content and length of use per session.
 - c. Media with violent or adult content are prohibited while children are in care.
 - d. Use of non-interactive media must not exceed 2 hours per week per child.
 - e. If media are available for children's use, other activities must also be available to children.

RATIONALE

Research has shown possible negative outcomes of too much television use and other screen time include:

- Irregular sleep patterns.
- Behavioral issues.
- Focus and attention problems.
- Decreased academic performance.
- Negative impact on socialization and language development.
- Increased rates of childhood obesity.

Before the age of 3, television viewing can have modest negative effects on cognitive development of children. For that reason, the AAP and the White House Task Force on Childhood Obesity recommends that children under two years of age not watch television and children over two be limited to no more than two hours per day of quality TV.

Child care staff members cannot determine how much television a child watches at home. It is important to limit TV viewing so the AAP goal of less than two hours a day for children over age two can be achieved.

The AAP further recommends that “more interactive activities that will promote proper brain development, such as talking, playing, singing, and reading together” and “alternative entertainment for children including reading, athletics, hobbies, and creative play” be encouraged.

A rich variety of early experiences are critical to children’s brain development because they impact a child’s:

- Ability to solve problems.
- Self-control and emotional expression.
- Social interactions with others.
- Creativity.
- Success in school.
- Physical ability and health.

Play is an active form of learning and children learn best when actively engaged. The development of children’s abilities may suffer when much of their experience is through television, computers, electronic games, books, worksheets and media that require only two senses - sight and sound. It is important to provide children with opportunities to learn through their other senses as well, including the senses of smell, touch and taste and the sense of motion through space.

In 2012, the National Association for the Education of Young Children (NAEYC) and the Fred Rogers Center for Early Learning and Children’s Media at Saint Vincent College published a Position Statement on technology and media in early childhood programs. These subrules are based on the recommendations in that position statement.

TECHNICAL ASSISTANCE

The center must make sure that:

- Media is developmentally appropriate
- Promotes positive social values.
- Media does not replace or disrupt daily routines.
- Media use is limited and monitored closely.

Use the rating systems for television, video tapes, movies, video and computer games to decide what is ok for children.

- A description of movie ratings may be found at [motion pictures film ratings](#).
- Television ratings may be found at [Parents Television Council](#)
- Video and computer game ratings may be found on the Entertainment Software Rating Board’s website at [ESRB](#).

BEST PRACTICE

Technology and media should not replace activities such as:

- Creative play
- Real-life exploration
- Physical activity

- Outdoor experiences
- Conversation
- Social interactions that are important for children's development.

Technology and media should be used to support learning and expand access to new content; don't use media as an activity on its own. The following best practices are recommended:

- Preview movies, television programs and video and computer games prior to using them with children to ensure they are age and developmentally appropriate; don't rely solely on the rating.
- Watch media with the children in care; plan learning activities to expand on the media.
- Instead of using media, plan other learning activities, unless the media is linked to and supports your curriculum.
- Use books, toys and program activities to counter the effects of media.

RULE 271 (11)

11. An exception to the requirements of subrule (10)(d) of this rule may be made under the following conditions:
- a. School-age children using computers and any other electronic devices for academic and educational purposes.
 - b. Children using assistive and adaptive technology.

RATIONALE

School-age children may need to use computers and other electronic devices to complete homework or for other educational purposes. Children with disabilities may use a wide range of assistive and adaptive devices to increase or maintain their capabilities and perform tasks of daily living.

TECHNICAL ASSISTANCE

Assistive and adaptive technology can be anything home-made, purchased, or modified, that is used to help children with disabilities perform tasks and increase or maintain abilities. This could include a lot of things, including but not limited to:

- Electronic communication and schedule boards,
- Touch-screen or eye-gaze computer programs,
- Braille displays,
- Devices that assist with communication (pictures on a screen that are used to request food, drink or other care; speech generating devices).

RULE 271 (12)

12. For children with special needs, care shall be provided according to the child's needs as identified by parents, medical personnel, **or** other relevant professionals.

RATIONALE

Ensures:

- That a child's special needs are being met and professional recommendations are followed.
- Consistency and continuity in the care of children with special needs.

BEST PRACTICE

Written plans about a child's needs and how to meet those needs makes sure the child receives appropriate care. Written plans should be shared with all of the child care staff members. Centers may need to provide specific training to make sure staff understand how to meet a child's special needs.

The following best practices are recommended in the care of children with special needs:

- Research and become familiar with the condition.
- Talk with others who have experience with the condition.
- Take classes or workshops.

Working with Children Who Have Special Needs (BCAL-Pub 96) is available on the department's website [Child Care Resources](#).

RULE 271 (13)

13. Parents may visit the center during hours of operation for the purpose of observing their children.

RATIONALE

Parents' access to the child care center during the hours of operation allows them to observe the care their children receive.

TECHNICAL ASSISTANCE

One parent may not limit the other from visiting the child or getting information about the child's day, regardless of parenting time schedules. The program staff has no legal right to keep a parent from visiting his/her child unless there is a court order that limits one parent's right to visit the child. This rule is not meant to allow on-going parental visitations by the non-custodial parent.

BEST PRACTICE

The center should give parents a written policy on observation; the policy should tell parents that observing their child should not disrupt the program.

RULE 271 (14)

14. Outdoor nature-based child care centers shall utilize developmentally appropriate techniques to teach children about boundaries and self-regulation for outdoor play.

R400.8274 Primary care for infants and toddlers

RULE 274 (1)

1. As used in this rule, “primary teacher” means the child care staff member to whom the care of a specific infant or toddler is assigned. The primary teacher is responsible for direct care, verbal and physical interactions, primary responses to the child’s physical and emotional needs, and continued interaction with the child’s parents regarding the child’s experiences.

RULE 274 (2) – (3)

2. The center shall implement a primary care system so that each infant and toddler has a primary teacher.
3. Each infant and toddler shall have not more than 4 primary teachers in a week. These 4 primary teachers shall remain with the children for the program year to promote continuity of care for the children. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing. This rule does not preclude a primary teacher from being relieved by another teacher or child care staff member while taking a lunch period or short break. This rule does not preclude a center from advancing a child to another classroom with new primary teachers if developmentally appropriate.

RATIONALE

An established system helps child care staff members understand and implement primary caregiving responsibilities and assignments.

Social-emotional development is the capacity to experience and regulate emotions, form secure relationships and explore and learn. Research shows that critical brain connections in the early years are primarily formed by attentive care and nurturing stimulation by child care staff members.

The purpose of primary caregiving is to ensure that each child’s needs for intimacy and safety are met thereby fostering trust in adults and enhancing the positive social emotional development of the child.

Trustworthy, caring adults who provide care and learning experiences play a key role in a child’s development. Limiting the number of adults with whom infants and toddlers interact fosters reciprocal understanding of communication cues that are unique to each child. This leads to a sense of trust of the adult by the child that the child’s needs will be understood and met promptly.

Studies of infant behavior show that infants have difficulty forming trusting relationships in settings where many adults interact with a child. This difficulty occurs even if each of the many adults is very caring in their interaction with the child.

TECHNICAL ASSISTANCE

This rule does not keep a primary teacher from being relieved by another child care staff member while taking a lunch period or short break.

There are three benefits to children having a primary teacher:

1. Continuity of care – the child has the same child care staff members each day.
2. Consistency – the child can count on having the same child care staff members.
3. Appropriate social interactions – the child care staff members and the child know each other and can interact easily.

While children can have primary attachments with more than one person, it cannot happen if there are constant changes in teachers.

Each child must always have a primary teacher assigned while in care. If the primary teacher's shift ends before the child leaves, a second primary teacher must be assigned.

The primary teacher (1) takes care of their assigned child's needs and (2) is responsible for most of that child's daily routines:

- Greetings and departures.
- Comforting.
- Feeding.
- Diapering.
- Napping.
- Tracking individual milestones.
- Indoor and outdoor play.

Consider the following to make sure there is compliance:

- See if children seek out their primary teacher for help and comfort.
- Watch to see primary teachers caring for each of their assigned children, (e.g., feeding, nurturing, diapering, etc.)
- Talk with *child care staff members* to understand how they meet primary caregiving responsibilities.

The primary teacher helps bring about positive social development (learning social skills).

Consider the following to make sure there's compliance:

- Watch how primary teachers help the child join play groups or share, take turns, care about, etc. between children.
- Watch how primary teachers help children settle conflict.
- Watch for verbal and nonverbal praise when a child does well socially.
- Observe for nurturing behavior such as:
 - Responding to the physical and emotional needs of each child.
 - Understanding the child's cues
 - Being sensitive to the child as an individual.

- Anticipating what each child needs to make sure there are no problems or stress.

Even though each child must have their primary teachers during the day, child care staff members should work together with groups of children to make a positive environment.

BEST PRACTICE

Even though the rule allows up to four primary child care staff members for children in one week, it is recommended that centers schedule child care staff members so children can have the least amount of primary child care staff members.

The Infant/Toddler Primary Caregivers Documentation (BCAL-4557) form may be used and is available on the department's website [Child Care Resources](#).

RULE 274 (4)

4. Primary teachers' schedules for each infant or toddler must be documented and provided to parents.

RATIONALE

Facilitates continuity of care for children.

TECHNICAL ASSISTANCE

Document primary teacher assignments in writing. This can be done by:

- Posting the assignments in the child care room.
- Writing it on the written daily record [required by R 400.8146(3)].
- Using the Infant/Toddler Primary Caregivers Documentation (BCAL-4557) form. [Child Care Forms](#)
- Making some other written form kept at the center.
- Using an electronic version. This must be available during inspections/investigations to verify documentation.

RULE 274 (5)

5. Information regarding a child's food, health, and temperament must be shared daily between primary teachers if more than 1 primary teacher is assigned to any infant or toddler.

RATIONALE

Ensures parents know who is caring for their child and with whom they need to communicate with regarding their child.

TECHNICAL ASSISTANCE

Primary teachers should use the same ways of caring for the child so:

- Children have structure and routine.
- Children have their needs met the same way by all child care staff members.
- Children have a smooth transition between child care staff members during the day.

To decide whether primary teachers are using the same caregiving practices:

- Watch to see if primary teachers share information about each child and their care when there is a new primary teacher or shift change.
- Look for the same caregiving practices between primary teachers.
- Watch how primary teachers talk with parents.
- Interview program staff about communication between parents and primary teachers.
- It is recommended that centers use written documentation that can be read by all program staff (such as the written daily log required for infants and toddlers, as required by R 400.8146(3)).

RULE 274 (6)

6. An exception to this rule may be made if the center is transporting children and is in compliance with R 400.8760 (1) and (2).

RATIONALE

Children being transported are seated in a confined space that limits their activities.

R400.8277 Nighttime care

RULE 277 (1) – (3)

1. If a child is in nighttime care, a separate area, away from sleeping children, where the child can engage in quiet activities must be available.
2. A child shall be allowed to go back to sleep if dropped off during any nighttime care hours.
3. If a child is in nighttime care for more than 1 hour, a crib, portable crib, mat, or cot appropriate to the age of the child must be available.

RATIONALE

Due to varying parental work schedules, children may be picked up at various times during nighttime hours, some children may be awake while others are asleep.

TECHNICAL ASSISTANCE

“Nighttime care” means care between the hours of midnight and 5 a.m.

Cribs and portable cribs must have:

- a firm, tight-fitting, waterproof mattress, and
- a tightly fitted bottom sheet
- no extra padding between the sheet and mattress.

BEST PRACTICE

Give children a bed or mattress with a waterproof covering for nighttime care when appropriate for their age.

R400.8280 Discipline

RULE 280 (1) – (3)

1. Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
2. All of the following means of punishment are prohibited:
 - a. Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
 - b. Placing any substances in a child's mouth, including, but not limited to, soap, hot sauce, or vinegar.
 - c. Restricting a child's movement by binding or tying the child.
 - d. Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
 - e. Depriving a child of meals, snacks, rest, or necessary toilet use.
 - f. Excluding a child from outdoor play or other gross motor activities.
 - g. Excluding a child from daily learning experiences.
 - h. Isolating a child in an adjacent room, closet, locked room, box, hallway, darkened area, play area, or another area where the child cannot be seen or supervised.
3. Time out must only be used in combination with instructional approaches that teach children what to do in place of the behavior problem.
 - a. Time out must not be used for children under 3 years of age.
 - b. The program staff or volunteer shall remain calm when placing the child in time out.

RATIONALE

Discipline is most effective when it is consistent, reinforces desired behavior, and offers natural and logical consequences. Discipline helps children gain control over their behavior. Children act best when they know the rules and know they are expected to follow them.

Positive methods of discipline create a constructive and supportive social group and reduce incidents of aggression. Positive discipline methods will help guide a child toward self-discipline and independence.

Child care staff members are more likely to avoid inappropriate practices if they are well trained about effective, positive methods for managing children's behaviors.

Children deserve to be treated respectfully and appropriately in a positive manner. Research links mental and emotional stress and corporal punishment with negative effects such as impairment of learning and later criminal behavior.

TECHNICAL ASSISTANCE

Discipline means helping a child learn to control their behavior and emotions. It is not punishment. It is not just getting a child to “mind.” Positive discipline methods guide a child toward self-discipline and independence.

Positive methods of discipline include:

- Redirect or distract a child from an unacceptable activity to a constructive one. That means when you see a child doing something they shouldn’t, offer them something different to play with, or move them to do something better.
- Plan ahead to prevent problems.
- Encourage, teach, and model appropriate behavior. Show them how you want them to behave.
- Set consistent, clear rules.
- Talk to the child about the feelings he/she is having. Help them understand how they feel and how to deal with it.
- Offer other ways to solve a problem.
- Involve children in solving problems.
- Make sure there is a relationship between the behavior and the discipline method.
- Tailor the method of discipline to the individual child.
- Remove the child from the source of conflict.

Time-Out

Only use a time-out to stop aggressive behavior. Time out should be used with teaching (instructional approaches) so angry or upset children can calm down. Time out lets children clear their minds; then they can be ready to rejoin the group or activity. Use time-outs only as a last resort to help the child gain a better sense of self-control.

When using time-out, program staff must ensure:

- They set realistic expectations for the child's behavior.
- Any teaching (instruction) is done calmly and with a calm tone of voice.
- The focus of the instruction is on what the child could have done.
- Consequences immediately follow the child's behavior.
- Children are not humiliated or made to feel threatened or afraid.
- The time-out does not last longer than it takes for the child to calm down. Children remain supervised at all times.

BEST PRACTICE

Resources include, but are not limited to:

- Great Start to Quality Regional Resource Centers GSQ
- The National Association for the Education of Young Children’s (NAEYC) guide to accreditation at NAEYC
- Trainings at MiRegistry

The following publications are available on the department's website at Child Care Resources:

- Fussy Baby (BCAL-Pub 689).
- Positive Discipline - Including the Proper Use of Time Out (BCAL-Pub 787).

RULE 280 (4) – (5)

4. A non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues may be used if reasonably necessary, based on a child's development, to prevent a child from harming themselves or to prevent a child from harming other individuals or property, excluding those forms of punishment prohibited by subrule (2) of this rule. The plan for when the restraint should be initiated; the actual use of the restraint, such as holding the child as gently as possible, and timed use of the restraint must be developed in collaboration with the parent or guardian with the parent or guardian giving final approval of the plan.
5. A written discipline policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to program staff, volunteers, and parents.

RATIONALE

Undue physical restraint, especially with bonds, ties, or straps, is inappropriate. Ensures that parents and all child care staff members are informed of the policies regarding the discipline of children.

TECHNICAL ASSISTANCE

All program staff are responsible and accountable to:

- Make sure that a child's movement is not restricted by the use of a harness, leash, or other restraint device.
- Make sure that the strap on confining equipment, such as high chairs, is used to keep the child stable in that type of chair. Straps should not be used for punishment or discipline.
- Make sure you use firm and consistent expectations. Children should not be made to feel shame or humiliation.

Children cannot be kept away (excluded) from outdoor play or large gross motor activities as a behavioral consequence. Examples of this include:

- Not allowing a child to go outside because they did not behave during small group time.
- Taking away the entire outdoor period for throwing sand.
- Excluding the child from gym activities for not eating their lunch.

Children cannot be excluded (kept away or removed) from daily learning experiences. This does not include age-appropriate discipline, like:

- Redirecting a child from the block area after throwing blocks.
- Having a child be included in small group time in a way that works for the child and the group, like having the child sit a few feet away.

- Using time out when appropriate as outlined in subrule (1) of this rule.

Note: The practices outlined in this subrule are not allowed to be used. Parental permission does not matter. Any program staff that has questions or concerns with a parental discipline request should contact their licensing consultant.

If you must use non-severe and developmentally appropriate restraint to protect a child, it is ok to hold the child gently. Do not physically restrain children longer than necessary to control the situation.

Examples of inappropriate restraint include, but are not limited to:

- Holding a child with too much physical force.
- Holding a child down on a sleep surface.
- Sitting on a child.
- Confining a child to a highchair, swing, car seat, crib, etc.
- The discipline policy must be reviewed and discussed at orientation for newly hired child care staff members and unsupervised volunteers.

The discipline policy must include:

- How program staff manage children's behavior using positive methods of discipline
- How program staff encourage children to develop self-control as required by R 400.8280(1).
- Age-appropriate discipline methods for the ages and levels of understanding of the children in care.

BEST PRACTICE

Program Staff may need specific training to know when and how to properly restrain a child.

This policy can be added to the parent handbook and the staff handbook.

A copy of the policy should be given to all personnel and volunteers

Centers may include a list of the forms of discipline prohibited by R 400.8280 (2) in their discipline policy. The policy should include how to handle specific behaviors – biting, bullying, aggression, etc.

R400.8301 Definitions

RULE 301 (1)

1. As used in this part:
 - a. “Bulk foods” **means** larger quantities of food that are used over time, such as flour, sugar, noodles, **and** rice. Food that is used up in a week or less, such as crackers, are not considered bulk foods.
 - b. “Corrosion-resistant materials” means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bacterial solutions, and other conditions-of-use environment.

TECHNICAL ASSISTANCE

“Corrosion-resistant materials” don’t change when they come into contact with food, cleaning products, or other things they might touch.

- c. “Food” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.
- d. “Food-contact surface” means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- e. “Food grade surface” means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.
- f. “Food service equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a center.
- g. “Packaged” means bottled, canned, **in a carton**, or securely wrapped.
- h. “Ready to eat food” means food that does not require cooking and is not cooked before being served.
- i. “Sealed” means free of cracks or other openings that allow the entry or passage of moisture.
- j. “Single-service articles” means those food service articles intended for 1-time, 1-person use and then discarded.
- k. “Tableware” means multi-use eating and drinking utensils.
- l. “Time/Temperature Control for Safety food” or “TCS food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- m. “Utensil” means any implement used in the storage, preparation, transportation, or service of food.

R400.8305 Plan review; approval; inspections

RULE 305 (1)

1. All local health department requirements regarding plan reviews and specifications must be followed. Written confirmation that this has occurred must be submitted to the department.

RATIONALE

Ensures the safety and welfare of children and adults by ensuring that new construction or renovations will meet licensing rules and environmental health requirements for child care centers.

TECHNICAL ASSISTANCE

Contact the local environmental authority before a licensee or applicant start new construction, renovation, or remodeling a kitchen, bathroom, food preparation, or food storage area. Use the Environmental Health Inspection Request (CCL-1787-CC) form to be compliant with local regulations.

Not all local health authorities are willing or able to do plan reviews for child care centers. If the local health authority will not do a plan review, the center must give the department documentation about that. A written statement from the health authority would be acceptable.

RULE 305 (2)

2. An inspection must be conducted by the local health department, and an approval granted indicating compliance with all of the rules in this part, except R 400.8330, 400.8335, and 400.8340, at all of the following times:
 - a. Before issuance of an original license.
 - b. Every 2 years, at the time of renewal, if the center has a private well or septic.
 - c. Every 2 years, at the time of renewal, if the center provides food service where the food is prepared and served on-site, unless the kitchen is currently licensed to provide food service.
 - d. Prior to adding a food service program.
 - e. Prior to adding an infant or toddler program.
 - f. When requested by the department.

RATIONALE

Ensures new and existing centers meet the licensing rules for environmental health.

TECHNICAL ASSISTANCE

Environmental health inspections must be dated within one year of when the center is originally licensed

Centers must have an “A” rating on an environmental health inspection report before:

- an original license is issued,
- a license is renewed [when required by subrules (b) and (c)],
- when adding food service or
- when adding an infant/toddler program.

This shows “substantial compliance” with all of the rules in this part (except R 400.8330, 400.8335, and 400.8340).

Centers with private well and/or septic must have a complete Environmental Health inspection i every two years at renewal.

For subrule (2)(c) only: Center licensees that have a licensed kitchen n the building (such as a school) can use, a copy of the current food service license in place of a complete Environmental Health Inspection. If the food service license is not current or available, a complete Environmental Health Inspection is required.

If the center has a licensed kitchen and also has a private well and/or septic, a complete Environmental Health inspection is required every two years at renewal.

Applicants and licensees are responsible for contracting with and paying for any environmental health inspections. Request an inspection by submitting the Environmental Health Inspection Request (CCL-1787-CC) form to the local health department.

A center provides food service when food is prepared and served onsite.

Example 1:

- Children are in care from 7 am to 6 PM daily.
- Parents do not have to provide their children’s meals and snacks.
- The center provides breakfast, lunch and snack daily.
- Most of the meals require some sort of preparation and/or cooking.

This is considered food service.

Example 2:

- Children are in care from 7 am to 7 PM daily.
- Parents do not have to provide their children’s meals and snacks.
- The center provides breakfast, lunch and snack daily.
- Most of the food is ready-to-eat.
- The center does not cook any food, but many of the food items need some preparation – putting together sandwiches or heating frozen food (like chicken nuggets).

This is considered food service.

Example 3:

- Children are in care from 6:30 am to 6:30 PM daily.
- Parents send meals and snacks for their children.
- The center provides milk and water.
- Center staff feed and assist children with the food their parents send.
- Sometimes program staff may warm an item in the microwave.

This is not considered food service.

Example 4:

- Children are in care from 8:30 to 11:30 am daily.
- Parents do send snacks for their children.
- The center provides a variety of ready-to-eat foods for snack (pretzels, crackers and fruit cups).

This is not considered food service.

Example 5:

- Children are in care from 7:30 am to 5:30 PM daily.
- Parents do not send their children's meals and snacks.
- The center brings in food from an approved source (a licensed restaurant, kitchen, or catering service) for breakfast and lunch.
- The center have ready-to-eat foods for snacks.

This is not considered food service.

Example 6:

- Children are in care from 8:30 to 11:30 am daily.
- Parents send snacks that are shared among all the children.
- The snacks parents provide are ready-to-eat.

This is not considered food service.

When a center operates in a school building using a municipal water and sewer:

Note: As spelled out in example 5, if a center brings in food from an approved source (a licensed restaurant, kitchen, or catering service), this is not considered food service.

If a center brings in food from a licensed kitchen that is in the same building, but it is not under the control of the center, this is not considered food service.

If a center gets food from a licensed kitchen in the same building but it is run by a private contractor, this is not considered food service.

Example 1:

- Forest View Elementary School is the licensee for a preschool program in the building.
- Forest View Elementary School also has a licensed kitchen that makes food for the elementary school students and the preschool children.

This is considered food service. A copy of the food service license can be accepted instead of a completed Environmental Health inspection as long as the center does not have a private well and/or septic.

Example 2:

- Suzie Smith, licensee, operates Suzie's Child Care out of Forest View Elementary School.
- Suzie Smith leases the space for the child care center from the school.
- Forest View Elementary has a licensed kitchen.
- As part of her lease agreement, Suzie Smith uses food from that kitchen for the children attending the child care center.

This is not considered food service.

Example 3:

- Washington Elementary School is the licensee and operates a preschool program in the building.
- Washington Elementary School has a licensed kitchen.
- The kitchen is run by Good Food, a private food service contractor.
- Good Food provides food for the elementary school students and the preschool children who attend the child care center.

This is not considered food service.

BEST PRACTICE

If the center *contracts* food service from an approved source (a licensed restaurant or catering service), the center should verify the food service license of the approved source.

The law says centers with private water must have their private water supply tested on a regular basis. When the full environmental health inspection is due, the regular water test should be done at the same time to cut down on water tests.

Centers with Non-transient Noncommunity Water Supply

Any center with private water that has 25 or more children and staff onsite is considered a non-transient noncommunity water supply (NTNCWS) under the Safe Drinking Water Act (1976 PA 399).

The Safe Drinking Water Act (and related rules) requires:

- certified drinking water operators for all non-transient noncommunity water supplies (Part 19).
- K-12 schools and child care centers with to notify consumers of all lead results, even when lead is not detected.
- Centers to certify that they completed consumer notification of lead results by sending a signed statement to the State Drinking Water Program [Part 4, Rule 410 (5)].

Centers should provide parents and employees with an annual water quality report that:

- goes over water samples
- shares violation data for the previous calendar year

- shares health effects of any violations to a maximum contaminant level. There is an annual fee for noncommunity non-transient water supplies (MCL 325.1011a). The Michigan Department of Environment, Great Lakes and Energy (EGLE) collects the annual drinking water fees.

Contact the local health department with questions about these requirements. For more information regarding fees, contact Michigan Department of Environment, Great Lakes and Energy [Noncommunity Water Program Staff](#). More information is available at [Noncommunity Water Supply](#).

R400.8310 Food preparation areas

RULE 310 (1)

1. Food contact surfaces must be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

RATIONALE

Cracked, chipped, or porous surfaces, including wood cutting boards, may trap food or other organic materials that can promote bacterial growth and contaminate the next food that is cut or that comes in contact with that surface.

TECHNICAL ASSISTANCE

Cracked, chipped, or surfaces that can soak up liquids, (like wood cutting boards), may trap food or other organic materials. This can help bacteria grow and can get on the next food that is cut or that comes in contact with that surface.

Surfaces must be in good repair. Surfaces repaired with tape (like duct tape or other kinds of tape) or surfaces covered with contact paper are not acceptable.

BEST PRACTICE

Cutting boards should be made of heavy-duty plastic, acrylic, Plexiglas, or tempered glass. They do not soak up liquids (are non-porous) and can be cleaned in a dishwasher.

RULE 310 (2)

2. Carpeting is prohibited in food preparation areas.

RATIONALE

Carpeting is absorbent and not easily cleaned.

TECHNICAL ASSISTANCE

Using a microwave oven to heat food does not equal a “food prep area”.

Food Prep includes but is not limited to:

- mixing ingredients such as mixing infant cereal with water and/or milk and
- washing and cutting fruit.

Food prep does not include:

- warming a premade bottle
- opening and serving prepackaged foods (a granola bar, apple sauce, crackers, etc.)

A center provides food service when food is prepared and served *onsite*.

RULE 310 (3)

3. Mechanical ventilation to the outside is required for all fuel-fired cooking equipment, including, but not limited to, stoves, ranges, ovens, and griddles.

RATIONALE

An exhaust system must properly collect fumes and grease-laden vapors at their source. Properly maintained vents and filters control odor, fire hazards, and fumes.

TECHNICAL ASSISTANCE

“Commercial cooking equipment” means equipment that is usually found in restaurants and other food service businesses. Mechanical ventilation inspections are usually done by a local mechanical inspector.

BEST PRACTICE

Vents and filters should be cleaned or changed regularly, as needed.

RULE 310 (4)

4. If residential hood ventilation is used, cooking equipment must be limited to residential stove and oven equipment.

RATIONALE

A residential ventilation system cannot adequately vent commercial kitchen equipment.

RULE 310 (5)

5. Mechanical ventilation to the outside may be required if a problem is evidenced.

RATIONALE

Ensures fumes and vapors are properly vented. Prevents fire hazards and odors.

TECHNICAL ASSISTANCE

A sanitarian should decide if equipment needs to vent to the outside.

RULE 310 (6)

6. The use of deep fryers is prohibited.

RATIONALE

Hot oil in deep fryers may cause serious injury or fire.

RULE 310 (7)

7. Live animals are prohibited from food preparation and eating areas.

RATIONALE

Animals may contaminate food and cooking and eating surfaces.

TECHNICAL ASSISTANCE

A pet in a cage can be in the same room if the center has one large room where snacks and meals are served to children. The live animal can't come into direct contact with the food preparation or eating areas.

RULE 310 (8)

8. If the only food preparation is for feeding infants and toddlers, there must be a sink that is used exclusively for food preparation and clean up.

RATIONALE

Prevents cross contamination and the spread of disease.

TECHNICAL ASSISTANCE

Sinks used to prepare, serve, and clean up food and bottles can't be used for hand washing after diapering and toileting.

R400.8315 Food and equipment storage

RULE 315 (1)

1. Each refrigerator must have an accurate working thermometer indicating a temperature of 41 degrees Fahrenheit or below.

RATIONALE

Storage of food at proper temperatures minimizes bacterial growth.

BEST PRACTICE

Freezers should maintain foods at 0 degrees F or lower.

Put the thermometer in the warmest part of the refrigerator for the best reading - in the front on the top shelf. It should not be placed in the door because it can be damaged by opening and closing of the door.

RULE 315 (2)

2. All artificial lighting fixtures located over, by, or within food storage, preparation, and service areas, or where utensils and equipment are cleaned and stored, must be properly shielded.

RATIONALE

Prevents injury and contamination of food.

TECHNICAL ASSISTANCE

The following options comply with this rule:

- Light fixtures with a plastic shield under and around the light bulb.
- Shields that fit directly on and completely cover fluorescent light bulbs.
- Rubberized or shatterproof light bulbs.

Refrigerator light bulbs must comply with this rule.

RULE 315 (3)

3. Unpackaged bulk foods **must** be stored in clean covered containers, dated, and labeled as to the contents.

RATIONALE

Containers prevent insect infestation and contamination from other foods. By labeling and dating food, staff can rotate the oldest food to be used next and discard foods that have exceeded safe storage guidelines.

TECHNICAL ASSISTANCE

Freezers should maintain foods at 0 degrees F or lower. "Bulk foods" are larger amounts of food that are used over time, such as flour, sugar, noodles, rice, etc. Food that is used up in a week or less, such as crackers, are not considered bulk foods. Refrigerator light bulbs must comply with this rule.

RULE 315 (4) - (8)

4. Food not subject to further washing or cooking before serving must be stored in a way that protects it from cross-contamination from food requiring washing or cooking.
5. Packaged food **must** not be stored in contact with water or undrained ice.

RATIONALE

Prevents contamination of food and minimizes the potential for food borne illness

6. Poisonous or toxic materials must not be stored with food, food service equipment, utensils, or single-service articles.
7. Food, food service equipment, and utensils must not be located under exposed or unprotected sewer lines, open stairwells, or other sources of contamination. Automatic fire protection sprinkler heads are the exception.
8. The storage of food, food service equipment, or utensils in toilet rooms is prohibited

RATIONALE

Prevents contamination of food and equipment.

RULE 315 (9)

9. Food and utensils must be stored in a cabinet or a shelf above the floor.

RATIONALE

Prevents food contamination, keeps insects and rodents from entering the products and facilitates cleaning the floor under the food.

BEST PRACTICE

Store silverware and serving utensils so all handles face the same way to keep children or staff from touching the part that touches the food.

RULE 315 (10)

10. All food service equipment must be above the floor, moveable, or be properly sealed to the floor.

RATIONALE

Prevents contamination of equipment and facilitates cleaning.

TECHNICAL ASSISTANCE

Any space thicker than a credit card under non-moveable equipment must be properly sealed so dirt, insects, spillage, etc. can't get under it.

RULE 315 (11)

11. Meals that are transported must be prepared in commercial kitchens and delivered in carriers approved by the local health department.

RATIONALE

Ensures the child care center receives safe food.

TECHNICAL ASSISTANCE

When food is made and delivered by an off-site central kitchen or vendor, that kitchen or vendor must be inspected and approved by the local health authority. The center's kitchen does not need to be approved when the food is prepared off-site.

Food must be brought promptly in clean, covered containers that keep hot foods at or above 135 degrees F, and cold foods at or below 41 degrees F.

R400.8320 Food preparation

RULE 320 (1)

1. Food must be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.

RATIONALE

Prevents food borne illness. Ensures the health and safety of children.

BEST PRACTICE

Unpasteurized foods, including unpasteurized cider, should not be used because they are a contamination risk.

RULE 320 (2)

2. Food must be prepared on food grade surfaces that have been cleaned and sanitized.

RATIONALE

Prevents food borne illness. Ensures the health and safety of children.

TECHNICAL ASSISTANCE

“Food grade surface” means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.

“Clean” means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.

The following steps must be followed for cleaning and sanitizing:

- Wash the surface or utensil vigorously (hard) with soap and water.
- Rinse the surface or utensil with clean water.
- Dunk into, wipe, or spray the surface or the utensil with a sanitizing solution.
- Let the surface or utensil air dry.

Examples of sanitizing solutions include but are not limited to:

- A mixture of one gallon of water and one teaspoon to one tablespoon non-scented chlorine bleach (bleach concentration between 50 – 200 parts per million).
- Use test strips every day to check the concentration of the bleach/water solution. You can buy test strips from most food service suppliers.
- Be careful with sanitizers bought at a store. Make sure to use them according to the manufacturer’s instructions.

Note: Commercial disinfecting or sanitizing wipes may be used. Make sure to use a test strip every day to check the concentration of the wipes in the container. The concentration must be at least 50 – 200 parts per million.

Note: When sanitizing food preparation/service surfaces:

- Make sure bleach used has an EPA number showing it is ok for food sanitizing.
- Make sure commercial sanitizers are unscented and it says on the label that they are safe for food contact surfaces.

BEST PRACTICE

Bleach is recommended as a sanitizing product because it is safe, it works well, and it doesn't cost much.

Centers for Disease Control and Prevention [CDC website](#)

Know the difference between cleaning, disinfecting, and sanitizing. Cleaning removes germs, dirt, and impurities from surfaces or objects. Cleaning works by using soap (or detergent) and water to physically remove germs from surfaces. This process does not necessarily kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.

Sanitizing lowers the number of germs on surfaces or objects to a safe level, as judged by public health standards or requirements. This process works by either cleaning or disinfecting surfaces or objects to lower the risk of spreading infection.

Disinfecting kills germs on surfaces or objects. Disinfecting works by using chemicals to kill germs on surfaces or objects. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface after cleaning, it can further lower the risk of spreading infection.

Something is corrosive if it can cause damage. Before you use corrosive substances, such as bleach, you should contact Michigan Occupational Safety and Health Administration (MIOSHA) to ensure you follow any safety requirements, like having an eyewash station. For more information, go to the MIOSHA website at [LEO - MIOSHA](#) or contact the Consultation, Education & Training Division at (517) 284-7720.

The local health department might have a list of approved sanitizers. Centers are encouraged to use separate spray bottles for soapy water, rinse water, and a sanitizing solution.

RULE 320 (3)

3. Raw fruits and vegetables must be thoroughly washed before being cooked or served.

RATIONALE

Soil particles and contaminants that adhere to fruits and vegetables can cause illness.

TECHNICAL ASSISTANCE

Use running water from a filtered water source to thoroughly wash raw fruits and vegetables before serving.

RULE 320 (4) & (5)

4. Staff shall minimize bare-hand contact with foods that will be cooked.
5. Ready to eat foods must not be prepared or served using bare hands.

RATIONALE

To minimize contact with food to prevent contamination and the spread of disease.

TECHNICAL ASSISTANCE

Disposable food service gloves are not required when making foods that will be cooked. When handling ready-to-eat food, *like crackers, dry cereal, pretzels, etc.*, use any of the following:

- Utensils.
- Clean disposable food service gloves.
- Deli tissue.

BEST PRACTICE

It is recommended that staff wear sanitary (clean, unused) disposable food service gloves when preparing foods, even foods that will be cooked.

RULE 320 (6)

6. Food must be cooked to heat all parts of the food to the safe temperature identified by the [Michigan Food Code and Food Law/Safe Cooking Guidelines](#).

RATIONALE

Prevents the spread of food-borne illness.

TECHNICAL ASSISTANCE

Use a probe thermometer to check the temperature as indicated in subrule (10) of this rule. Insert the thermometer into the center of the food mass in a few different places to measure the temperature.

Raw animal foods and foods with raw animal in them must be cooked to heat all parts of the food. Food temperatures need to be:

General Safe Cooking Temperatures		
Food (Includes Pre-Cooked Foods from a Food Supplier)	Temp	Time*
Fruits and vegetables	140°F	
Pork – ham, bacon and injected meats	145° F	15 sec.
Beef steaks, veal, lamb, and commercially raised game animals	145° F	15 sec.
Fish, foods containing fish	145° F	15 sec.
Raw shell eggs prepared for immediate service	145° F	15 sec.
Beef and pork roasts	145° F	3 min.
Eggs cooked for later service	155° F	15 sec.
Ground or flaked beef and pork	155° F	15 sec.
Poultry (including turkey)	165° F	15 sec.
Stuffing, stuffed meats, casseroles and other dishes combining raw and cooked foods	165° F	15 sec.
Egg dishes	165° F	15 sec.
Potentially hazardous foods cooked in microwave (meat, poultry, fish, eggs)	165° F	Let stand for two minutes after cooking before taking the temp.

*Time is the amount of time the thermometer must be inserted into the food item prior to reading the temperature. The time is important because it takes that long for the temperature to register and provide an accurate reading.

BEST PRACTICE

Centers should take note of food temperatures to show compliance with this rule. One way to document food temperatures: make notes on daily menus and keep the menus for the center's records.

RULE 320 (7)

7. TCS foods must be thawed using 1 of the following methods:
 - a. In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.
 - b. Completely submerging the item under cold water, at a temperature of 70 degrees Fahrenheit or below, that is running fast enough to float off loose ice particles.
 - c. In a microwave oven for either of the following:
 - i. The food is immediately transferred to conventional cooking facilities as part of a continuous cooking process.
 - ii. The entire cooking process takes place in the microwave oven.
 - d. As part of the conventional cooking process.

RATIONALE

Prevents bacterial growth and food-borne illness.

TECHNICAL ASSISTANCE

Do not defrost TCS foods by leaving them at room temperature or putting them in water. This includes pre-cooked foods from a food supplier.

RULE 320 (8)

8. The temperature of TCS foods must be 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above, at all times, except during necessary periods of preparation.

RATIONALE

Prevents bacterial growth and food-borne illness.

TECHNICAL ASSISTANCE

Make sure all TCS food is kept at 41°F. When serving, make sure it's at 135°F or above. Use a thermometer as spelled out in subrule (10) of this rule. Insert the thermometer into the center of the food mass in a few different spots to correctly measure the temperature.

Proper cooling techniques require that food be cooled:

- Within two hours from 135°F to 70°F.
- Within four hours from 70°F to 41°F or less.

BEST PRACTICE

Prepare, serve, and eat food in four hours or less.

RULE 320 (9)

9. TCS foods that have been cooked and refrigerated or frozen must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.

RATIONALE

Prevents bacterial growth and food-borne illness.

TECHNICAL ASSISTANCE

“Reheated rapidly” means within two hours.

This applies to all TCS food, including:

- Pre-cooked food from a supplier that was heated at the center per subrule (7) of this rule,
- Raw foods prepared and cooked by the center.

When reheating TCS food, including pre-cooked food, use a probe thermometer to check the temperature (see subrule (10) of this rule). It is important to make sure that it reaches 165°F or above. Insert the thermometer into the center of the food mass in a few spots to properly measure the temperature.

All foods cooked in a microwave have to stand for two minutes before taking the temperature to let it even out.

RULE 320 (10)

10. Probe thermometers must be used to ensure the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all TCS foods.

RATIONALE

Prevents bacterial growth and food-borne illness.

TECHNICAL ASSISTANCE

A probe thermometer has a point-shaped metal stem that is used to measure the internal temperature of foods. Insert the stem into the food. Probe thermometers can have digital or dial displays. Temperature ranges are from 0°F to 220°F. To calibrate, or fine tune, place the thermometer into an ice water bath that is two to three inches deep for about one minute. It should read 32°F. If not, adjust the thermometer to read 32°F.

BEST PRACTICE

Thermometers should be calibrated regularly.

Clean and sanitize the thermometer before putting it into different foods and between uses. The best way to clean and sanitize a thermometer is to wipe it with an alcohol swab. If an alcohol swab is not available, then it can be cleaned and sanitized by:

- If no food is stuck to it, rinse it, then sanitize it with a sanitizing solution.
- If food is stuck to it, wash it with soap and water. Rinse it, then sanitize it with a sanitizing solution.

RULE 320 (11)

11. On field trips, all foods must be protected from contamination at all times as required by this rule.

RATIONALE

Prevents contamination and food-borne illness.

RULE 320 (12)

12. In the absence of proper hand washing facilities on field trips, individuals preparing and serving food shall use hand sanitizer and wear sanitary disposable food service gloves properly.

RATIONALE

Prevents contamination and food-borne illness.

R400.8325 Dishwashing

RULE 325 (1)

1. All tableware, utensils, food contact surfaces, and food service equipment must be thoroughly cleaned and sanitized after each use. Multi-purpose tables must be thoroughly cleaned and sanitized before and after they are used for meals or snacks.

RATIONALE

Prevents contamination and food-borne illness. Washing, rinsing and sanitizing tables after any use ensures that tables are cleaned and sanitized before food comes into contact with the surface.

TECHNICAL ASSISTANCE

“Clean” means scrubbing and washing away dirt, food, soil, and other types of trash a detergent solution and rinsing with water.

The following steps must be followed for cleaning and sanitizing surfaces and items:

- Firmly wash with soap and water.
- Rinse with clean water.
- Wipe or spray with a sanitizing solution or dunk items into the solution.
- Let the article or surface air dry.

Note: Tables and highchairs can be dried with a towel that is only used one time. Do not reuse the towels because it contaminates a surface.

BEST PRACTICE

Bleach is a recommended sanitizing product as it is safe, effective, and low cost.

Best practice is that food should not be placed directly on the table surface or highchair tray. Plates are less likely to be contaminated than even washed, rinsed and sanitized tables. Eating from a plate also cuts down on contamination of the table surface when children put down partially eaten food while they are eating.

RULE 325 (2)

2. Enamelware utensils are prohibited.

RATIONALE

Prevents contamination of food as enamelware chips easily making it more difficult to clean. Heavy metals and other contaminants in enamelware can leach into food.

RULE 325 (3)

3. Reuse of single service articles is prohibited.

RATIONALE

Single-service items are not made to be reused. Single-service items are generally porous and cannot be washed, rinsed and sanitized effectively or safely.

TECHNICAL ASSISTANCE

Single service items include, but are not limited to, utensils and dishes made of the following materials:

- Paper.
- Styrofoam.
- Tin foil.
- Plastic.

RULE 325 (4)

4. Multi-use tableware and utensils must be washed, rinsed, and sanitized using 1 of the following methods:
 - a. A commercial dishwasher.
 - b. A residential dishwasher with sanitizing capability.
 - c. A 3-compartment sink to wash in the first compartment, to rinse in the second compartment, and to sanitize in the third compartment.
 - d. A 2-compartment sink for washing in the first compartment and rinsing in the second compartment, and a third container suitable for complete submersion for sanitizing.

RATIONALE

Ensures proper cleaning and sanitation of dishes.

TECHNICAL ASSISTANCE

Domestic dishwashers must have a specific sanitizing cycle option to be approved for child care center food service operations.

- Commercial sanitizers (products labeled as a sanitizer purchased at a store): Be careful to use them according to manufacturer's instructions.

Note: When sanitizing dishes and utensils:

- Bleach used must have an EPA number that shows it is approved to use for food sanitizing.
- Commercial sanitizer must be unscented and say on the label that they are safe for food

contact surfaces.

The sanitizing capacity of domestic dishwashers should comply with National Sanitation Foundation (NSF)/American National Standards Institute (ANSI) Standard 184.

RULE 325 (5)

5. If the manual washing method is used, as referenced in subrule (4)(c) and (d) of this rule, all of the following must be done:
 - a. Rinse and scrape all utensils and tableware before washing.
 - b. In the first compartment, wash using detergent and water at or above 110 degrees Fahrenheit or at the temperature specified by the detergent manufacturer.
 - c. In the second compartment, rinse in clear water making sure to remove all traces of food and detergent.
 - d. In the third compartment or suitable container, sanitize using 1 of the following methods:
 - i. Immersion for not less than 30 seconds in clean, hot water of not less than 171 degrees Fahrenheit.
 - ii. Immersion with a food-grade sanitizing solution mixed as described on the manufacturer's label for sanitizing. A test kit or other device that measures the correct concentration of the solution must be used when a chemical is used for sanitizing.
 - e. Air dry on a clean and sanitized surface. Do not use a towel for drying.

RATIONALE

Ensures proper cleaning and sanitation.

TECHNICAL ASSISTANCE

If using the sanitizing option stated in subrule (5)(d)(i) above, the water temperature at outlets where children can get to them must still be less than 120°F.

RULE 325 (6)

6. Sponges must not be used in a food service operation.

RATIONALE

Sponges harbor bacteria and are difficult to completely clean and sanitize between uses.

R400.8330 Food services and nutrition generally

RULE 330 (1)

1. Snacks and meals must be provided by the center, except if 1 of the following circumstances occurs:
 - a. A majority of the children are in attendance less than 2.5 hours.
 - b. Food is provided by a parent.

RATIONALE

The center has a responsibility to follow feeding practices that promote optimum nutrition, which will support growth and development in all children.

TECHNICAL ASSISTANCE

The center must have food on hand in case a parent does not bring food for their children when they have agreed to bring their children's food.

BEST PRACTICE

When needed, the center should talk about proper nutrition with parents.

RULE 330 (2)

2. A written agreement must be maintained on file at the center if the parent has agreed to provide formula, milk, or food. The center shall provide an adequate amount of formula, milk, or food if the parent does not.

RATIONALE

The center has a responsibility to follow feeding practices that promote optimum nutrition, which will support growth and development in all children.

TECHNICAL ASSISTANCE

The center must have formula, milk and food on hand in case the parent does not bring food.

BEST PRACTICE

When needed, the center should talk about nutrition with parents.

If a parent does not bring enough formula, milk or food, the center can:

- Contact the parent and ask them to bring more food, etc. for that day.

- Ask parents to leave a backup supply of food, formula, etc. at the center.

RULE 330 (3)

3. Beverages and food must be appropriate for the child's individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.

RATIONALE

Nutritious food is the cornerstone for health, growth, development, and learning. Because children grow and develop more rapidly during the first few years of life than at any other time, the center and parents together must provide food that is adequate in amount and type to meet each child's metabolic growth and energy needs.

TECHNICAL ASSISTANCE

Snacks and meals provided by the center must meet the meal pattern guidelines of the Child and Adult Care Food Program (CACFP) operated by the Michigan Department of Education.

BEST PRACTICE

The following best practices are recommended:

- Check with parents about children's food allergies.
- Meals and snacks should be provided to children based on:
 - Individual needs.
 - Age.
 - Length of time between meals and snack recommended by the American Academy of Pediatrics (AAP).
- Centers should cooperate with parents who provide food to make sure that the foods meet CACFP meal pattern guidelines.

American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. [Caring for Our Children](#).

The United Dairy Industry of Michigan [Milk Means More](#) has more information about making good eating habits.

RULE 330 (4)

4. A center shall ensure a child who has special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or licensed health care provider.

RATIONALE

Children with special needs may have individual requirements relating to diet, swallowing and other feeding needs that require the development of an individual plan prior to entry into the facility. Food, eating style, utensils, equipment, including furniture, may have to be adapted to meet the developmental needs of individual children.

TECHNICAL ASSISTANCE

Staff must know ahead of time if there are children with any food restrictions and what procedures to follow.

Centers must have clear, detailed written procedures to change or substitute foods. These written instructions must identify:

- The child's special needs.
- Dietary restrictions based on the dietary needs.
- Foods to be taken out of the diet
- Foods to be swapped or added in.
- Needed information about special needs information.

BEST PRACTICE

Work closely with the family for children on special diets. Parents may have to bring food if the center, after looking for all community resources, can't provide the special diet.

RULE 330 (5)

5. A center shall provide adequate staff so that food service activities do not detract from direct care and supervision of children.

RATIONALE

An adequate number of food service personnel is needed to ensure that children are fed according to the facility's daily schedule. Ensures the appropriate care of children while meals are being prepared, served and during clean up.

TECHNICAL ASSISTANCE

Observing and reviewing the center's staffing plan can show compliance with this rule. Centers do not have to hire food service staff to meet the intent of this rule.

RULE 330 (6)

6. A center shall make water available to drink throughout the day to children 1 year of age and older.

RATIONALE

When children are thirsty between meals and snacks, water is the best choice. Encouraging children to learn to drink water in place of juice and other sweetened drinks builds a beneficial habit. Drinking water during the day can reduce the extra caloric intake which is associated with children becoming overweight and obese.

TECHNICAL ASSISTANCE

A child must be given a drink of water if they are thirsty or if they ask for a drink.

RULE 330 (7)

7. Infants and toddlers shall be fed on demand.

RATIONALE

Demand feeding meets infants' and toddlers' nutritional and emotional needs. It provides an immediate response which helps infants and toddlers develop trust and feelings of security.

RULE 330 (8)

8. A child shall be served meals and snacks in accordance with the following schedule:
 - a. Two and a half hours to 4 hours of operation: a minimum of 1 snack.
 - b. Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.
 - c. Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks or 2 meals and 1 snack.
 - d. Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.

RATIONALE

Young children need to be fed often. Appetite and interest in food varies from one meal or snack to the next. To ensure that a child's daily nutritional needs are met, small feedings of nourishing food should be scheduled over the course of the day. Snacks should be nutritious as they often are a significant part of a child's daily intake.

TECHNICAL ASSISTANCE

Snacks and meals must meet the meal pattern guidelines of CACFP. The meal pattern guidelines can be found at [CACFP Meals and Snacks](#).

RULE 330 (9)

9. A center shall not deprive a child of a snack or meal if the child is in attendance at the time when the snack or meal is served.

RATIONALE

Children should not be excluded from a snack or meal based on the length of time in attendance.

TECHNICAL ASSISTANCE

All children must be offered a meal or snack when those are served.

RULE 330 (10)

10. Menus shall be planned in advance, dated, and made available to parents. Food substitutions must be noted on the menus the day the substitution occurs.

RATIONALE

Planning menus in advance helps to ensure that food will be on hand. Parents need to be informed about food served in the center to know how to coordinate it with the food they serve at home. If a child has any difficulty with any food served at the center, parents can address this issue with appropriate center staff.

TECHNICAL ASSISTANCE

Centers must make dated written menus that show all foods to be served. The center must update menus to show any changes to the food that was actually served each day. Any substitutions must be of equal nutrient value.

Note: The center can post a list of approved snacks that parents can bring if parents provide snacks to share with the entire group in place of a menu.

BEST PRACTICE

Making menus available to parents by posting them in a place that's easy to see will help parents know about proper nutrition.

Sample menus and menu planning templates are available from most state health departments, the state extension service, and the Child and Adult Care Food Program.

RULE 330 (11)

11. A center shall not serve infants and toddlers or allow them to eat foods that could easily cause choking, including, but not limited to, popcorn, seeds, nuts, hard candy and uncut round foods such as whole grapes and hot dogs.

RATIONALE

Infants and toddlers often swallow pieces of food without chewing them. Ninety percent of fatal chokings occur in children younger than four years of age.

TECHNICAL ASSISTANCE

Examples of food choking hazards include, but are not limited to:

- Hot dogs - whole or sliced into rounds.
- Uncut round foods, such as grapes.
- Uncooked carrots - whole or sliced into rounds.
- Uncooked peas.
- Hard pretzels.
- Chips.
- Popcorn.
- Seeds.
- Nuts.
- Hard candy.
- Marshmallows.
- Spoonfuls of peanut butter.
- Large chunks of meat.
- Cheese cubes.

Children must be supervised while eating these foods. Watch the size of the food and that they are eating right (for example, not stuffing their mouths full).

BEST PRACTICE

It is recommended that the center apply this rule until children are 3 years of age.

When children get their back teeth (molars), they should be able to chew hard foods that are likely to cause choking.

As infants develop, foods need to move from pureed, to ground, to finely mashed, to finely chopped. Chopped food should be cut into small pieces no larger than 1/4-inch cubes or thin slices.

For toddlers, foods should be cut up in small pieces no larger than 1/2-inch cubes.

All children must be seated while eating to avoid choking on food. Refer to R400.8330 (24)

RULE 330 (12)

12. Cereal must not be added to a bottle or beverage container without written parental permission.

RATIONALE

Solid food fed from a bottle or beverage container may cause choking and teaches infants to eat solid foods incorrectly.

RULE 330 (13) – (18)

13. If food, bottles, or beverage containers are warmed, the warming must be done in a safe, appropriate manner.
14. Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.
15. Bottle warmers must be placed where children cannot access them or reach the cords for them.
16. Bottle warmers must be shut off when not in use.
17. A child care staff member shall not hold a child while removing a bottle from the heating device.
18. Warmed food, bottles, and beverage containers must be shaken or stirred to distribute the heat, and the temperature must be tested before feeding.

RATIONALE

Warming bottles and beverage containers at room temperature or in warm water for an extended period of time is conducive for bacteria growth. Warming bottles and beverage containers in the microwave may cause hot spots in the beverage that can scald the throat or mouth.

Heating method protects against burns and scalding young children.

TECHNICAL ASSISTANCE

A bottle, cup, etc. of milk or formula may be fed cold. If warmed, the bottle, etc. must be warmed by:

- Running under warm tap water.
- Placing in a container or pan of water on the stove in the kitchen. The water should not be warmer than 120 degrees.
- Using a bottle warmer.

If using a bottle warmer, it should be secured so it doesn't tip over. Be careful that the cords do not hang down where it could hurt an infant. Make sure there's no hot water dripping off the bottle or beverage container onto the infant. It is recommended that slack from cords be tied off with a twist or zip tie. A bottle warmer should be emptied, sanitized, and filled with fresh water daily.

BEST PRACTICE

Gently swirl breast milk to mix before checking the temperature and offering it to the child. Do not shake breast milk. Shaking formula too much could cause it to foam. Foam makes it more likely that child will take in air.

RULE 330 (19) & (20)

19. The contents of a bottle or beverage container must be discarded if any of the following apply:
 - a. The contents appear unsanitary.
 - b. The bottle or beverage container was used for feeding for a period that exceeds one hour from the beginning of the feeding.
 - c. The bottle or beverage container requiring refrigeration was unrefrigerated for one hour or more.
20. Formula and milk, including breast milk, left in a bottle or beverage container after a feeding must not be reused.

RATIONALE

Bottles and beverage containers of formula or milk that have been unrefrigerated for one hour or more provide an ideal medium for bacteria to grow. Bacteria from saliva make formula or milk consumed over a period of more than one hour unsuitable and unsafe for consumption.

BEST PRACTICE

If an infant does not usually eat all the formula or milk when feeding, use smaller amounts of formula or milk or smaller bottles.

RULE 330 (21) – (23)

21. Bottle propping is prohibited.
22. When feeding, child care staff members shall hold infants, except when infants resist being held and are able to hold their bottle.
23. Infants or toddlers shall not have bottles, beverage containers, or food in sleeping equipment.

RATIONALE

Ensures for the safety and well-being of children. Bottle propping can cause choking and aspiration and may contribute to long-term health issues, including ear infections, orthodontic problems, speech disorders, and psychological problems.

TECHNICAL ASSISTANCE

Do not put bottles in the crib or bed, whether propped or held by the child.

RULE 330 (24)

24. Children shall not have beverage containers or food while they are walking around or playing.

RATIONALE

Ensures the safety and well-being of children.

TECHNICAL ASSISTANCE

Water bottles can be taken outside during outdoor play. Children should be standing still or sitting when they drink.

RULE 330 (25)

25. Child care staff members shall foster and facilitate toddlers' independence, language, and social interactions by doing all of the following:
- a. Encouraging self-feeding.
 - b. Serving appropriate portion sizes.
 - c. Sitting with toddlers during mealtimes.

RATIONALE

As children enter the second year of life, they are interested in doing things for themselves. Self-feeding appropriately separates the responsibilities of adults and children. The adult is responsible for providing nutritious food and the child decides how much of it to eat. Self-feeding promotes the proper development of motor skills and eating habits.

RULE 330 (26) & (27)

26. Breastfeeding must be supported and accommodated.
27. A designated place must be set aside for use by mothers who are breastfeeding.

RATIONALE

The AAP, the American Academy of Family Physicians, the World Health Organization, and many other groups recommend that women breastfeed exclusively for about the first six months of the infant's life, adding age-appropriate solid foods and continuing breastfeeding for at least the first year, if not longer.

Human milk, containing all the nutrients to promote optimal growth, is the most developmentally appropriate food for infants. It changes during the course of each feeding and over time to meet the growing child's changing nutritional needs.

In addition to nutrition, breastfeeding supports optimal health and development. Breastfeeding protects infants from many acute and chronic diseases. Research shows that exclusive breastfeeding for six months, and continued breastfeeding for at least a year, dramatically improves health outcomes for children and their mothers. Breastfeeding also reduces some of the risks that are greater for infants in group care. Evidence suggests that breastfeeding is associated with enhanced cognitive development and may reduce the risk of childhood obesity.

Breastfeeding mothers are often daunted by the prospect of continuing to breastfeed as they return to work. Centers can reduce a breastfeeding mother's anxiety by welcoming breastfeeding families and training staff in the proper handling of breast milk and feeding of breast-fed infants.

BEST PRACTICE

Some ways to help a mother breastfeed successfully at the center are:

- If she wishes to breastfeed her infant at the center, offer or provide her a:
 - Quiet, comfortable, and private place to breastfeed (this helps with her milk letdown).
 - Place to wash her hands.
 - Pillow to support her infant on her lap while breastfeeding, if requested.
 - Nursing stool or step stool for her feet, if requested (this reduces back strain).
 - Glass of water or other liquid (this helps her stay hydrated).
- If she wishes to pump her breast milk at the center, provide a:
 - Private area with an outlet. This area should not be in the bathroom.
 - Place to wash her hands.

R400.8335 Food services and nutrition; provided by center

RULE 335 (1)

1. Food and beverages provided by a center must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the Child and Adult Care Food Program (CACFP), as administered by the Department of Education.

RATIONALE

Nutritious and appealing food is the cornerstone for health, growth and development and developmentally appropriate learning experiences. Because children grow and develop more rapidly during the first few years of life than at any other time, the center and parents together must provide food that is adequate in amount and type to meet each child's metabolic growth and energy needs.

TECHNICAL ASSISTANCE

All snacks and meals must meet the meal pattern guidelines set forth by the Child and Adult Care Food Program (CACFP), even if the center does not take part in a food program.

The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296) says that fluid milk served under the CACFP meet the most recent version of the Dietary Guidelines for Americans.

The 2010 Dietary Guidelines recommend that anyone over two years of age consume fat-free (skim) or low-fat (1%) fluid milk. So, this means milk served to children two years of age and older must be:

- fat-free or low-fat milk,
- fat-free or low-fat lactose reduced milk,
- fat-free or low-fat lactose free milk,
- fat-free or low-fat buttermilk, or
- fat-free or low-fat acidified milk.

Do not serve children over two years old whole milk and reduced-fat (2%) milk.

Exception: A center is exempt from the milk requirements of this rule if the child's parent provides their child's milk.

Note: If a center participates in the CACFP and a child's parent provides their child's milk, check with the food program to see if you can claim reimbursement for that child's meals

The meal pattern guidelines can be found at [CACFP Meals and Snacks](#).

Infant Meal Pattern

Breakfast	
Birth through 5 months	4-6 fluid ounces of breastmilk or formula
6 through 11 months	6-8 fluid ounces of breastmilk or formula; and 0-4 tablespoons infant cereal, meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0-2 ounces of cheese; or 0-4 ounces (volume) of cottage cheese; or 0-4 ounces or ½ cup of yogurt; or a combination of the above; and 0-2 tablespoons vegetable or fruit or a combination of both
Lunch and Supper	
Birth through 5 months	4-6 fluid ounces breastmilk or formula
6 through 11 months	6-8 fluid ounces breastmilk or formula; and 0-4 tablespoons infant cereal, meat, fish, poultry, whole egg, cooked dry beans, or cooked dry peas; or 0-2 ounces of cheese; or 0-4 ounces (volume) of cottage cheese; or 0-4 ounces or ½ cup of yogurt; or a combination of the above; and 0-2 tablespoons vegetable or fruit or a combination of both
Snack	
Birth through 5 months	4-6 fluid ounces breastmilk or formula
6 through 11 months	2-4 fluid ounces breastmilk or formula; and 0-½ slice bread or 0-2 crackers; or 0-4 tablespoons infant cereal or ready-to-eat breakfast cereal; and 0-2 tablespoons vegetable or fruit, or a combination of both

Child Meal Pattern

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 (at-risk afterschool programs and emergency shelters)
Breakfast (select all three components for a reimbursable meal)				
(1) Fluid milk	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces
(2) Vegetables, fruits, or portions of both	¼ cup	½ cup	½ cup	½ cup
(3) Grains (oz eq)				
Whole grain-rich or enriched bread	½ slice	½ slice	1 slice	1 slice
Whole grain-rich or enriched bread product, such as biscuit, roll or muffin	½ serving	½ serving	1 serving	1 serving
Whole grain-rich, enriched or fortified cooked breakfast cereal, cereal grain, and/or pasta	¼ cup	¼ cup	½ cup	½ cup
Whole grain-rich, enriched or fortified ready-to-eat breakfast cereal (dry, cold)				
Flakes or rounds	½ cup	½ cup	1 cup	1 cup

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 (at-risk afterschool programs and emergency shelters)
Puffed cereal	$\frac{3}{4}$ cup	$\frac{3}{4}$ cup	1 $\frac{1}{4}$ cup	1 $\frac{1}{4}$ cup
Granola	$\frac{1}{8}$ cup	$\frac{1}{8}$ cup	$\frac{1}{4}$ cup	$\frac{1}{4}$ cup
Lunch (select all five components for a reimbursable meal)				
(1) Fluid Milk	4 fluid ounces	6 fluid ounces	8 fluid ounces	8 fluid ounces
(2) Meat/meat alternates				
Lean meat, poultry, or fish	1 ounce	1 $\frac{1}{2}$ ounce	2 ounces	2 ounces
Tofu, soy product, or alternate protein products	1 ounce	1 $\frac{1}{2}$ ounce	2 ounces	2 ounces
Cheese	1 ounce	1 $\frac{1}{2}$ ounce	2 ounces	2 ounces
Large egg	$\frac{1}{2}$	$\frac{3}{4}$	1	1
Cooked dry beans or peas	$\frac{1}{4}$ cup	$\frac{3}{8}$ cup	$\frac{1}{2}$ cup	$\frac{1}{2}$ cup
Peanut butter or soy nut butter or other nut or seed butters	2 tbsp	3 tbsp	4 tbsp	4 tbsp
Yogurt, plain or flavored unsweetened or sweetened	4 ounces or $\frac{1}{2}$ cup	6 ounces or $\frac{3}{4}$ cup	8 ounces or 1 cup	8 ounces or 1 cup
The following may be used to meet no more than 50% of the requirement: Peanuts, soy nuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternates (1 ounces of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish)	$\frac{1}{2}$ ounce = 50%	$\frac{3}{4}$ ounce = 50%	1 ounce = 50%	1 ounce = 50%
(3) Vegetables	$\frac{1}{8}$ cup	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup	$\frac{1}{2}$ cup
(4) Fruits	$\frac{1}{8}$ cup	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup	$\frac{1}{2}$ cup
(5) Grains (oz eq)				
Whole grain-rich or enriched bread	$\frac{1}{2}$ slice	$\frac{1}{2}$ slice	1 slice	1 slice
Whole grain-rich or enriched bread product, such as biscuit, roll or muffin	$\frac{1}{2}$ serving	$\frac{1}{2}$ serving	1 serving	1 serving
Whole grain-rich, enriched or fortified cooked breakfast cereal, cereal grain, and/or pasta	$\frac{1}{4}$ cup	$\frac{1}{4}$ cup	$\frac{1}{2}$ cup	$\frac{1}{2}$ cup
Snack (select two of the five components for a reimbursable snack)				
(1) Fluid Milk	4 fluid ounces	4 fluid ounces	8 fluid ounces	8 fluid ounces
(2) Meat/meat alternates				
Lean meat, poultry, or fish	$\frac{1}{2}$ ounce	$\frac{1}{2}$ ounce	1 ounce	1 ounce
Tofu, soy product, or alternate protein products	$\frac{1}{2}$ ounce	$\frac{1}{2}$ ounce	1 ounce	1 ounce
Cheese	$\frac{1}{2}$ ounce	$\frac{1}{2}$ ounce	1 ounce	1 ounce
Large egg	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Cooked dry beans or peas	$\frac{1}{8}$ cup	$\frac{1}{8}$ cup	$\frac{1}{4}$ cup	$\frac{1}{4}$ cup
Peanut butter or soy nut butter or other nut or seed butters	1 tbsp	1 tbsp	2 tbsp	2 tbsp
Yogurt, plain or flavored unsweetened or sweetened	2 ounces or $\frac{1}{4}$ cup	2 ounces or $\frac{1}{4}$ cup	4 ounces or $\frac{1}{2}$ cup	4 ounces or $\frac{1}{2}$ cup

Food Components and Food Items	Ages 1-2	Ages 3-5	Ages 6-12	Ages 13-18 (at-risk afterschool programs and emergency shelters)
Peanuts, soy nuts, tree nuts, or seeds	½ ounce	½ ounce	1 ounce	1 ounce
(3) Vegetables	½ cup	½ cup	¾ cup	¾ cup
(4) Fruits	½ cup	½ cup	¾ cup	¾ cup
(5) Grains (oz eq)				
Whole grain-rich or enriched bread	½ slice	½ slice	1 slice	1 slice
Whole grain-rich or enriched bread product, such as biscuit, roll or muffin	½ serving	½ serving	1 serving	1 serving
Whole grain-rich, enriched or fortified cooked breakfast cereal, cereal grain, and/or pasta	¼ cup	¼ cup	½ cup	½ cup
Whole grain-rich, enriched or fortified ready-to-eat breakfast cereal (dry, cold)				
Flakes or rounds	½ cup	½ cup	1 cup	1 cup
Puffed cereal	¾ cup	¾ cup	1 ¼ cup	1 ¼ cup
Granola	⅞ cup	⅞ cup	1 ¼ cup	1 ¼ cup

BEST PRACTICE

The following best practices are recommended:

- Encourage parents who supply food to provide nutritious food for their children.
- Check with parents about food allergies children may have.
- Meals and snacks should be provided to children based on:
 - Individual needs of children.
 - Ages of the children.
 - American Academy of Pediatrics (AAP) recommended length of time between meals and snacks.

American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th ed. Itasca, IL: American Academy of Pediatrics; 2019. [Caring for Our Children](#).

RULE 335 (2)

2. The following standards are incorporated by reference in these rules: “Child and Adult Care Food Program,” 7 CFR part 226. Copies of these regulations may be obtained from the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933 and from the United States Department of Agriculture (USDA), Food and Nutrition Service, CACFP at 1400 Independence Avenue, S.W., Washington DC 20250. Regulations and guidance are available at the [USDA’s website](#).

RULE 335 (3)

3. Infants shall only be served formula to drink unless written authorization is provided by the child's licensed health care provider.

RATIONALE

Ensures proper nutrition for growing infants.

TECHNICAL ASSISTANCE

Written authorization must be kept on file at the center. It must be made available to the licensing consultant upon request.

RULE 335 (4)

4. Children 12 months of age until 2 years of age shall be served whole homogenized Vitamin D-fortified cow's milk, except as provided in R 400.8330(4).

RATIONALE

Ensures proper nutrition while meeting each child's individual needs. Whole milk provides the fat children ages 12 to 24 months need for brain tissue development, which skim, 1% and 2% milk do not provide.

RULE 335 (5)

5. Formula must be commercially prepared and ready-to-feed.

RATIONALE

Commercially prepared, ready-to-feed formula reduces the risk of:

- Inaccurately preparing formula.
- Feeding infants unsanitary formula or milk.

TECHNICAL ASSISTANCE

"Ready-to-feed formulas" do not have to be mixed or prepared.

RULE 335 (6)

6. All fluid milk and fluid milk products must be pasteurized and meet the grade "A" quality standards.

RATIONALE

Raw or unpasteurized milk products have been implicated in outbreaks of food borne illness such as salmonellosis, listeriosis, toxoplasmosis, and campylobacteria.

RULE 335 (7) – (9)

7. Milk must be served from any of the following:
 - a. A commercially filled container stored in a mechanically refrigerated bulk milk dispenser.
 - b. A commercially filled container not to exceed 1 gallon.
 - c. A sanitized container only if poured directly from the original container.
8. All of the following apply to milk:
 - a. Containers must be labeled with the date opened.
 - b. Milk must be served within 7 days after opening.
 - c. Milk must not be served if the contents appear unsanitary or have been unrefrigerated for a period exceeding 1 hour.
 - d. Milk must not be combined with the contents of other partially filled containers.
9. Contents remaining in single-service containers of milk must be discarded at the end of the snack or mealtime.

RATIONALE

Prevents contamination and food-borne illness.

TECHNICAL ASSISTANCE

These rules apply to all types of milk, including, but not limited to:

- cow's,
- goat's,
- almond,
- soy, and
- rice milk.

RULE 335 (10) – (15)

10. All containers of ready-to-feed formula, once opened, must be labeled with the date and time of opening, refrigerated, and used within 48 hours or be discarded.
11. Prepared bottles and beverage containers of milk and formula must be refrigerated and labeled with the child's first and last name, date, and time of preparation.

12. Contents of unused bottles of formula must be discarded, along with any bottle liners, after 48 hours.
13. All liners, nipples, formula, milk, and other materials used in bottle preparation must be prepared, handled, and stored in a sanitary manner.
14. Reusable nipples and bottles must be cleaned and sanitized before reuse.
15. Bottle liners and disposable nipples must be for single use only, by an individual child, and discarded with any remaining formula or milk after use.

RATIONALE

Prevents contamination and food-borne illness. The identification on bottles prevents the chance of cross-contamination.

The dating of bottles and containers allows for the monitoring of spoilage.

RULE 335 (16)

16. Commercially packaged baby food must be served from a dish, not directly from a factory-sealed container, unless the entire container is served to only 1 child and is discarded at the end of the feeding period.

RATIONALE

Uneaten food may contain potentially harmful bacteria from the child's saliva.

BEST PRACTICE

Centers should wash off all baby food jars with soap and water before opening. Look at the food carefully before taking out of the jar to make sure there are no glass pieces or foreign objects in the food.

RULE 335 (17) & (18)

17. Uneaten food that remains on a dish from which a child was fed must be discarded.
18. Food that was served and handled by the consumer of the food may not be served again, unless it is in the original, unopened wrapper.

RATIONALE

Served foods have a high probability of contamination during serving. Bacterial multiplication proceeds rapidly in perishable foods out of refrigeration, as much as doubling the numbers of bacteria every 15 to 20 minutes.

Uneaten food may contain potentially harmful bacteria from the child's saliva.

RULE 335 (19)

19. Home canned products are prohibited.

RATIONALE

There is no guarantee that home canned foods were processed in a safe and hygienic manner. Home canned food has an increased risk of containing microorganisms or toxins which can cause food borne illness.

RULE 335 (20)

20. Food containing contaminants, such as lead, recalled through the Food and Drug Administration or the department of agriculture and rural development, must be properly disposed of and not served again.

R400.8340 Food services and nutrition; provided by parents

RULE 110 (1)

1. As used in this rule:
 - a. "Same-day supply" means for use during a single day.
 - b. "Multi-day supply" means for use over a multiple day period, up to 7 days.

RULE 110 (2) – (4)

2. Breast milk, formula, milk, or other beverages provided in a same-day supply must be furnished daily in either of the following:
 - a. Clean, sanitary, ready-to-feed bottles or beverage containers.
 - b. A clean, sanitary, beverage container. The beverage must be poured into a clean, sanitary bottle or beverage container before each feeding.
3. Breast milk, formula, milk, other beverages, and food furnished in a same-day supply must be covered and labeled with the child's first and last name and the date.
4. Any food or beverages furnished in a same-day supply must be returned to the parent at the end of the day or discarded.

RATIONALE

Ensures the health and safety of children.

Allows parents flexibility in how breast milk, formula, milk, or other beverages are provided and allows for less waste of breast milk, formula, milk, or other beverages.

Ensures that children receive the food that was intended for them and prevents the chance of cross-contamination.

The dating of beverages and food allows for the monitoring of spoilage and prevents foodborne illness.

TECHNICAL ASSISTANCE

Parents can bring breast milk, formula, milk, or other drinks in clean, sanitary, ready-to-feed bottles or other container to be used that day.

Parents can also bring breast milk, formula, milk, or other beverages in a large, clean, sanitary container for use during a single day. The center can use the large container to fill clean and sanitary bottles or beverage containers before each feeding.

If a parent brings their child's drinks, meals, or snacks in a larger container, like a lunch bag,

they only need to label the lunch bag, etc. with the child's name and date. They do not need to label each item in the lunch bag, etc.

RULE 110 (5) – (7)

5. Milk, other beverages, and non-perishable food items may be furnished in a multi-day supply in an unopened commercial container.
6. Breast milk may be supplied in a multi-day supply in a clean, sanitized container maintained in the refrigerator for up to 4 days or in the freezer for no more than 2 weeks.
7. Milk and other beverages furnished in a multi-day supply must be labeled with the child's first and last name and the date of opening and must be returned to the parent or discarded 7 days after opening.

RATIONALE

Ensures the health and safety of children.

Allows parents flexibility in how milk, other beverages and food are provided, especially when a child has an allergy and needs a specific food or beverage.

Ensures that children receive the food that was intended for them and prevents the chance of cross-contamination.

The dating of beverages allows for the monitoring of spoilage and prevents food-borne illness.

TECHNICAL ASSISTANCE

A "container" can be a basket, bowl, box, jar or similar item supplied by a parent. It may not need to be covered.

"Multi-day supply" means for use over a multiple day period, up to 7 days.

Breast milk must be dated with the date the center received it.

Note: A multi-day supply of formula must be ready-to feed formula. The formula can only be used for the number of days indicated on the container.

RULE 110 (8) & (9)

8. Non-perishable food items furnished in a multi-day supply shall be labeled with the date of opening and if applicable, the first and last name of the child for whom its use is intended.

9. Beverages and food must be fed only to the child for whom the item is labeled.

RATIONALE

Ensures the health and safety of children.

TECHNICAL ASSISTANCE

“Multi-day supply” means for use over a multiple day period, up to 7 days.

Non-perishable foods brought by parents to be shared with the entire group only have to be labeled with the date of opening. These items must be used within 7 days of opening.

RULE 110 (10) – (12)

10. Breast milk, formula, and milk must be refrigerated until used.
11. Other perishable beverages and food items not discarded by the end of the day must be dated and refrigerated or otherwise maintained at a safe temperature until used, which must not be more than 7 calendar days after the date opened or prepared.
12. Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days in a clearly labeled and dated container.

RATIONALE

Ensures that perishable beverages and food are safe for consumption.

TECHNICAL ASSISTANCE

Centers can serve fresh, non-pre-packaged fruits and vegetables.

A “container” can be a basket, bowl, box, jar or similar item supplied by a parent. It may not need to be covered.

R400.8341 Drinking water management plan; water sampling, testing, and remediation; filtered water; records**RULE 341 (1)**

1. Pursuant to section 3i of the act, MCL 722.113i, no later than January 24, 2025, the center shall develop and implement a drinking water management plan, conduct water sampling and testing after filters have been installed, conduct remediation as needed, and retain records.

RATIONALE

Ensures clean and safe drinking water.

TECHNICAL ASSISTANCE

Centers may use the drinking water management plan (DWMP) template provided on the EGLE website found here: [Filter First](#).

Centers are not required to submit the plan, but they must make the plan available to the department, program staff, parents and guardians of children enrolled in the child care center upon request. Centers may use any format, but must include all of the following:

- Location & designation of each water outlet.
- List of filtered fixtures & filter information.
- A sampling & filter maintenance schedule.
- Update as needed, at least every 5 years.

The DWMP (for Child Care Centers) must include the following required elements:

1. The location of each water outlet used for drinking, making food or beverage, rinsing foods, brushing teeth, making baby formula:
 - a. Location of filtered bottle-filling station.
 - b. Location of filtered faucet (kitchens, nurse stations, preschool classrooms, teacher lounges).
 - c. Location of filtered pitchers.
 - d. Location of unfiltered drinking fountains or unfiltered faucets, with a conspicuous sign stating the water is unfiltered and could contain lead.
 - e. Location of drinking water from water delivery service.
2. The location where a water outlet will be maintained for purposes other than described above (non-consumptive fixtures).
3. The location where a water outlet will be shut off or made permanently inoperable.
4. A schedule for when each of the following will occur:
 - a. Water sampling and testing of filtered water at each filtered bottle-filling station and filtered faucet every two years.

- b. Regular replacement of the filter cartridge for each filtered bottle-filling station and filtered faucet in compliance with the manufacturer's instructions or recommendations of the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

BEST PRACTICE

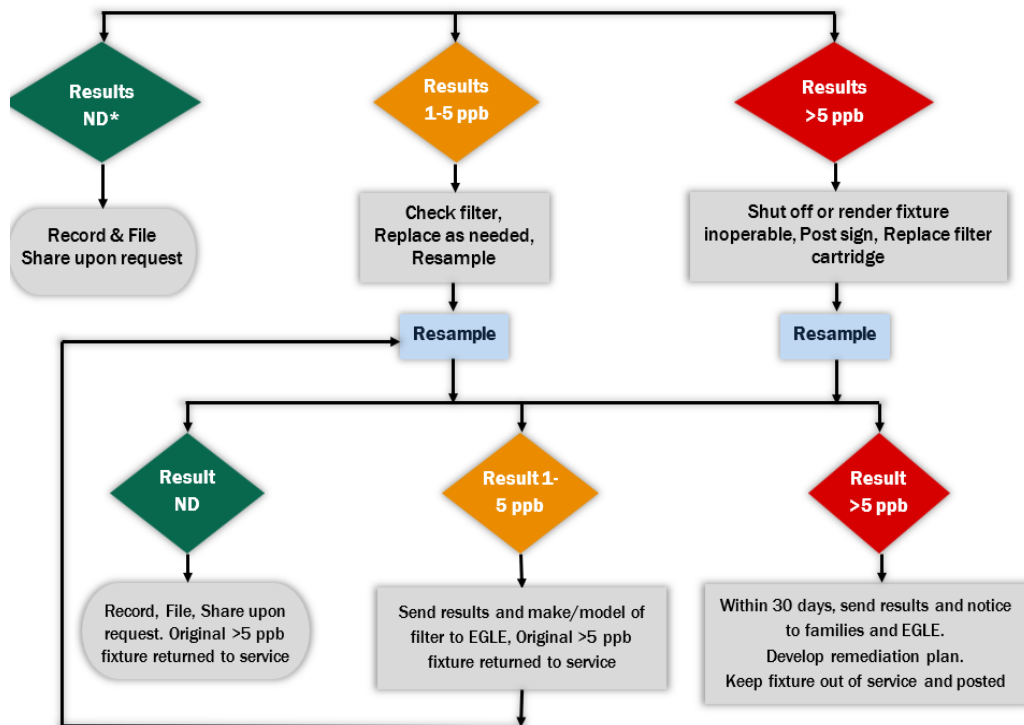
The samples must be tested for lead at a certified drinking water laboratory.

When results do not detect lead, no additional action or reporting is required by childcare centers.

When results are 1 to 5 parts per billion, the filter installation and status must be checked, and the fixture resampled. If the follow up sample again is 1 to 5 ppb, the results must be sent to EGLE and MiLEAP. The fixture may remain in service.

If the sample or resample results are greater than 5 ppb, immediate action must be taken: shut the fixture off, post a sign that the water outlet is "inoperable because of high lead concentration." Check the filter installation, replace the cartridge, and send a copy of the results to EGLE and MiLEAP within 30 days. Results must also be sent to parents, guardians and staff within that 30-day period.

The child care center administrator is to consult with the filter manufacturer and a copy of the make and model of the filter must also be sent to EGLE and MiLEAP.



*ND = Not Detected

RULE 341 (2)

2. Pursuant to section 3j of the act, MCL 722.113j, no later than October 24, 2025, the center shall comply with the requirements of the duties of a center under the drinking water management plan, including ensuring that drinking water furnished to children for human consumption is from a filtered faucet or other filtered source meeting the standards required in section 3j(b) of the act, MCL 722.113j.

TECHNICAL ASSISTANCE

Centers must post easy to see signs at all water outlets and drinking fountains that say whether or not the outlet or fountain is meant for drinking. If the water outlet or fountain is meant for drinking but is unfiltered, the signs must state that the water is unfiltered and could contain lead.

BEST PRACTICE

Examples of how water might be filtered at a child care center:

- Filtered faucets
- Filtered water coolers
- Filtered bottle-filling stations
- Filtered water pitchers
- Water delivery service (approved source)

Examples of posted signs at water outlets and drinking fountains:

- For human consumption (filtered water)
- For human consumption (*“unfiltered, could contain lead”*)
- Not for human consumption

RULE 341 (3)

3. Pursuant to section 3k of the act, MCL 722.113k, if a center is located in a school building that complies with the clean drinking water access act, 2023 PA 154, MCL 380.1901 to 380.1911, the center is considered compliant with this rule.

TECHNICAL ASSISTANCE

A center located in a school building must ask for a copy of the school DWMP to ensure the center is included in the plan. The center is not required to complete their own plan; however, the school plan must include the following required elements for the areas occupied by the center.

1. The location of each water outlet used for drinking, making food or beverage, rinsing foods, brushing teeth, making baby formula:
 - a. Location of filtered bottle-filling station.
 - b. Location of filtered faucet (kitchens, nurse stations, preschool classrooms,

- teacher lounges).
- c. Location of filtered pitchers.
 - d. Location of unfiltered drinking fountains or unfiltered faucets, with a conspicuous sign stating the water is unfiltered and could contain lead.
 - e. Location of drinking water from water delivery service.
2. The location where a water outlet will be maintained for purposes other than described above (non-consumptive fixtures).
 3. The location where a water outlet will be shut off or made permanently inoperable.
 4. A schedule for when each of the following will occur:
 - a. Water sampling and testing of filtered water at each filtered bottle-filling station and filtered faucet every two years.
 - b. Regular replacement of the filter cartridge for each filtered bottle-filling station and filtered faucet in compliance with the manufacturer's instructions or recommendations of the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

Note: Schools and centers classified as a public water supplier (noncommunity water system) must work with their local health department to ensure they get proper permits before any plumbing changes.

R400.8401 Specific provisions; exemptions**RULE 401 (1)**

1. School-age child care centers shall follow all regulations contained in this document except the rules in table 2 and table 3 if the following criteria is met:

RATIONALE

School age children are older and do not require regulation over areas pertaining to infant/toddler and preschool age specific care. Centers operating in school buildings are regulated under school codes.

TABLE 2. EXEMPTIONS

(a)	R 400.8134
(b)	R 400.8210
(c)	R 400.8216(2)(a) and (b)
(d)	R 400.8219
(e)	R 400.8274
(f)	R 400.8770

TABLE 3. EXEMPTIONS

	Exempt from:	Criteria
(a)	R 400.8125(10)(a) and (b)	If the school-age child care center operates in a school building approved by the department of education, and if the licensee informs parents in writing at the time of enrollment, that the center plans to use a public school's outdoor play area and equipment that do not comply with subrule (10) of this rule.
(b)	R 400.8158(2) and (3)	If the school-age child care center operates in a school building.
(c)	R 400.8161(8) and (9)	If the school-age child care center operates in a school building.
(d)	R 400.8501 to R 400.8565.	If the school-age center is established and operated by an intermediate school board, the board of a local school district, the board or governing body of a state-approved nonpublic school, or by an individual or entity with whom a school contracts for services and is located in a school building that is approved by the state fire

		marshal or other similar authority for school purposes.
(e)	R 400.8271(10)(d)	If the school-age children are using computers and other electronic devices for academic and educational purposes or using assistive and adaptive technology.
(f)	R 400.8701 R 400.8710(1) and (2) R 400.8720 R 400.8730 R 400.8740 R 400.8750	If a school-age child care center uses school transportation only.

TECHNICAL ASSISTANCE

Refer to technical assistance for each rule for any needed clarification on that rule.

R400.8410 School-age program administrator qualifications responsibilities

RULE 410 (1)

1. Before hiring a new school-age program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

RATIONALE

A trained and qualified program administrator is essential to ensure optimal program functioning.

TECHNICAL ASSISTANCE

Credentials can be submitted through CCHIRP or via email to the licensing consultant.

RULE 410 (2)

2. School-age program administrators are responsible for the general management of the center, including the following minimum responsibilities:
 - a. Developing, implementing, and evaluating program and center policies.
 - b. Administering day-to-day operations, including being available to address parent, child, and staff issues.
 - c. Monitoring staff, including annual evaluations.

RATIONALE

The director of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility within the framework of appropriate child development principles and knowledge of family relationships. The wellbeing of children, the confidence of the parents and the high morale and consistent professional growth of staff depend largely on the knowledge, skills and dependable presence of a director who is able to respond to long range and immediate needs and able to engage staff in decision-making that affects their day-to-day practice.

TECHNICAL ASSISTANCE

Subrule (c) of this rule does not require a written annual evaluation.

Ways to document that an annual evaluation was completed include, but are not limited to, any of the following:

- A written evaluation document.
- A signed and dated statement that it was completed.
- A checklist that shows the date the evaluation was done.
- Interviews with the school age program administrator and staff.

At the time of renewal, the center will be in compliance with this rule if the evaluations have been updated in the past year.

A school age program administrator may also serve as a child care staff member, as long as that role does not interfere with management and supervisory responsibilities.

RULE 410 (3)

3. A program administrator can oversee multiple sites if all of the following are met:
 - a. The program administrator is immediately available for not less than 3 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.
 - b. Written documentation of program administrator visits, including dates and times, is maintained.
 - c. A site administrator is appointed when the program administrator is not on the premises.

RATIONALE

School-age centers often have difficulty finding qualified on-site program directors due to the limited hours and times of operation. Allows qualified school-age program directors to supervise more than one site.

TECHNICAL ASSISTANCE

“Immediately available” means a program administrator, site administrator, parent, or guardian remains onsite at the address of the child care center.

“Session” means:

- 8 hours in one day (within a 24-hour day from midnight until 11:59 p.m.) for centers operating 8 hours or more per day
OR
- 50% of the time open for centers operating less than 8 hours per day.

RULE 410 (4)

4. A program administrator of a single site shall appoint a staff-in-charge when the program administrator is not on the premises and is responsible for supervising the operation of the center including, but not limited to, having the authority to respond to emergencies, inspections, parental concerns, and have access to all required information.

TECHNICAL ASSISTANCE

A staff-in-charge must be a person that meets the definition of program staff. All program staff must be aware of the person named as staff-in-charge.

RULE 410 (5)

5. A staff-in-charge shall be present at the center during all hours of operation when the program administrator, who is overseeing a single site, is not on the premises.

RATIONALE

The administrator of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility. Ensures that the facility, staff and program are properly administered and managed.

RULE 410 (6)

6. A substitute program administrator shall be appointed for a program administrator who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement, which must not exceed the agreed-on timeframe.

RATIONALE

The administrator of a center plays a pivotal role in ensuring smooth day-to-day functioning of the facility. Ensures that the facility, staff and program are properly administered and managed.

TECHNICAL ASSISTANCE

A temporary absence is one where the program administrator is scheduled to return to work. This includes, but is not limited to:

- Any leave of absence as defined under the Family and Medical Leave Act.
- Parental leave.
- Military leave.
- Extended vacation.
- Leave of absence.
- Extended jury duty.

RULE 410 (7)

7. The department shall be notified when a substitute program administrator is appointed.

RULE 410 (8)

8. A substitute program administrator shall be not less than 19 years of age, have a GED, and meet 1 of the following to be qualified:
- a. All of the following:
 - i. A minimum of 1 year of experience.
 - ii. Three hours of MiRegistry approved training in each of the following areas:
 - 1. Program management.
 - 2. Observation, documentation, and assessment.
 - 3. Teaching and learning.
 - iii. Six hours of MiRegistry approved training in any of the following areas:
 - 1. Interactions and guidance.
 - 2. Challenging behaviors.
 - 3. Trauma informed practices.
 - iv. Work in a center that participates in great start to quality.
 - b. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.
 - iii. Work in a center that participates in great start to quality.
 - c. All of the following:
 - i. A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree or higher in any field of study.
 - ii. Three hours of MiRegistry approved training in each of the following areas:
 - 1. Program management.
 - 2. Observation, documentation, and assessment.
 - 3. Teaching and learning.
 - iii. Six hours of MiRegistry approved training in any of the following areas:
 - 1. Interactions and guidance.
 - 2. Challenging behaviors.
 - 3. Trauma informed practices.

RATIONALE

The program administrator of a child care center is the team leader. Both administrative and child development skills are essential for this individual to manage the facility. Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning. College-level coursework has been shown to have a measurable, positive effect on quality child care.

TECHNICAL ASSISTANCE

R 400.8410 (8)

Substitute program administrator	Option A (6)(a)	Option B (6)(b)	Option C (6)(c)
Minimum Age (5)(a)	19 years	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	1 year	6 months	None
Training/ Semester Hours/CEUs	<p>3 hours of MiRegistry approved training in each of the following:</p> <ul style="list-style-type: none"> (a) Program Management. (b) Observation, documentation, and assessment. (c) Teaching and learning. <p style="text-align: center;"><u>AND</u></p> <p>6 hours of MiRegistry approved training in any of the following areas:</p> <ul style="list-style-type: none"> (a) Interactions and Guidance. (b) Challenging Behaviors. (c) Trauma Informed Practices. 	<p>6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in:</p> <ul style="list-style-type: none"> • Child Care Administration, • Early Childhood Education • Child Development, • A Child-Related Field. • Up to 30 hours of MiRegistry-approved training may be used to meet these requirements. 	<p>One of the following:</p> <ul style="list-style-type: none"> • A valid child development associate credential • Montessori credential • Infant Family Associate Credential • Associate degree or higher in any field of study <p style="text-align: center;"><u>AND</u></p> <p>3 hours of MiRegistry approved training in each of the following:</p> <ul style="list-style-type: none"> (d) Program Management. (e) Observation, documentation, and assessment. (f) Teaching and learning. <p style="text-align: center;"><u>AND</u></p> <p>6 hours of MiRegistry approved training in any of the following areas:</p> <ul style="list-style-type: none"> (d) Interactions and Guidance. (e) Challenging Behaviors. (f) Trauma Informed Practices.
Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

If utilizing Option A or C: A combination of training hours may be used to equal the 6 hours of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

If utilizing Option B: The trainings may be in a single topic or any combination that meets the total requirement with a minimum of 90 clock hours.

RULE 410 (9)

9. The program administrator shall have all of the following qualifications:
- Be not less than 21 years of age.
 - Have a high school diploma or GED.
 - Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

TECHNICAL ASSISTANCE

The following are examples of acceptable verification of age:

- A copy of a driver's license or state/government ID.
- A copy of the program administrator's birth certificate.
- A statement of age from the person (self-certifying statement).

The following would be acceptable verification of compliance with subrule (b) of this rule:

- A copy of a high school diploma, GED or equivalent.
- A self-certifying statement.

A specific learning track for child care administration is available at MiRegistry. Verification of completion is required.

Official transcripts, copies of transcripts and those stamped "Issued to Student" are acceptable. Those downloaded from a school's website are not acceptable

Documentation of semester hours or CEU's includes the following:

- A copy of the proposed central administrator's transcripts.
- Written documentation of completed CEUs.
- Copy of the administrative credential.

RULE 410 (10)

10. A program administrator is exempt from subrule (9)(c) of this rule if there is a central administrator that complies with both of the following:
- Meets the requirements of a site administrator in subrule (9) of this rule.
 - Is responsible for subrules (2)(a) and (c) of this rule.

RATIONALE

The program administrator of a child care center is the team leader. Both administrative and child development skills are essential for this individual to manage the facility. Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning. College-level coursework has been shown to have a measurable, positive effect on quality child care.

TECHNICAL ASSISTANCE

If there is a central administrator, the center must submit the following:

- Documentation of how the proposed central administrator meets the child care administration course requirement. The requirement is:
 - at least 2 semester hours in child care administration
OR
 - at least 3.0 CEUs in child care administration
OR
 - an administrative credential approved by the department.

Documentation includes the following:

- A copy of the proposed central administrator's transcripts.
- Written documentation of completed CEUs.
- Copy of the administrative credential.
- Verification that the central administrator does the following duties:
- Making policies for the center, making sure they're being used, and evaluating center policies and programs.
- Monitoring staff, including yearly staff evaluations.

Consultation: Once a proposed central administrator's credentials have been reviewed and approved the center and the individual are provided an approval letter. It is recommended that the center keep the approval letter.

RULE 410 (11)

11. A program administrator of a school-age child care center shall meet 1 of the following to qualify:

- a. All of the following:
 - i. A minimum of 1 year of experience.
 - ii. Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.
 - iii. Works for a center that participates in great start to quality.
- b. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree in any field of study.
 - iii. Works for a center that participates in great start to quality.
- c. All of the following:
 - i. An associate degree or higher in any field of study.
 - ii. Three hours of MiRegistry approved training in each of the following areas:
 1. Program management.
 2. Observation, documentation, and assessment.

3. Teaching and learning.
- iii. Six hours of MiRegistry approved training in any of the following areas:
 1. Interactions and guidance.
 2. Challenging behaviors.
 3. Trauma informed practices.

RATIONALE

The program administrator of a child care center is the team leader. Both administrative and child development skills are essential for this individual to manage the facility. Research shows that when early childhood professionals are well prepared, children are likely to experience warm, safe and stimulating environments that lead to healthy development and constructive learning. College-level coursework has been shown to have a measurable, positive effect on quality child care.

TECHNICAL ASSISTANCE

Examples of experience include but are not limited to:

- Being licensed as a family or group child care home, now or in the past.
- Working as a child care staff member in a licensed or registered child care facility.
- Doing an internship, a field placement, or student teaching directly with children.
- Working or being a supervised volunteer directly with children.

Unapproved experience includes but are not limited to:

- Babysitting.
- Being a nanny.
- Being a foster parent.
- Raising your own children or a relative's children.

To be approved, the course content description must address:

- program management,
- observation,
- documentation and assessment,
- teaching and learning,
- interactions and guidance,
- challenging behaviors and
- trauma informed practices.

Convert term or quarter hours into semester hours by multiplying the term/quarter hours by 0.66.

Note: Self-paced courses have no guidelines – even from accredited colleges or universities. For examples: Penn Foster and Wisconsin Stout are listed as accredited universities. They have courses program staff can take. But, the courses don't have semester hours or quarter hours because the person works on them at their own pace.

Accreditation: The [US Department of Education Database of Accredited Postsecondary Institutions and Programs](#) provides a listing of schools that are accredited.

- For a course that is not from an accredited college or university, an online course, or a correspondence course, the center must find out if any accredited colleges or universities will accept the credits on a transfer basis. The accepting college has to give a written verification of transfer.
- Transcripts from other countries may be accepted. The center must get written verification from a university or a private agency of what the credits equal in American credits. These organizations evaluate international transcripts:
 - World Education Services, WES
 - Educational Credential Evaluators, ECE

Transcripts from the following colleges are acceptable:

- Bob Jones University.
- Tennessee Temple College.
- Maranatha Bible College.
- Hyles-Anderson College.

Hours of experience must be verifiable.

Hours of Experience Equivalents

- 480 hours of experience = 3 months of full-time work experience.
- 960 hours of experience = 6 months of full-time work experience.
- 1920 hours of experience = 12 months of full-time work experience.

Official transcripts showing that one of the following has been earned will be accepted as meeting the rule without a course-by-course review

The title or course description must show that the course meets the requirement of being in:

- child care administration,
- early childhood education,
- child development,
- youth development or
- a child-related field.

Official transcripts, copies of transcripts and those stamped "Issued to Student" are acceptable. Those downloaded from a school's website are not acceptable

R 400.8410 (9) & (11) *(continued on next page)*

Program Administrator Qualifications	Option A (9) & (11)(a)(i)(ii)(iii)	Option B (9) & (11)(b)(i),(ii),(iii),(iv),(v)	Option C (9) & (11)(c)
Minimum Age (9)(a)	21 years	21 years	21 years
Minimum Education (9)(b)	High school diploma or GED.	High school diploma or GED.	High school diploma or GED.
Administration Training (9)(c)	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*
Minimum Experience	1 year	6 months	None

Training/ Semester Hours/CEUs (11)	6 semester hours 9 CEUs or a combination to equal 90 clock hours of coursework in one of the following: <ul style="list-style-type: none"> • Child care administration • Early childhood education • Child development • Youth development • A child-related field 	One of the following: <ul style="list-style-type: none"> • Valid child development associate credential • Montessori credential • Michigan youth development associate certificate or credential • Associate degree in any field of study 	An associate degree or higher in any field of study. AND 3 hours of MiRegistry approved training in each of the following: <ul style="list-style-type: none"> (a) Program Management (b) Observation, documentation, and assessment (c) Teaching and learning AND 6 hours of MiRegistry approved training in any of the following areas: <ul style="list-style-type: none"> (a) Interactions and Guidance (b) Challenging Behaviors (c) Trauma Informed Practices
Center Requirements (11)(a)(iii)(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

**A program administrator is exempt from this requirement if there is a central administrator that meets the requirements and is responsible for (a) Developing, implementing, and evaluating program and center policies. (c) Monitoring staff, including annual evaluations. Verification of the qualifications of the central administrator must be maintained on file at the center or at the central office.*

If utilizing Option A: The trainings may be in a single topic or any combination that meets the total requirement with a minimum of 90 clock hours.

If utilizing Option C: A combination of training hours may be used to equal the 6 hours of training in interactions and guidance, challenging behaviors and trauma informed practices. A total of 15 training hours are needed and verification of training hours must be logged in MiRegistry.

RULE 410 (12)

12. A school-age program director who was qualified on the director's date of hire remains qualified as a program administrator as of the effective date of this rule as long as they remain continuously employed as a program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule are voided.

13. A substitute director who was qualified on the substitute's director's date of hire remains qualified as a substitute program administrator as of the effective date of this rule as long as they remain continuously employed as a substitute program administrator at the center or at another licensed center without a break in service of more than 180 days. Any variances approved as of the effective date of this rule remain effective and timeframes required in the variance must be met. Any variance requirements not completed by 4 years after the effective date of this rule are voided.

RATIONALE

A trained and qualified program administrator is essential to ensure optimal program functioning.

RULE 410 (14)

14. Verification of the qualifications of the program administrator and substitute program administrator must be maintained on file at the center or at the central office until 2 years after effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

RATIONALE

Documents that the program administrator meets the rule requirements.

R400.8419 School-age child care center site administrator; qualifications; responsibilities**RULE 419 (1) – (3)**

1. A site administrator shall be present at the center during all hours of operation when the program administrator overseeing multiple sites is not on the premises.
2. Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.
3. Site administrators shall assist the program administrator in all of the following:
 - a. Developing, implementing, and evaluating program and center policies.
 - b. Administering day-to-day operations, including being available to address parent, child, and staff issues.
 - c. Monitoring and overseeing staff.

RATIONALE

Ensures that a trained staff person is present at all times who is responsible for the daily operation of the program, including the supervision of staff and care of children.

TECHNICAL ASSISTANCE (2) & (3)

A site administrator may also serve as program staff, as long as that role does not interfere with management and supervisory responsibilities.

RULE 419 (4) & (5)

4. Site administrators shall meet both of the following qualifications:
 - a. Be not less than 18 years of age.
 - b. Have a high school diploma or GED.
5. Site administrators shall meet 1 of the following to be qualified:
 - a. All of the following:
 - i. A minimum of 6 months of experience.
 - ii. 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.
 - iii. Work for a center that participates in great start to quality.
 - b. All of the following:
 - i. A minimum of 3 months of experience.

- ii. A valid child development associate credential, Montessori credential, Michigan youth development or credential, or associate degree in a child-related field.
- iii. Work for a center that participates in great start to quality.
- c. Both of the following:
 - i. An associate degree or higher in any field of study.
 - ii. 15 clock hours of school-age training.

RATIONALE

Ensures the site supervisor has relevant work experience for working with school-age children.

TECHNICAL ASSISTANCE

The following are examples of acceptable verification of age:

- A copy of a driver's license or state/government ID.
- A copy of the site administrator's program director's birth certificate.
- A self-certifying statement.

The following will be accepted to verify compliance with subrule (b) of this rule:

- A copy of a high school diploma, GED or equivalent.
- A statement that self-certifies meeting the subrule.

A specific learning track for child care administration is available at MiRegistry. You must verify completion.

- Official transcripts,
- copies of transcripts and
- copies stamped "Issued to Student".

Transcripts that are downloaded from a school's website are not acceptable

Semester hour or CEUS can be documented by:

- A copy of transcripts from your proposed central administrator.
- Written documentation of completed CEUs.
- Copy of the administrative credential.

R 400.8419 (4) & (5) (continued on next page)

Site Administrator Qualifications	Option A	Option B	Option C
Minimum Age (4)(a)	18 years	18 years	18 years
Minimum Education (4)(b)	High school diploma or GED.	High school diploma or GED.	High school diploma or GED.

Administration Training	None	None	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire
Minimum Experience	6 months	3 months	None
Training/ Semester Hours/CEUs	6 semester hours 9 CEUs or a combination to equal 90 clock hours of coursework in: <ul style="list-style-type: none"> • Child care administration • Early childhood education • Child development • Youth development • A child-related field 	One of the following: <ul style="list-style-type: none"> • Valid child development associate credential • Montessori credential • Michigan youth development associate certificate or credential • Associate degree in a child related field 	An associate degree or higher in any field of study. <u>AND</u> 15 clock hours of school-age training
Center Requirements (12)(a)(iii),(b)(v)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

RULE 419 (6)

6. A site supervisor who was qualified on the site supervisor's date of hire remains qualified as a site administrator as of the effective date of this rule as long as they remain continuously employed as a site supervisor at the center or at another licensed center without a break in service of more than 180 days.

RATIONALE

Ensures the site supervisor has relevant work experience for working with school-age children.

RULE 419 (7)

7. Verification of the qualifications must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

RATIONALE

Documents that the site administrator meets the rule requirements.

R400.8430 Use of large space requirements

RULE 430 (1)

1. For school-age child care centers located in a large space such as a cafeteria, gymnasium, or a multi-purpose room, groups can be combined if child care staff member to child ratios and group sizes are maintained, program staff and unsupervised volunteers are well positioned throughout the room, and interest areas are set up.

RATIONALE

Ensures that in large spaces, group sizes can be combined as long as child care staff member ratios and supervision is maintained.

TECHNICAL ASSISTANCE

“Well positioned” means that program staff and unsupervised volunteers are spread out across the room, so they can see all areas of the room.

Program staff and unsupervised volunteers need to know what activities children are doing.

Program staff and unsupervised volunteers need to be close enough to the children to supervise them and make sure they are safe. Make sure there are no “blind spots” in the room.

“Interest areas” may include separate areas for:

- large and small motor activities,
- group and individual activities, and
- social and quiet activities.

Social and quiet activity areas can be:

- board games
- art projects
- reading
- homework
- large motor activities (jumping rope or kickball).

R400.8440 Emergency preparedness and response planning allowance in school buildings

RULE 440 (1)

1. School-age child care centers located in a school building may use the school's emergency preparedness plan or drills, or both, if it meets all of the requirements in R 400.8269.

RATIONALE

As emergency situations are not conducive to calm and composed thinking, having written plans allows for the opportunity to prepare and to prevent poor judgments made during an emergency.

TECHNICAL ASSISTANCE

To be sure that the school's plan and/or drills meet R 400.8269 (1), they should address caring for children during:

- a fire,
- tornado,
- flood,
- power outage,
- extreme weather event,
- other natural or man-made disaster
- serious injury or accident,
- bomb threats,
- intruder,
- active shooter, and
- other man-made emergency

To meet R 400.8269 (2), there must be:

- an evacuation plan
- a plan to safely move children to another site
- a shelter-in-place plan
- a lock-down plan
- a plan for contacting parents and reuniting them with their children
- how the center will keep operations going
- how children with special needs will be taken care of
- how children with chronic medical conditions will be taken care of

As long as the school's emergency preparedness plan meets all these requirements, it may be used instead of creating a new plan.

R 400.8269 (6) says a center has to do not less than one fire drill every three months. So long as the school's fire drill schedule has at least one fire drill every three months, the center may count the school's fire drill to meet this requirement.

R 400.8269 (7) says a center needs to do not less than two tornado drills between the months of March to November. If the school's tornado drill schedule has at least two tornado drills between the months of March to November, the school's tornado drill meets this requirement.

R 400.8269 (8) requires a center to complete drills for emergencies other than fires and tornadoes annually. If the school has yearly emergency drills, the center may count the school's emergency drills to meet this requirement.

R400.8501 National Fire Protection Association standards; adoption by reference**RULE 501 (1)**

1. The National Fire Protection Association (NFPA) standards, in Table 4, are adopted by reference in these rules with the exemptions noted. The standards are available for free from at the NFPA website at www.nfpa.org, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9109, Quincy, Massachusetts 02269-9101. They are also available for inspection and distribution at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan St, Lansing, MI 48933.

TABLE 4

Standard	Title	Edition
NFPA10	Standard for Portable Fire Extinguishers	2018
NFPA13	Standard for the Installation of Sprinkler Systems	2019
NFPA17A	Standard for Wet Chemical Extinguishing Systems	2024
NFPA25	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	2017
NFPA72	National Fire Alarm Code and Signaling Code	2019
NFPA80	Standard for Fire Doors and Other Opening Protectives	2019
NFPA96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	2024
NFPA251	Standard Methods of Fire Resistance of Building Construction and Materials	2006
NFPA265	Standard Methods of Fire Tests for Evaluation Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls	2019
NFPA701	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	2015

R400.8505 Definitions

RULE 505 (1) (a)

1. As used in this part:
 - a. "Basement" means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for not less than 50% of the perimeter.

TECHNICAL ASSISTANCE

A basement is at least half underground for at least half the outside edge.

RULE 505 (1) (b)

1. As used in this part:
 - b. "Child care room" means a space or area bounded by any obstruction to egress of any height that, at any time, encloses more than 80% of perimeter of the space or area and is occupied by children.

TECHNICAL ASSISTANCE

A child care room is a space that is at least 80% surrounded by walls or other barriers.

RULE 505 (1) (c) & (d)

1. As used in this part:
 - c. "Closet" means a room with dimensions of not greater than 24 square feet, not deeper than 3 feet, and is not used to store hazardous equipment or flammable products.
 - d. "Combustible" means materials that ignite and burn when subjected to a fire or excessive heat.

TECHNICAL ASSISTANCE

Items that can burn easily are flammable.

RULE 505 (1) (e)

1. As used in this part:
 - e. "Conversion" means to alter the use of an existing building or room to a center.

TECHNICAL ASSISTANCE

If you change how you are using one of the rooms or areas in the center, it is a “conversion.”

RULE 505 (1) (f) – (j)

1. As used in this part:
 - f. “Existing building” means a structure or part of a structure not currently used as a center.
 - g. “Existing licensed center” means a center that was licensed on or before December 7, 2006, and whose license continues uninterrupted.
 - h. “Exit” means a way of departure from the interior of a building or structure to the open air outside at ground level.
 - i. “Fire alarm” means a device used to alert the occupants of the building of fire or smoke conditions. The device must be audible in all parts of the building used as a center.
 - j. “Fire alarm system” means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a central panel, manual pull stations near all outside exits, audible electric signal devices, and, where warranted, a remote trouble annunciator. All system components must be listed by a nationally recognized testing laboratory and installed in accordance with NFPA-72.

TECHNICAL ASSISTANCE

A fire alarm system is wired and has the following parts:

- A control panel
- Fire alarm pull switches by the doors
- An alarm that can be heard in all areas of the center
- A warning voice

RULE 505 (1) (k) – (m)

1. As used in this part:
 - k. “Fire door assembly” means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with NFPA-80.
 - l. “Fire-resistance rating” means the time for an element in a building to maintain its particular fire resistance properties in accordance with NFPA-251. Technical Assistance: a fire resistance rating is how long a part of the building can hold up against fire. It is measured in minutes or hours.
 - m. “Fire-resistive construction” means a building having walls, ceilings, floors, partitions, and roof of non-combustible materials having a minimum fire-resistance rating of 1 hour. This subdivision shall not be construed as prohibiting finished wood floors, doors, and windows with assorted frames and trim.

TECHNICAL ASSISTANCE

The following must be able to hold up for one hour in a fire:

- walls,
- ceilings,
- floors,
- partitions, and
- roof.

This rule does not mean that centers can't use wooden floors, doors, windows, and trim.

RULE 505 (1) (n) – (o)

1. As used in this part:
 - n. "Flammable" means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less.
 - o. "Fuel-fired appliance" means a device that burns solid, liquid, or gaseous fuel or a combination thereof.

TECHNICAL ASSISTANCE

Fuels could be propane, natural gas, etc.

RULE 505 (1) (p) – (r)

1. As used in this part:
 - p. "Hazard area" means those parts of a center building housing a commercial kitchen, heating plant, fuel- fired water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.
 - q. "Heating plant room" means a room or area housing fuel-fired equipment.
 - r. "Interior finish" means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.

TECHNICAL ASSISTANCE

"Interior finishes" does not mean decorations or furniture. It does include:

- Drywall
- Bricks
- Wood framing
- Paneling
- Tiles
- Paint
- Wallpaper

RULE 505 (1) (s) – (w)

1. As used in this part:
 - s. “Means of egress” means a minimum of 36 inch wide continuous and unobstructed path of exit travel from any point in a building to the outside at grade. Technical Assistance: Egress means able to leave the building at ground level. The exit must be 36 inches wide all around.
 - t. “New construction” means a created structure, addition, replacement, or alteration of structural components, such as walls.
 - u. “Noncombustible” means materials that do not ignite and burn when subjected to fire.
 - v. “Protected ordinary construction” means all of the following types of construction:
 - i. Roofs and floors and their supports having a minimum of 1-hour fire resistance rating.
 - ii. Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1- hour fire-resistance rating and stability under fire conditions.
 - iii. Nonbearing exterior walls are of noncombustible or limited combustible materials.
 - iv. Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.
 - w. “Standard partition construction” means a substantial smoke-tight assembly consisting of walls, in conjunction with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½-inch drywall over 2 by 4 foot studs. Doorways in these walls are protected with minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are allowed in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire-rated safety glass, of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.

TECHNICAL ASSISTANCE

The parts of “standard partition construction” are:

- Walls made of 2 foot by 4 foot studs covered in ½” thick drywall or plaster.
- Doors that are 1 ¾” thick, solid core wood doors
- Doors that are fire rated at 20 minutes
- Doors self-close and latch
- There can be glass if is:
 - less than 1,296 square inches total
 - ¼ inch thick wired glass
 - Not longer than 54 inches
 - At least 45-minute fire rating

RULE 505 (1) (x)

1. As used in this part:
 - x. "Textile material" means having a napped, tufted, looped, woven, non-woven, or similar surface.

TECHNICAL ASSISTANCE

This could include carpet, rugs, curtains, etc.

RULE 505 (1) (y) & (z)

1. As used in this part:
 - y. "Wired glass" means glass not less than ¼-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.
 - z. "Wood frame construction" means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

R400.8510 Plans and specifications; submission; approval; inspections

RULE 510 (1) & (2)

1. A complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center must be submitted to the department for review and approval. If the total cost of the project is \$25,000.00 or more, including labor and materials, the plans must bear the seal of a registered architect or engineer.
2. Written approval must be obtained from the department before initiating any construction.

RATIONALE

Ensures that new and existing centers meet licensing rules for fire safety.

TECHNICAL ASSISTANCE

A plan review conducted by the Department of Licensing and Regulatory Affairs (LARA) Bureau of Fire Services Plan Review Division, is required for the following situations:

- Proposed Facility.
- Change of Ownership.
- New construction.
- Renovation.
- Remodeling.
- Modification to add rooms that were not previously approved
- Modification to increase capacity/use space that would require a fire alarm system.
- Modification request to change a preschool/school-age classroom to an infant/toddler room, if not previously approved.
- Any structural, mechanical, plumbing, or electrical changes.

A plan review is needed if construction or change in a building with licensed child care space affects the center in any way (including the means of egress or leaving the building). If the construction/change creates a hazard including, but not limited to, use of power tools, there must be a separation of child care space.

To start the process, the applicant/licensee completes the application through Accela Automation, available on the BFS [website](#).

Additional information can be found from the licensing website at [Fire Safety Inspections](#).

If the total cost of the project is \$25,000 or more, the plans must be prepared and sealed by a registered architect or engineer. The BFS Plan Review Division will review these plans, and a plan review report will be returned to the submitter.

Note: Changing interior finishes (e.g., new ceiling tiles, wall finishes, etc.) would not require a plan review. However, the materials must meet the requirements of Rule 400.8520. Make documentation available to the qualified fire inspector (QFI) during the next on-site inspection. Centers do not need a fire safety plan review for needed repairs or replacements when, for any reason, they become undependable or inoperable. Upgrading or remodeling the building or its components either in whole or part will require a fire safety plan review and inspection.

Exception: Replacing an item with the same product would not require an on-site inspection by a QFI (e.g., replacing a broken ceiling tile with the exact same type of ceiling tile or replacing a doorknob with the exact same type of doorknob).

A plan review may be submitted to BFS Plan Review Division before submitting a child care center application.

Follow these guidelines to submit plans:

- Plans must be drawn to scale (usually $\frac{1}{4}$ inch = 1 foot) on 18 X 24 graph paper with:
 - exterior dimensions,
 - interior room dimensions and
 - room usage designated.
- Indicate the type of building materials that will be used in construction, (e.g., masonry or frame).
- Total number of floors, including the basement and attic.
- Interior finish of the walls and ceiling, (e.g., drywall, paint, paneling).
- Door size, type and direction of swing and type of door hardware labeled, (e.g., metal, wood).
- Size and location of windows.
- Interior finish classification.
- Location and type of furnace and water heating equipment, (e.g., fuel fired, electric).
- Fire detection and alarm system plans and specifications.
- Sprinkler systems and/or suppression system and specifications.
- Fire extinguisher type, size, and location.
- Areas of the building to be used for child care.
- Any other information that would be pertinent to determine compliance with rules.

Note: Rooms with less than 80% wall opening are considered well-defined spaces. Required ratio and group sizes must be maintained in these rooms.

QFI Consultations: Consultations are not mandatory, initial consultations can be arranged by providers with a QFI. The service is solely consultative and will have no bearing on the issuance of a new license.

RULE 510 (3)

3. A fire safety inspection must be conducted by the bureau of fire services or a department-approved qualified fire inspector, and an approval granted, before issuance of the original license and every 4 years thereafter, at the time of renewal.

RATIONALE

Ensures new and existing centers meet the licensing rules for fire safety.

TECHNICAL ASSISTANCE

Per department policy, fire safety inspections must be dated within one year of the [original center license being issued](#).

There may be times (ex., when a provisional license has been issued), that a fire inspection will be due at renewal before reaching 4 years. A fire inspection must be completed at renewal if waiting would make the fire inspection go over 4 years.

Only Licensing and Regulatory Affairs (LARA) Bureau of Fire Services (BFS) staff and Qualified Fire Inspectors (QFIs) may grant fire safety approval for child care centers. A list of QFIs can be found on the Child Care Licensing website at [Fire Safety Inspections](#).

Note: Changing interior finishes (e.g. new ceiling tiles, wall finishes, etc.) would not require an on-site inspection from a Qualified Fire Inspector (QFI). However, the materials must meet the requirements of R400.8520. Make documentation available to the QFI at the next on-site inspection.

A fire safety inspection is not required for:

- Repairs to keep a building in operating shape
- Repairs to keep parts of a building in operating shape
- Replacement of parts that are not operating or are not dependable.

Upgrading or remodeling the building or its parts in whole or part requires a fire safety plan and inspection.

An approval or “A” rating that shows substantial compliance with fire safety rules is required on a fire inspection report before a license is issued or renewed.

Applicants and licensees have to contract with and pay for any fire inspections provided by a Qualified Fire Inspector.

Note: Centers located in public and non-public school buildings may be exempt from fire safety inspections. See R 400.8565 for more information.

RULE 510 (4)

4. If a boiler is located in the building or child use area where children are located, it must be inspected, and a certificate provided as required by the boiler division of the department of licensing and regulatory affairs.

TECHNICAL ASSISTANCE

Boiler Inspections must be current when the original center license is issued.

The center must have a boiler inspected as LARA determines, either annually or every three years. Keep documentation on file at the center to verify required inspections. If the center has had an inspection but has not received the certificate, documentation may include an inspection report or a sticker attached to the boiler by the LARA inspector.

Boilers must be inspected by a boiler inspector from LARA or someone who has both a boiler license and a mechanical contractor license.

All boilers have to be inspected and approved, no matter where they are (this includes in a separate building). A water heating unit larger than 200,000 BTUs must be inspected and approved by the boiler inspector.

RULE 510 (5)

5. Fuel-fired furnaces must be inspected by a licensed mechanical contractor before issuance of an original license and every 2 years at renewal.

RATIONALE

Ensures the safety of children and adults as routinely scheduled inspections ensure that fuel-fired furnaces are working properly.

TECHNICAL ASSISTANCE

Per department policy, inspections of fuel-fired furnaces must be dated within one year of the original license being issued.

The center must keep documentation on file that shows the furnace has been inspected by a licensed heating contractor.

A licensed mechanical contractor is licensed by LARA. The license number will begin with 71.

The inspection report must show:

- the date of the inspection,
- that the furnace is safe and is in good working order.

All furnaces must be inspected, no matter where they are (including furnaces in other buildings, on rooftops, etc.).

Note: Electric heat does not require an inspection.

RULE 510 (6)

6. Fuel-fired water heaters must be inspected by a licensed mechanical contractor or a licensed plumbing contractor before issuance of an original license and every 2 years at renewal.

RATIONALE

Ensures the safety of children and adults as routinely scheduled inspections ensure that fuel-fired water heaters are working properly.

TECHNICAL ASSISTANCE

Per department policy, inspections of fuel-fired water heaters must be dated within one year of the original center license being issued. The center must document that the water heater has been inspected by a licensed heating contractor or a licensed plumber. Licensed mechanical contractors and licensed plumbing contractors are licensed by LARA. A mechanical contractor's license number will begin with 71 and a licensed plumbing contractor's license will begin with 81.

The inspection report must show:

- the date of the inspection and
- if the water heater is safe and in good working order.

All fuel-fired water heaters, no matter where they are, must be inspected, including those in separate buildings

Note: Electric water heaters do not require an inspection.

RULE 510 (7)

7. New furnace and water heater installations must be inspected and approved by the local mechanical inspecting authority at the time of installation.

RATIONALE

Ensures that furnaces and fuel-fired water heaters are installed properly.

TECHNICAL ASSISTANCE

The center must keep documentation on file that says the furnace and/or water heater (fuel-fired and electric) has been inspected by an approved inspector. The inspection report must show:

- the date of the inspection, and
- that the furnace and/or water heater is safe and in good working order.

Per department policy, inspections for new furnaces and water heaters must be dated within one year of issuance of the original center license.

All furnaces and water heaters, no matter where they are, have to be inspected. This includes those in other buildings or in locations (like a rooftop).

R400.8515 Construction

RULE 515 (1) & (2) (a) – (b)

1. If child occupancy is limited to the first or main floor, the building may be of wood frame construction.
2. If child occupancy is on the second floor, all of the following are required:
 - a. The building must be of protected ordinary construction.
 - b. All required stairways and vertical openings must be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate that meet the requirements of standard partition construction to provide a protected means of egress to the outside with proper termination to grade.

TECHNICAL ASSISTANCE

R 400.8505(v) defines protected ordinary construction.

“Protected ordinary construction” means all of the following types of construction:

- Roofs and floors and their supports having a minimum of 1-hour fire-resistance rating.
- Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1-hour fire-resistance rating and stability under fire conditions.
- Nonbearing exterior walls are of noncombustible or limited combustible materials.
- Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

If children will be on the second floor, the stairways, doorways, or any openings in walls has to be at least:

- standard lath and plaster, or
- 2"x4" wood studs,
 - studs placed at most 24" apart from the center of each stud
 - covered on both sides by at least ½" thick drywall

These rules do not permit wood stud walls or any openings in the walls to be covered by paneling or other wood without the required plaster or drywall behind it unless approved by the Bureau of Fire Services.

“Standard partition construction” means solidly built smoke-tight walls that reach the ceilings that are covered on both sides with minimum standard lath and plaster or 1/2-inch drywall over 2" x 4" studs.

RULE 515 (2)(c) – (4)

2. If child occupancy is on the second floor, then all of the following are required:
 - c. All door openings contained in subdivision (b) of this subrule must meet all of the following requirements:
 - i. Be protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
 - ii. Be installed in fully stopped smoke-tight, substantial frames.
 - iii. Be equipped with approved self-closing devices and non-locking- against-egress positive latching hardware.
3. If child occupancy is above the second floor, then both of the following are required.
 - a. The building must be of 1-hour fire-resistive construction.
 - b. All required stairways and other vertical openings must be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress to the outside with proper termination to grade.
4. If any portion of a basement is used for more than 30 children, then 1 of the following provisions is required:
 - a. Two enclosed stairways of 1-hour fire-resistant construction must discharge directly to the outside with proper termination to grade, and all openings in the stairways must be protected by a minimum of 45-minute rated fire doors assemblies. "B" labeled fire doors are acceptable.
 - b. One approved exit from the occupied room or use area must discharge directly to the outside with proper termination to grade. Travel distance from any point in this room or area to this exit must be less than 50 feet.
 - c. Two exits comprised of any combination of subdivisions (a) and (b) of this subrule.

TECHNICAL ASSISTANCE

To determine the rating for a door, look for the Underwriters Laboratories (UL) or Warnock Hersey (WH) fire label. At times, the label is easily found, and sometimes it can be quite difficult to locate. Below are some helpful tips for finding the fire label.

- Start by looking on the hinge side of the door – look for the circled "UL" or "WH."
- On wood doors, the fire label can be on the hinge side or top of the door.
- Over time, the label may get painted over, so check carefully for any raised surfaces.
- The label may also be located on the top or bottom of the door.
- Some labels are embossed (raised lettering) in the frame, so be sure to feel for any texture/raised surfaces.

RULE 515 (5) & (6)

5. If basement occupancy is limited to not more than 30 children, then all of the following apply:
 - a. One of the exits required by subrule (4) of this rule must discharge directly to the outside with proper termination to grade, or through a 1-hour fire- resistive enclosure.
 - b. The second exit may terminate at the first-floor level with an approved floor

separation, meeting the requirements of standard partition construction, between the basement and the first floor.

- c. For new construction and conversions, the separation must be located at the first floor with travel distance from the door to an approved exit not to exceed 100 feet.
6. All vertical openings and stairways that are not required must be constructed and arranged with effective fire and smoke separation under the requirements of standard partition construction. All door openings must be as follows:
- a. Protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
 - b. Installed in fully stopped smoke-tight substantial frames.
 - c. Equipped with approved self-closing devices and non-locking-against- egress positive latching hardware.

TECHNICAL ASSISTANCE

When there are 30 or fewer children in the basement level, one exit has to lead directly outside at ground level. Or that exit can go through an enclosed place that will resist burning for at least one hour. The second exit can be to the first floor if it goes through an approved partition.

“Standard partition construction” means a substantial smoke-tight assembly consisting of walls, in conjuncture with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½ inch drywall over 2 by 4 foot studs. Doorways in these walls are protected with minimum 1 ¾ inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are allowed in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire rated safety glass of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.

R400.8520 Interior finishes**RULE 520 (1) – (4)**

1. The classifications of interior finishes for flame spread and smoke development, as displayed in Table 5 must be used as follows:

TABLE 5

Flame Spread and Smoke Development for Interior Finishes		
Class	Flame Spread	Smoke Developed
A or I	0-25	0-450
B or II	26-75	0-450
C or III	76-200	0-450

2. Basic materials in a means of egress and basement use occupancies must be class A or I or B or II.
3. Basic materials in all other areas must be class C or III.
4. Interior finish material more hazardous than class C or III is prohibited in child use areas.

TECHNICAL ASSISTANCE

The Bureau of Fire Services or QFI must document the interior finish classification of any questionable wall or ceiling finishes.

The following materials must not be used for interior finishes on child-occupied rooms or spaces:

- Cardboard,
- asphalt paper,
- foam plastics,
- cork,
- corkboard, or
- other highly combustible materials.

Carpeting must not be used as wall or ceiling finishes.

See subrule (8) for requirements applicable to other textiles.

Anything used to make a well-defined space must meet all requirements for interior finishes.

RULE 520 (5) – (9)

5. If an approved automatic sprinkler system is installed and maintained in accordance with NFPA-13 and NFPA-25, class C or III interior wall and ceiling finish materials shall be allowed in any location where class B or II is required and class B or II interior wall and ceiling finish materials shall be allowed in any location where class A or I is required.
6. In an existing licensed center or conversion, existing interior finishes that do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. The coatings must be applied to interior finishes that are attached to or furred out not more than 1 inch from a noncombustible backing and applied according to manufacturer's recommendations. Documentation must be provided as required by the department.
7. Interior finish materials of classes B or II and C or III that are less than 1/4 inch in thickness must be applied directly against a noncombustible backing or be furred out not more than 1 inch unless, the tests under which such material has been classed were made without a backer.
8. Centers licensed before December 7, 2006, may retain previously approved fire retardant coated interior finishes.
9. Textile materials having a class A or I rating and used as an interior finish shall be allowed as follows:
 - a. On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.
 - b. On room partitions that are less than $\frac{3}{4}$ of the floor-to-ceiling height not to exceed 8 feet in height.
 - c. To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.
 - d. Textile materials shall be allowed on walls and partitions if tested in accordance with and meeting the standards of NFPA-265. If compliance is achieved by application of a flame-proofing product in accordance with NFPA-701, documentation must be provided as required by the department.

RULE 520 (10) – (13)

10. Drapery material may be used for stage curtains, room dividers, and similar uses if the material was tested and approved in accordance with NFPA-701.
11. Drapery material applied to surfaces of a facility as an interior finish must meet the requirements of subrule (9) of this rule.

12. All vinyl and wooden wall dividers must meet the interior finish requirements of subrules (1), (2), and (3) of this rule, as applicable.
13. Bulletin boards must meet the interior finish requirements of subrules (2) and (3) of this rule.

TECHNICAL ASSISTANCE

The center must be able to document the following meet requirements:

- textile materials (9),
- drapery materials (10-11),
- interior finishes of wall dividers (12), and
- bulletin boards (13).

The textile or drapery material, wall divider or bulletin board must be removed if the center can't show compliance.

This documentation includes, but is not limited to:

- Test report from a nationally recognized testing laboratory such as Underwriters Laboratory.
- Manufacturer's product information.

Examples of dividers include:

- Accordion style.
- Folding.
- Movable partitions.

RULE 520 (14)

14. Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.

RATIONALE

When more than 20 percent of the wall space is covered with paper materials, the fire resistance value of the wall protection is voided.

TECHNICAL ASSISTANCE

Keep the amount of materials that easily burn to 20 percent of each wall of a room or hallway at most. This does not include required postings, such as the center's license, emergency numbers, or hand washing signs. Children's artwork is not a required posting. Other postings required by the Program Quality Assessment and other program standards are not considered required postings.

Exception: Paper materials that have been treated with an approved flame retardant can exceed the 20 percent rule. In this case, a center needs a signed affidavit of:

- the type of product used,
- who the installer was,
- the date the work was completed, and
- whether products were installed per the manufacturer's recommendations.

A copy of the manufacturer's flame spread and smoke density specifications is also needed. Suspended from or near the ceiling means hanging freely near or from the ceiling. Items that easily burn that are completely attached to the wall near the ceiling, such as alphabet letters, are acceptable.

Exception: Licensing allows signs that define areas, such as a reading area. In addition, items like textile decorations can be hung from the ceiling if they meet the requirements of NFPA-701 or have been treated with an approved flame retardant. If the item was treated with a flame retardant, a signed affidavit is needed with:

- the type of product used,
- who the installer was,
- the date the work was completed, and
- whether products were installed per the manufacturer's recommendations.

A copy of the manufacturer's flame spread; smoke density specifications is also needed.

R400.8525 Exits**RULE 525 (1) – (3)**

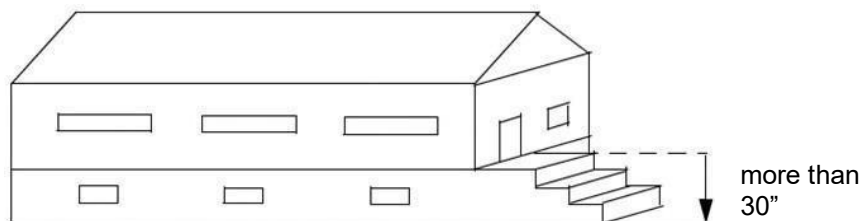
1. Except as referenced in R 400.8515(5)(b), each occupied floor must have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the center must be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.
2. Travel distance to an exit must be as follows:
 - a. For infants and toddlers, travel must be 50 feet or less from the door of the occupied room to the exit.
 - b. For preschoolers and school-aged children, travel must be 100 feet or less from the door of the occupied room to the exit.
 - c. Buildings with a complete fire suppression system may increase their travel distances by 50 feet if the fire suppression system plan is submitted and approved by the bureau of fire safety.
 - d. Those areas approved before July 1, 2000, are exempt from the requirements of this rule.
3. For all centers initially licensed after December 6, 2006, programs with infants and toddlers must have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

RATIONALE

Facilitates evacuation from the center in the event of fire or other emergency.

TECHNICAL ASSISTANCE

There must be a ramp if the child care level is more than 30 inches above the outdoor ground level. This ramp must have a minimum rise-to-run ratio of 1-to-12.



RULE 525 (4)

4. Exit doors and all doors in the means of egress must be side-hinged and equipped with knob, lever-type, non-locking-against-egress, or panic-type hardware.

RATIONALE

Facilitates the evacuation of the center in the event of a fire or other emergency.

TECHNICAL ASSISTANCE

Doors (to classrooms, bathrooms, nap rooms, etc.), along the required path of travel from anywhere children are in the building must have hardware that can be opened with a single motion even if the door itself is locked.

The following ways to open a door with a single motion are acceptable:

- Turning a knob.
- Pushing a handle.
- Using panic-type hardware. Panic-type hardware is opened by pressure in the direction of travel.

Centers that use locks on exterior doors that keep them from opening from the outside must be able to open with a single motion when leaving the building.

Doors that lead outside (egress) must use door hardware that needs one motion.

Examples of hardware that needs more than one motion include, but are not limited to:

- Doorknobs that require turning a small locking button in the center of the doorknob before turning the knob itself to open the door.
- Chain locks.
- Dead-bolt locks that require turning a thumb latch from the inside or using a key to unlock.
- Hook-and-eye locks.
- Sliding bolts and other similar devices.

Note: You must get approval from the bureau of Fire Services if you want to use thumb bolts.

You can't use sliding doors anywhere along the required means of egress.

Safety gates, half doors, or quarter doors are ok if they can be opened with a single motion. They are also ok if they do not reduce the minimum widths as required by subrules (10) and (11) of this rule.

If using a safety gate, the bottom threshold can be no higher than $\frac{1}{2}$ inch.

Safety gates that require more than one motion are not approvable. Examples include gates opened by:

- Pinch then pull motion.
- Squeeze, slide, then open.

Note: Safety gates should be at least 36 inches tall to discourage parents and child care staff members from stepping over them. A child could be injured if a parent or child care staff member trips on the gate while holding a child or lands on a child.

Exception: It is ok to have a sliding door inside the center if it is fixed in its track to be open. The licensee should give a signed statement that the doors will be fixed to be kept open all the way when the child care program is in session.

Approved methods of securing a sliding door or sliding partition include but are not limited to:

- Placing a bolt through the track.
- Placing a padlock in the track.
- Using a light cable or chain and padlock to secure the door to the wall to keep it open.

Note: The Construction of School Buildings Act (MCL - Section 388.851d) provides for the allowance and use of a temporary door locking device or system in school buildings. These temporary door locking devices or systems are only allowed in buildings operating as schools; therefore, any center that is not located in a building operating as a school cannot use these temporary door locking devices or systems. The inspection and approval of these types of temporary door locking devices or systems are regulated by the Bureau of Fire Services.

If there are any questions regarding the inspection and/or approval of these devices, contact Bureau of Fire Services at lara-BFS@michigan.gov or (517) 241-8847.

RULE 525 (5)

5. Exit doors and doors in rooms occupied by 21 or more children must swing in the direction of egress.

RATIONALE

Facilitates evacuation from the center in the event of fire or other emergency.

TECHNICAL ASSISTANCE

If a center requests a modification to increase the number of children in an occupied room to 21 or more, the consultant must confirm that the exit doors swing out in the direction of egress. If there are questions regarding compliance with this rule, the facility is required to have a fire safety inspection by a QFI.

RULE 525 (6)

6. Means of egress must be maintained in an accessible, free, and unobstructed manner, while a center is in operation.

RATIONALE

Facilitates evacuation from the center in the event of fire or other emergency.

TECHNICAL ASSISTANCE

ALL doorways, hallways, entrance ways, and any other area that lead to outside must be kept free of things that block the way. They could catch fire or make it hard to evacuate. Do not use these areas for storage. Built-in cubbies, lockers or coat hooks are permitted as long as they don't get in the way of or block egress.

All fire doors to hazard rooms must be kept fully closed and latched any time children are in care (unless otherwise approved by the Bureau of Fire Services).

RULE 525 (7) – (12)

7. In new construction, additions, remodeling, and conversions, there must be a floor or landing on each side of an exit door. The floor or landing must be at the same elevation on each side of the door, except for variations in elevation due to differences in finish materials, which must not exceed ½ inch.
8. In conversions, landings must have a width not less than the width of the stairway or the width of the door, whichever is greater. Landings must have a length not less than the width of the door.
9. In new construction, additions, and remodeling, landings must comply with the latch-side clearance requirements of sections 404.2.3 through 404.2.3.5 of the International Code Council standard A117.1, -2017 Standard for Accessible and Usable Buildings and Facilities, American National Standard, which is adopted by reference and only applies to this subrule. The A117.1, -2017 Standard for Accessible and Usable Buildings and Facilities, American National Standard, can be purchased from the International Code Council for \$36.60 at <https://shop.iccsafe.org/icc-a117-1-2017-standard-for-accessible-and-usable-buildings-and-facilities-1.html>, or from the International Code Council, 200 Massachusetts Ave, NW, Suite 250, Washington DC 20001, or by calling (888) 422 7233. They are also available for inspection and distribution at no charge Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, MI 48933.
10. For new construction, additions and remodeling, an exit door must be not less than 36 inches wide. Doors to multiple-use bathrooms must not be less than 32 inches wide.
11. For the conversion of an existing building, exterior exit doors must be not less than 36 inches wide. Existing interior doors must be not less than 28 inches wide. Single-use toilet room doors must not be less than 24 inches wide. Any remodeled door openings, other than the door swing, must comply with subrule (10) of this rule.
12. Centers licensed before December 7, 2006, may retain previously approved door widths.

RULE 525 (13)

13. Exterior exits must be marked or denoted by an approved exit sign. All exit signs must be distinctive in color and provide contrast with decorations, interior finish, or other signs. Each exit sign must have the word "EXIT" in plain, legible letters not less than 6 inches high, on a background of contrasting color, with strokes not less than $\frac{3}{4}$ -inch wide. The word "EXIT" must have letters that are not less than 2 inches wide, except the letter "I".

RATIONALE

Facilitates the evacuation of the center in the event of fire or other emergency.

TECHNICAL ASSISTANCE

Exit signs must be placed:

- above each exterior door or
- in a easily seen place next to each exterior door if the door is meant for exiting.

Exterior doors that are not used for exiting do not need to have an exit sign as long as

RULE 525 (14)

14. Exit signs must be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means must be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

RATIONALE

To ensure visibility of exits for swift evacuation in case of an emergency.

TECHNICAL ASSISTANCE

The above applies to new facilities, facilities that are undergoing construction, and for any of the following modifications: adding new space, change of use space, increase of capacity, and any modification that would require a BFS plan review to be involved.

RULE 525 (15)

15. When nighttime care is provided, the center must have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

TECHNICAL ASSISTANCE

To be used for nighttime care:

- Levels must have ramps to the outside ground level
- Ramps must be barrier free
- All required exits must have barrier-free ramps.

An approved barrier-free ramp must not be more than a 1:12 slope. The ramps must have adequate handrails and wheel guards on any open sides.

RULE 525 (16)

16. When nighttime care is provided, all exit signs must be illuminated, and emergency lighting provided at the interior and exterior of the exits.

RATIONALE

Facilitates evacuation from the center at night in the event of fire or other emergency.

TECHNICAL ASSISTANCE

This rule applies to all licensed centers providing nighttime care.

R400.8530 Hazard Areas**RULE 530 (1) – (3)**

1. Hazard areas must be separated from the parts of the building used as a center in the following manner:
 - a. In centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas are approved if they are enclosed with a minimum $\frac{3}{4}$ -hour fire resistive construction and doorways to the areas are protected with a minimum $1\frac{3}{4}$ -inch flush solid core wood or 20-minute labeled fire-rated doors equipped with approved self-closing devices and positive latching hardware.
 - b. In centers licensed between June 4, 1980, and July 1, 2000, areas used for the storage of combustibles and other hazards are approved if they are enclosed by 1 of the following:
 - i. If the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation must be protected with a minimum of 45-minute rated fire door assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.
 - ii. If the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum $\frac{3}{4}$ -hour fire resistance rating, all door openings must be protected by minimum $1\frac{3}{4}$ -inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.
 - c. In centers licensed after July 1, 2000, areas used for the storage of combustibles and other hazards are approved if they are enclosed by 1 of the following:
 - i. If the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation must be protected with a minimum of 45 minute-rated fire door assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.
 - ii. If the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings must be protected by minimum $1\frac{3}{4}$ inch flush solid core wood doors or 20-minute labeled fire-rated doors in substantial frames and equipped with approved self-closing devices and positive latching hardware.
 - iii. If the area is used for the storage of combustibles, including basements and areas adjacent to the licensed area, a room must be protected according to subrule (1)(c)(i) or (ii) of this rule.
2. If a kitchen with fuel-fired appliance cooking equipment exposes a required means of egress or child use area, it must be separated from the remainder of the building with

minimum 1-hour fire resistive construction, including a minimum of 45-minute rated fire door assemblies in all common openings. Kitchens having fuel-fired appliance cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement. "B" labeled doors are acceptable.

3. The use of an incinerator is prohibited.

TECHNICAL ASSISTANCE

To determine the rating for a door, look for the Underwriters Laboratories (UL) or Warnock Hersey (WH) fire label. At times, the label is easily found, and sometimes it can be quite difficult to locate. Below are some helpful tips for finding the fire label.

- Start by looking on the hinge side of the door – the critical component to look for is the circled "UL" or "WH."
- On wood doors, the fire label can be on the hinge side or top of the door.
- Over time, the label may get painted over, so check carefully for any raised surfaces.
- The label may also be located on the top or bottom of the door.
- Some labels are embossed (raised lettering) in the frame, so be sure to feel for any texturing/raised surfaces.

RULE 530 (4)

4. Heating must be by a central heating plant or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy or adjacent to the licensed area such as the basement or attic, it must be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a minimum of 45-minute rated fire door assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening.

RATIONALE

Properly enclosing heating equipment in a heating plant room reduces the risk that fire from heating equipment would spread throughout the building. Without a sufficient source of combustion, heating units that burn fuel with a flame will be inefficient and can produce more toxic byproducts. The storage of combustible items in a heating plant room increases the risk of fire.

TECHNICAL ASSISTANCE

Note: If the heat plant is not on the same floor where children are, a center is not required to have a 1¾-inch flush solid wood core door. The doors may be a 1¾-inch flush solid core wood door or a 20-minute labeled fire-rated door.

Do not prop open doors to heating plant rooms or take off or disable the self-closing device. The door must swing shut and close completely on its own.

Combustible materials are anything that can easily catch fire and burn. Most materials are combustible. Non-combustible materials include, but are not limited to, masonry items (stone or brick), all-metal items, or glass items.

Examples of prohibited combustible items include, but are not limited to:

- Cardboard boxes.
- Plastic containers.
- Wooden items.
- Paper products.
- Lawn mowers or snow blowers.
- Christmas decorations.
- Clothing.

Examples of permitted items include, but are not limited to:

- Light bulbs.
- A refrigerator.
- Snow salt.
- Tools.
- Equipment or materials necessary for the maintenance of the heating equipment.

RULE 530 (5) – (7)

5. In centers licensed before December 7, 2006, a properly installed heating plant located in a basement that is not used for child occupancy does not require additional protection if there is a qualified fire separation and with not less than a 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.
6. Any fuel-fired appliance must be located according to subrule (4) or (5) of this rule, as applicable.
7. If electric heating is used, it must be Underwriters' Laboratories, Inc. (UL) listed, permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating that complies with this requirement may be installed in any location.

RULE 530 (8)

8. Auxiliary heating units, such as portable combustion or electrical types, are prohibited.

TECHNICAL ASSISTANCE

This rule applies to all areas of the center, including offices and storage areas. Examples of auxiliary (extra or additional) heating units include:

- Kerosene heaters.

- Oil-filled heaters.
- Electric heaters.
- Ceramic heaters.
- Wood burning stoves.
- Fire places.

RULE 530 (9) & (10)

9. The center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized staff.
10. The center shall not store combustible materials within the central heating plant or fuel-fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.

RATIONALE

Ensures the safety of children and adults. Flammable and combustible materials can intensify fires.

RULE 530 (11)

11. The center shall not allow flammable gases, gasoline, or gasoline-powered equipment in the part of a building that is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

TECHNICAL ASSISTANCE

Examples of gasoline-powered equipment include, but are not limited to:

- Lawn mowers, riding or push.
- Snow blowers.
- Tractors.
- Weed-wackers or trimmers.
- Leaf blowers.

Examples of flammable gases, include but are not limited to:

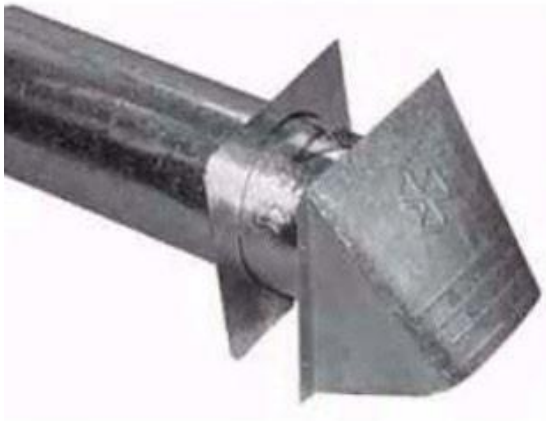
- Propane and propane cylinders.
- Butane.
- Acetylene.
- Ammonia.

RULE 530 (12) & (13)

12. If fuel-fired laundry equipment is installed, the equipment must be enclosed to provide a 1-hour resistance to fire, including a minimum of 45-minute rated fire door assembly in an interior door opening that would expose the center. "B" labeled doors are acceptable.
13. Dryer vents must be metal or Underwriters' Laboratories, Inc (UL) listed flexible transition duct and vented completely to the exterior.

TECHNICAL ASSISTANCE

Acceptable metal dryer vent:



Acceptable flexible metal (aluminum) dryer vent:



Unacceptable foil dryer vent and unacceptable plastic vent cover:



RULE 530 (14) – (17)

14. The department does not require fire dampers in $\frac{3}{4}$ -hour and 1-hour fire- resistive enclosures.
15. All appliances and equipment in the center must be installed and maintained in accordance with their manufacturer's specifications.
16. Centers shall be maintained free of all conditions that constitute fire safety hazards.
17. When oxygen is needed for a child in care, all of the following must apply:
 - a. The center shall not store more than a day's worth of oxygen on the premises and only when the child is in attendance.
 - b. Tanks that are not in use must be secured from tipping over and labeled as full or empty.
 - c. Signs stating "Oxygen in Use" must be posted at every entrance of the building.

R400.8535 Fire alarm**RULE 535 (1)**

1. In centers with 4 child-occupied rooms or less, excluding bathrooms, and 60 or less children, a fire evacuation method, either electrical or manual, must be installed, with a separate and distinct notice sounding throughout the center.

TECHNICAL ASSISTANCE

The noise the fire alarm signal makes must be separate and distinct from other sounds in the building. It must be heard throughout the facility.

In centers that have the following:

- less than 61 children or
- using less than five rooms
 - this does not include toilet rooms, storage rooms or other areas that only staff use
 - this does include any approved child use rooms (gymnasiums, cafeterias, libraries, computer labs, etc.) even if they are not used on a daily basis.)
 - the fire alarm may be a bell, whistle, or other device used by hand (a “manual device”). The manual device must be loud enough to be heard throughout the entire area used as the center.

This manual device must be kept where it can be easily seen and used at all times. The device must be used to sound actual alarms or alarm drills only. It must not be used for any other purpose.

RULE 535 (2)

2. In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system must be installed and maintained in compliance with NFPA-72.

RATIONALE

Notifies occupants of the building of a fire emergency.

TECHNICAL ASSISTANCE

Any approved child use rooms, including gymnasiums, cafeterias, libraries, computer labs, etc., all count as a room occupied by children for the purpose of this rule, even if they are not used on a daily basis.

Note: A fire alarm system is required:

- If two or more child care centers are in one area of a building and
- the total capacity is more than 60 children, or
- there are more than 4 rooms with children being used.

An approved fire alarm system is:

- an electrical closed circuit, self-supervised local system for sounding an alarm. This means it is wired into the building.

The system is composed of the following:

- Central panel.
- Manual pull stations near all outside exits.
- Audible signal devices.
- Remote trouble announcement, where warranted.

The fire alarm device needs to be:

- an electrical device
- with manual pull stations near every required exit from the building.
- The system must be closed-circuit, or wired throughout the building and
- self-supervised with some way for it to indicate trouble in the system.

If a center requests a modification that would increase the center capacity to more than 60 children or more than 4 approved child-occupied rooms, it must submit for a plan review through the Department of Licensing and Regulatory Affairs, Bureau of Fire Services.

Note: If a center was required by this subrule to have a fire alarm system and then reduces its capacity or number of rooms used, the center must continue to use the fire alarm system. This requirement also applies when there is a change in licensee.

RULE 535 (3)

3. In new construction, conversions, remodeling, or newly licensed centers, the trouble signal for required fire alarm systems must be located in an area normally occupied by child care staff members.

R400.8540 Smoke alarms; carbon monoxide detectors

RULE 540 (1)

1. All child care centers shall, at a minimum, be equipped with approved single station smoke alarms covering all use areas and their means of egress. These smoke alarms must be located and spaced according to NFPA-72.

TECHNICAL ASSISTANCE

This rule applies to:

- new licensed child care centers
- in an existing building
- that is going to convert that building to a child care center

The minimum requirement for smoke alarms is a:

- single-station,
- battery-operated smoke alarms
- that can detect smoke in all areas of the building
- and all required exits

RULE 540 (2)

2. Centers in buildings equipped with a fire alarm system shall have system smoke alarms installed in accordance with subrule (1) of this rule that are connected to and monitored by the fire alarm system.

RULE 540 (3)

3. Centers in buildings with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.

RATIONALE

Carbon monoxide is a colorless, odorless, poisonous gas formed when carbon-containing fuel is not burned completely and can cause death by asphyxiation.

Carbon monoxide may be created from any of the following:

- A clogged chimney.
- A corroded or disconnected water heater vent pipe.
- Gas or wood burning fireplaces.
- A cracked or loose furnace exchange.
- An improperly installed kitchen range or vent.

TECHNICAL ASSISTANCE

If alarms or carbon monoxide detectors are battery powered, make sure there is an alert if the batteries are low or missing.

RULE 540 (4)

4. Centers shall properly install and maintain all alarms and detectors in operable condition in accordance with manufacturer's recommendations.

RULE 540 (5)

5. Other detector installation and arrangements approved before the adoption of these rules may remain in service.

R400.8545 Fire extinguishers

RULE 545 (1) – (2)

1. Multipurpose fire extinguishers, having ratings of not less than 2A-10BC, must be installed in or adjacent to the kitchen or cooking area and in or adjacent to the door of the heating plant room.
2. Additional fire extinguishers must be provided in accordance with NFPA-10 for light hazard occupancies, including child care centers.

TECHNICAL ASSISTANCE

The rating/classification is located on the outside of the fire extinguisher.

RULE 545 (3)

3. Fire extinguishers MUST be properly mounted, inspected, and maintained in accordance with NFPA-10. The fire extinguisher MUST bear a tag indicating the last date of inspection or service and the initials of the individual who performed the inspection or service.

RATIONALE

If flames are present in the means of egress, a fire extinguisher can be used to facilitate exiting. Small fires may be safely extinguished with a functional fire extinguisher.

TECHNICAL ASSISTANCE

National Fire Protection Association standards require the following:

Inspections

The fire extinguisher must be inspected when it is first put into the center. Then, it needs to be inspected every 30 days. The inspection can be done by center staff. Staff need to check all of the following:

- Extinguisher is located in a designated place.
- Extinguisher is accessible and visible with nothing hiding view of it.
- The pressure gauge reading or indicator is in the operable range or position.
- The extinguisher is not damaged, corroded (rusted, etc.), or leaking
- The nozzle is not clogged.
- Tamper strap is intact.

Record the date of the inspection and the initials of the person who did it on a tag or label on the extinguisher. The date and initials can be kept some other way that makes a permanent record.

Maintenance

You must have a trained person do annual maintenance of fire extinguishers. The maintenance person must have servicing manuals, tools, parts, recharge materials, etc. Maintenance includes repair, recharging or replacement as needed. The maintenance person must attach a tag or label to the extinguisher that says who did it, the month, and the year.

Note: There are two types of fire extinguishers - disposable and rechargeable.

- On a disposable fire extinguisher: if the pressure gauge shows that the charge is in the red zone, the fire extinguisher must be replaced.
- With a rechargeable fire extinguisher: if the pressure gauge shows a reading in the red, it must be recharged by a fire extinguisher service.

Rechargeable fire extinguishers should have a 25–35-year service life.

Refer to R 400.8158(1)(d) if the fire extinguisher is used.

Fire extinguishers need to be mounted on a wall.

BEST PRACTICE

The top of the extinguisher should not be more than five feet from the floor. The bottom should not be less than four inches or higher from the floor.

Keep in mind that even though rechargeable fire extinguishers should last for 25-35 years, a 30-year-old extinguisher may not meet modern fire protection needs.

R400.8550 Electrical services

RULE 550 (1) – (3)

1. The electrical service shall be maintained in a safe condition.
2. For new construction and additions, electrical systems and service shall be inspected and approved by the electrical inspecting authority having jurisdiction. A copy of the certificate of approval shall be maintained at the center at all times.
3. When warranted, conversions of existing buildings and existing rooms to child care use, as well as existing licensed centers, may require an electrical inspection.

RULE 550 (4)

4. Extension cords, listed by a nationally recognized testing laboratory, and used in accordance with all manufacturer's recommendations, may be used on a temporary basis, and for short periods of time.

RATIONALE

Electrical malfunction in an extension cord can cause fire. There is a risk of electric shock if a metal object is poked into the extension cord socket. Extension cords can be a trip hazard.

TECHNICAL ASSISTANCE

A “temporary basis” means used for a little (limited) time, for a set time like – putting a projector or TV/DVD player in the center for a presentation or to watch a movie.

BEST PRACTICE

Using an extension cord is not encouraged. If one is used on a temporary basis, do not run it through doorways, under carpeting, or across water-source areas.

RULE 550 (5)

5. All electrical outlets in child use areas for children who are not yet school- age shall be made inaccessible to children.

RATIONALE

Preventing children from placing fingers or sticking objects into exposed electrical outlets will prevent electrical shock, electrical burns and potential fires.

TECHNICAL ASSISTANCE

Make outlets so children can't get at them. Methods include, but are not limited to:

- Spring-loaded outlet covers
- Outlet covers that go over the outlets when being used
- Cap-type covers that screw into the outlet.
- Plastic inserts if they:
 - Are tight fitting.
 - Cannot be taken out by children.
 - Are put back after the outlet is used.
- Hospital-grade outlets with internal plastic protectors.

BEST PRACTICE

There are different low-cost safety devices that work well and can be bought in home hardware or baby stores.

RULE 550 (6)

6. All electrical outlets in approved child care space located within 6 feet of a sink or other water source shall be protected by a ground-fault circuit interrupter (GFCI).

RATIONALE

Eliminates shock hazards. A slight shock may be fatal to a child.

TECHNICAL ASSISTANCE

This rule applies to new and existing centers.

Generally, a ground-fault circuit interrupter (GFCI) can be identified because it has test and reset buttons.

Keep in mind, in some electrical systems, the GFCI is located in the circuit box. Or, there might be one GFCI that controls other nearby outlets.

BEST PRACTICE

Centers should test all GFCIs once every three months – use the test button on the outlet.

RULE 550 (7)

7. Power strips shall be equipped with surge protectors and shall not be longer than 6 feet or be connected to another power strip.

R400.8555 Open flame devices; candles

RULE 555 (1)

1. All open-flame devices, candles, and incense are prohibited, except for religious celebrations.

RATIONALE

Ensures the safety and well-being of children.

TECHNICAL ASSISTANCE

Open-flame devices include, but are not limited to, candles (tea lights, votives, etc.), matches, lighters, kerosene lanterns, and sterno cans.

Using candles and incense for religious celebration requires direct adult supervision.

R400.8565 Fire safety; exemptions for public and nonpublic school buildings

RULE 565 (1)

1. The rules with respect to fire prevention and fire safety in this part do not apply to a center established and operated by an intermediate school board, the board of a local school district, the board or governing body of a state-approved nonpublic school, or individual or entity with whom a school contracts for services, if the center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

RATIONALE

The Child Care Organizations Act (1973 PA 116) exempts centers established and operated by public and private schools from the fire safety rules, if the center is located in a school building that has been approved by the state fire marshal or the Bureau of Fire Services (BFS).

It is reasonable to allow child care children to be cared for in a school building that has been approved as safe for school children.

TECHNICAL ASSISTANCE

To be considered a school under the School Code (1976 PA 451, MCL 380.1561), the building must be used for instruction of children in kindergarten or higher. If you are unsure if the building is a school building check this website: [Center for Educational Performance and Information](#). Centers in a building that currently operating as a school that has been approved by the state fire marshal or similar authority, PA 116 and this rule exempts the center from the child care center fire safety rules. *The center must follow the school fire safety rules.* This exemption applies to the following:

- Centers established and operated by public or private schools.
- A person or entity with whom the school contracts for child care services.
- A person or entity who leases space for child care services.

Note: Portable buildings on the same property as a school building are exempt if they are used for teaching children in grades kindergarten or higher. However, if the portable is only used by child care children, it is not exempt. It will need an inspection.

For all programs located in public or private school buildings operating as schools, regardless of the sponsor or age groups served, the applicant/licensee must provide one of the following:

- A copy of previous approval from BFS or the state fire marshal.
- A statement from the school district superintendent using the Certification of School Building Compliance with Fire Safety Provisions (BCAL-5043) form indicating all of the following:

- The building has been approved for school use based on the 1973 school fire safety codes.
 - The building has been continuously used as a public or nonpublic school since the fire safety approval was issued.
 - Any changes to the building since the school's original fire safety approval have been reviewed and approved by the state fire marshal or BFS. The building is in compliance with the supplemental questions outlining the applicable rules for existing school buildings found [here](#).
- A fire safety inspection.

Note: The center must correct any violations noted in a fire inspection report.

Educational occupancies do not include any of the following:

- A part or full-day preschool.
- A child care center.
- A kindergarten-only building.
- A building that houses a combination of child care and kindergarten unless the classrooms are operated under the authority of a school system.

The fire safety code for schools does not permit rooms for preschool, kindergarten, or first-grade students above or below the story of exit discharge.

R400.8701 Definitions

RULE 701 (1)

1. As used in this part:
 - a. "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.
 - b. "Motor vehicle" means a self-propelled device in which individuals are or may be transported upon a highway, built on an automobile or truck chassis specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and that meets the safety equipment requirements of sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711.
 - c. "Multifunction school activity bus" means that term as described in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.
 - d. "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.
 - e. "School bus" means that term as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.
 - f. "School transportation" means transportation provided by a public, non-public, or private school.
 - g. "Transportation" means the conveyance of children by means of a motor vehicle to or from a center and to and from all activities planned for children by or through the center.
 - h. "Transportation component" means when a center uses center owned vehicles, vehicles of staff or volunteers, or other private or contracted transportation to transport children for any reason. Transportation component does not include either of the following:
 - i. Transportation is not a component of the child care program if a child care center uses public transportation or public or private school transportation; however, certain transportation rules still apply.
 - ii. Transportation is not a component of the child care program if a child care center contracts with, or is established and operated by an intermediate school district, the board of a local school district, or by the board or governing body of a state-approved nonpublic school. If transportation is not a component of the child care program, then the school is responsible for the health and safety of children during transportation, and transportation is not considered a component of the child care program. If this paragraph applies, a child care center is not required to complete a comprehensive background check on the transportation staff through the Child Care Background Check System.
 - i. "Volunteer motor vehicle" means a motor vehicle not owned by, leased by, or registered to the center or principle or employee of the center.

R400.8710 Transportation

RULE 710 (1) – (3)

1. If transportation other than public transportation or school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.
2. If public transportation or school transportation is used, then only R 400.8760, 400.8770, and 400.8780 apply.

RATIONALE

Ensures that:

- Children are properly supervised while being transported and are not confined in a vehicle for long periods of time
 - Parents give permission for their children to be transported
3. If a parent makes a private arrangement for the transportation of their child, not including arrangements made with the center, the rules in this part do not apply.

RATIONALE

Allows parents to make their own transportation arrangements

TECHNICAL ASSISTANCE

“School transportation” means transportation by a public, non-public, or private school.

Centers that use vehicles owned by the center, staff, volunteers or other private transportation to transport children are required to follow all of the rules in Part 4. Transportation (R 400.8701 - 400.8780).

Note: If a center uses a school bus but is not part of a public, private or non-public school, all transportation rules apply.

R 400.8760 refers to staff and volunteer to child ratio and supervision.

R 400.8770 refers to time limit on child transit.

R 400.8780 refers to parent permission for transportation.

R400.8720 All motor vehicles**RULE 720 (1) – (9)**

1. All motor vehicles must be in safe operating condition.
2. All motor vehicles, except multifunction school activity buses and school buses inspected by the department of state police as indicated in subrule (3) of this rule, must be inspected annually by a licensed mechanic. A copy of the inspection must be kept on file at the center. Volunteer vehicles are not required to be inspected.
3. Centers that use multifunction school activity buses and school buses must do all of the following:
 - a. Contact the department of state police to determine if an annual inspection by the department of state police is required under section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839.
 - b. If directed by the department of state police, obtain an annual inspection by the department of state police. A copy of the inspection must be kept on file at the center.
4. A statement verifying that all motor vehicles, including volunteer vehicles, are in compliance with Michigan vehicle code safety equipment requirements, as defined in sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711, must be kept on file at the center.
5. The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, is prohibited.
6. Multifunction school activity buses used for transporting children between the child care center and school must comply with all minimum safety specifications, except color, identification, and alternating flashing lights, as defined in the Pupil Transportation Act, 1990 PA 187, MCL 257.1801 to 257.1877.
7. Motor vehicle seats used by children, staff, and volunteers must not face sideways.
8. A truck must not be used to transport children, except in the cab.
9. There must be no loose or heavy objects in the passenger compartment of any motor vehicle.

RATIONALE

Ensures the safety and well-being of children and staff.

Ensures and documents that all vehicles used to transport children are safe and in good operating condition.

From 1993 through 2002, fatalities to children in school buses averaged just over five per year. In that same time frame, fatalities to children in 15-passenger vans averaged 57 per year.

The National Transportation Safety Board recommends the use of vehicles built to school bus or multifunction school activity bus standards. These vehicles meet safety standards mandating compartmentalized seating, improved emergency exits, stronger roof structures and fuel systems, and better body joint strength.

Effective October 1, 2002, the Pupil Transportation Act (1990 PA 187) prohibited the purchase or lease of 11-15 passenger vans for pupil transportation.

Federal law prohibits side-facing seats in vehicles, except in public transit vehicles.

Michigan law prohibits passengers from riding in the bed of a truck. Passengers in the bed of a truck can be thrown out and severely injured or killed.

Loose or heavy objects may cause injury to passengers while a vehicle is in motion.

TECHNICAL ASSISTANCE

The inspection report must identify any defects with the vehicle.

“Multifunction school activity bus” means:

- a vehicle rated for 11 or more passengers, including the driver,
- built after September 2, 2003, to school bus specifications defined in the federal motor vehicle safety standards.

The center must keep written documentation of annual vehicle inspections.

Documentation to show contact was made with MSP should be completed on the self-certification form CCL-5044.

A statement that all motor vehicles, including volunteer vehicles, are in compliance with the Michigan Vehicle Code safety equipment requirements, (MCL 257.683 - 257.714b), must be on file at the center. This can be a self-certifying statement.

The Michigan Vehicle Code requires that passenger and commercial vehicles have the following equipment in good operating condition at all times.

Note: The following list serves as a guide for child care centers. If a self-certifying statement is used, centers must know and understand the requirements of the Act. Go to the Michigan Legislative [Website](#) to find the most up-to-date requirements about vehicle equipment.

Vehicle Equipment Requirements (MCL 257.683 - 257.714b)	
All Motor Vehicles	
Taillights:	Must be equipped with at least one red rear taillight that is visible from 500 feet. If equipped with two taillights, both must be maintained in good working condition at all times.
Stop Lights:	Must be equipped with two rear, red or amber stop lights. Stop lights must be visible for 100 feet, day or night. Stop lights must be illuminated upon application of service brake.
Registration Light:	Must have a white light that illuminates the rear registration plate so it is clearly visible from 50 feet.
Turn signals:	Must have red or amber turn signals on the rear and amber turn signals on the front that are visible for 100 feet, day or night.
Horn:	Must be audible for 200 feet with no whistle or harsh sound.
Exhaust:	Muffler noise must not exceed levels outlined in MCL 257.707c.
Windshield:	Must be made of safety glass of sufficient size to protect driver and all occupants.
Glass (Including Windshield):	No signs, posters, non-transparent materials, window applications, reflective or non-reflective films on the windshield or on the driver and front passenger glass. Rear and side windows to rear of the driver cannot be composed of, covered by or treated with a material that creates a total solar reflectance of 35 percent or more, including gold or silver reflective film. Wherever glass is used, it must be safety glass.
Windshield Wipers:	Must be driver-controlled.
Suspension:	Must not be modified to defeat safe operation of vehicle.
Passenger Vehicles	
Suspension:	Must not be modified to defeat safe operation of vehicle.
Headlights:	Must be equipped with two or more white headlights. There must be at least one on each side. Headlights must be a minimum 24 inches and a maximum of 54 inches from ground. Headlights must have an adjustable upper and lower beam—upper beam to reveal persons at 350 feet and lower beam to reveal persons at 100 feet. Must have a beam indicator that is visible to the driver and showing when upper beams are on. No more than four lamps, including auxiliary lights, may be lit at the same time.
Auxiliary Lights:	May be equipped with not more than two fog lamps, mounted not less than 12 inches or higher than 30 inches. May be equipped with not more than two spot lamps. Every lighted spot lamp must be aimed and used upon approaching another vehicle so no part of the beam will be directed into the eyes of the approaching driver. No more than a total of four lamps, including headlamps, may be lit at one time. Auxiliary lights must have a white or amber beam.
Brakes:	Must be adequate to stop and hold vehicle. There must be two means of applying brakes to at least two wheels. Brakes must be capable of stopping the vehicle as required in MCL 257.705. The parking brake must be adequate to hold the vehicle.
Mirrors:	Must be equipped with a properly adjusted outside rear view mirror on driver's side. An outside rear view mirror on each side is required if the view through the rear window is obscured.

Tires: Tires must have at least 2/32 of an inch tread. No part of belting material, tire cords or ply may be exposed. No evidence of cord or tread separation may be present. Must not be a restricted-from-highway-use type.
Safety Belts: Required for the driver and one front seat passenger after January 1, 1965. Safety belts must conform to federal rules and regulations.
Bumpers: Required on passenger vehicles. Bumpers must be no more than 22 inches from ground.
Commercial Vehicles
Headlights: Must be equipped with two or more white headlights. There must be at least one on each side. Headlights must be a minimum of 24 inches and a maximum of 54 inches from ground. Headlights must have an adjustable upper and lower beam—upper beam to reveal persons at 350 feet and lower beam to reveal persons at 100 feet. Must have a beam indicator that is visible to the driver and showing when upper beams are on.
Reflectors: Every bus or truck must be equipped with two red reflectors on the rear, one on each side. Trucks or buses 80 inches or more in width are required to have two reflectors on each side, one amber reflector at or near the front and one red reflector at or near the rear. Reflector height is a minimum of 15 inches and a maximum of 60 inches.
Additional Lights on a Truck or Bus 80 Inches or More in Width: Must be equipped with two amber clearance lamps on the front, one on each side, and two red clearance lamps at the rear, one at each side, and two side marker lamps, one amber lamp at or near the front and one red lamp at or near the rear. Three identification lamps must be mounted on the vertical centerline of the vehicle/ cab as outlined in MCL 257.688(1)(b)(v).
Brakes: Must be adequate to stop and hold vehicle. There must be two means of applying brakes to at least two wheels. Brakes must be capable of stopping the vehicle as required in MCL 257.705. The parking brake must be adequate to hold the vehicle. Every bus and school bus must be equipped with brakes operating on all wheels.
Mirrors: Must be equipped with a properly adjusted outside rear view mirror on driver's side. An outside rear view mirror on each side is required if the view through the rear window is obscured. Every commercial vehicle of one-half ton capacity or more must be equipped with two properly adjusted mirrors, one on each side.
Tires: Tires must have at least 2/32 of an inch tread or 4/32 of an inch on front tires if the vehicle is 10,000 pounds or more. No part of belting material, tire cords or ply may be exposed. No evidence of cord or tread separation may be present. Must not be a restricted-from-highway-use type.
Safety Belts: If equipped, must conform to federal rules and regulations and must be worn by the driver.
Bumpers: Not required for a vehicle with a GVWR of 10,001 pounds or more or a vehicle designed to carry 16 or more passengers including the driver. If 10,000 pounds or less, bumper heights in 257.710c(2) are required.

Effective December 8, 2010, any use of passenger vans with a rated seating capacity of 11 or more was prohibited.

Note: Removing one or more bench seats, or a row of seats, does not change the manufacturer rated seating capacity of a vehicle. It is still illegal to transport children to and from school in 11-

15 passenger vans, regardless of removed seats.

Under National Highway Traffic Safety Administration (NHTSA)'s regulations, a multifunction school activity bus (MFSAB) is defined as "a school bus whose purposes do not include transporting students to and from home or school bus stops." An MFSAB must meet all Federal Motor Vehicle Safety Standards applicable to school buses except those requiring the installation of traffic control devices (flashing lights and stop arms). If a new school bus will not be used to transport students to and from home or school bus stops, an MFSAB may be sold. If a new school bus will be used to transport students between school and home, or between school and school bus stops, an MFSAB must not be sold.

Note: A multifunction school activity bus cannot be used to transport children directly between home, school bus stops, and school because it does not have the safety equipment found on a school bus. A multifunction school activity bus can be used to transport children from the center to school or from school to the center.

An approved MFSAB meets the following criteria:

- Seats eleven passengers or more, including the driver.
- Built to school bus specifications defined in the Federal Motor Vehicle Safety Standards.
- Does not have overhead yellow/red flasher and stop arm.
- Does not have to be yellow and black.
- Certified by the manufacturer as a MFSAB.

Note: A certification label will be affixed to the vehicle by the manufacturer. The label can usually be found on any of the following:

- The hinge pillar.
- The door-latch post.
- The door edge that meets the door-latch post next to the driver's seat.
- The left side of the instrument panel.
- The inward-facing surface of the door next to the driver's seat.

Do not store any unnecessary objects in a vehicle. Objects that need to be transported must be safely secured and/or stored in the trunk or cargo area.

BEST PRACTICE

Centers are encouraged to maintain a record of repairs and routine maintenance with the vehicle inspection report.

Check these items regularly to make sure the vehicle is in good operating condition.

Information regarding vehicle safety can be found on the National Highway Traffic Safety Administration website at [NHTSA](https://www.nhtsa.gov).

R400.8730 Safety equipment in motor vehicles

RULE 730 (1) – (3)

1. All motor vehicles used to transport children must carry all the following safety equipment:
 - a. Three bidirectional emergency reflective triangles properly cased and securely stored in the motor vehicle.
 - b. A first aid kit must be securely stored in an accessible location in the driver compartment.
2. Any motor vehicle with a manufacturer's rated seating capacity of more than 10 occupants used to transport children must carry both of the following additional safety equipment:
 - a. Not less than 3 15-minute flares or an approved battery-operated substitute properly cased and securely stored in the driver's compartment.
 - b. Fire extinguisher of dry chemical type rated not less than 2A-10BC mounted in an accessible place in the driver's compartment. The fire extinguisher must be inspected and maintained in accordance with NFPA-10. The fire extinguisher must bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.
3. Volunteer motor vehicles are exempt from subrule (1)(a) of this rule.

RATIONALE

Ensures that emergency equipment is available should the vehicle break down or another type of emergency occurs in which first aid supplies are needed.

TECHNICAL ASSISTANCE

"First aid kit" means a kit containing, at a minimum, all of the following: sterile gauze pads, of assorted sizes, a roll of gauze, adhesive bandages, of assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors). A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8260.

See R 400.8545(3) for the National Fire Protection Association standards for inspecting and maintaining fire extinguishers.

R400.8740 Manufacturer's rated seating capacity; restraint devices; safety belts**RULE 740 (1)**

1. Each child transported shall be seated according to the manufacturer's rated seating capacity and properly restrained by a passenger restraint device pursuant to sections 710d and 710e of the Michigan vehicle code, 1949 PA 300, MCL 257.710d and 257.710e.

RATIONALE

Child safety restraint systems (CSRS) are effective in reducing injury and death when properly used.

In Michigan, 21% of infants are incorrectly turned forward-facing in their car seat before age one. Children incorrectly restrained in seat belts instead of a car seat or booster seat are 3.5 times more likely to suffer serious injury. More than 90% of four- to eight-year-old children who were seriously injured in auto accidents were not restrained in a booster seat.

TECHNICAL ASSISTANCE

A child safety restraint system (CSRS) is any device, except a passenger lap seat belt or lap/shoulder seat belt, designed for use in a motor vehicle to restrain, seat or position a child who weighs less than 65 pounds (i.e., a rear-facing car seat, a front-facing car seat, a booster seat).

The [Michigan Vehicle Code](#) (1949 PA 300) states that children under age eight and less than four feet nine inches in height must be properly secured in a CSRS unless they are transported on:

- a school bus,
- a multi-function school activity bus

RULE 740 (2)

2. Passenger restraint devices, as required by subrule (1) of this rule, are not required for children transported on a school bus or a multifunction school activity bus.

RULE 740 (3) & (4)

3. Each restraint device must be properly anchored to the vehicle seat and used according to the manufacturer's specifications.

4. Allowing 2 or more children to share a seat belt or restraint device is prohibited.

RATIONALE

Safety restraints are effective in reducing injury and death when properly used.

BEST PRACTICE

CSRS installation can be checked by a certified CSRS technician at an approved check station in the community. To find a certified CSRS technician, go to [NHTSA](#).

Booster seats should be used with both a lap and shoulder belt, not with a lap belt only. If you only use a lap belt, a child can break their back or neck as their body folds in an accident.

Resources include:

- Michigan State Police website - [MSP](#).
- National Highway Traffic Safety Administration website - [NHTSA](#).

RULE 740 (5)

5. The driver of a motor vehicle and all adult passengers shall be seated according to the manufacturer's rated seating capacity and properly restrained by safety belts when the motor vehicle is in motion.

RULE 740 (6)

6. All safety belts and restraint devices used while transporting children and adults must be in good working condition.

RATIONALE

Safety belts are effective in reducing injury and death.

BEST PRACTICE

Usage tips for all car seats:

- Every car seat has an expiration date. Do not use an expired seat.
- Never buy a used car seat if you do not know its full history.
- Never use a car seat that has been in a crash.
- Children should not wear bulky clothing under harness straps.
- Do not use products that did not come with the car seat (in or with the seat).
- Add-on toys can injure a child in a crash.

Current state law on safety belt and CSRS requirements (MCL 257.710d and 257.710e) can be found at [MichiganLegislature.org](#).

Additional information can be found on the Michigan State Police website [MSP Child Passenger Safety Law](#).

Additional resources include:

- Michigan State Police website - [MSP](#).
- National Highway Traffic Safety Administration website - [NHTSA](#).

R400.8750 Motor vehicle operator

RULE 750 (1)

1. The driver of any motor vehicle transporting children shall comply with all of the following:
 - a. Be at least 18 years of age.
 - b. Possess a valid operator or chauffeur's license with the appropriate endorsement as required by chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.
 - c. Have a personal driving record with not more than 6 active points as determined by the secretary of state.
 - d. Have proof of valid automobile insurance and registration.
 - e. Be familiar with the contents of the first aid kit.
 - f. Be familiar with the operation of the fire extinguisher, if a fire extinguisher is required.

RATIONALE

Transporting children is a significant responsibility. Centers must ensure that anyone who transports children are a licensed, responsible driver and able to respond appropriately to emergency situations.

TECHNICAL ASSISTANCE

A center must keep the following on file:

- A copy of a valid operator license that has the appropriate endorsement, if applicable, for all staff who drive children.
- A copy of a current driving record provided by the Secretary of State for each driver.
- Proof of current automobile insurance for all vehicles. A copy must also be kept in the vehicle.

Types of Licenses and Endorsements - Go to the Michigan Secretary of State [website](#) to find the correct and most recent information about what types of licenses or endorsements may be needed.

Operator License

For persons who only drive a car or van occasionally (anyone who is not required to provide transportation).

Chauffeur's License

For persons who regularly drive children in a car, van, or a vehicle designed to carry less than 16 people, including the driver.

Commercial Driver's License (CDL)

For persons who drive a school-bus or any vehicle, including a multi-function school activity bus, that is designed to carry 16 or more people, including the driver.

Note: Federal Motor Carrier Safety Administration (FMCSA) regulations require drivers who are renewing, correcting or applying for an original CDL to self-certify which type of commercial motor vehicle operation they will perform:

- non-excepted interstate driver,
- excepted interstate driver,
- non-excepted intrastate driver,
- excepted intrastate driver.

Interstate means when you drive from one state to another or a foreign country or if, when you drive between two places you cross into another state for part of the trip.

Intrastate means you only drive within one state.

Commercial Driver's License (CDL) with "P" Passenger Endorsement

For vehicles designed to carry 16 or more passengers, including the driver.

Commercial Driver's License (CDL) with a "S" School Bus Endorsement

For commercial motor vehicles used to transport pre-primary, primary or secondary school students from home to school, school to home or to and from school-sponsored events.

RULE 750 (2)

2. All of the following documents must be kept on file at the center:
 - a. A copy of each driver's driving record, except for drivers of volunteer motor vehicles, obtained from the secretary of state at least once a year.
 - b. A self-certifying statement that all volunteer drivers comply with subrule (1) of this rule.
 - c. A copy of a valid driver's license for each driver.

RATIONALE

Transporting children is a significant responsibility. Centers must ensure that anyone who transports children are a licensed, responsible driver.

TECHNICAL ASSISTANCE

You can find out how to get a driving record by contacting the Secretary of State or by visiting their website at [SOS](https://sos.state.mi.us).

Third-Party Vendors

There are third-party agencies (e.g., AISS Sterling, Inc.) that help licensees get background checks for staff, including driving records. Driving records that come from these third-party vendors are acceptable as long as the records are retrieved directly from the Secretary of State.

RULE 750 (3)

3. Drivers shall be provided with a copy of the child information card or comparable substitute for each child being transported in their motor vehicles.

RATIONALE

Ensures drivers:

- Know the identity of the children they are transporting.
- Know how to reach their parents/guardians if needed
- Can seek emergency medical treatment for children in case of an injury or illness.

BEST PRACTICE

Centers may wish to keep a copy of the child information cards, or something like a child information card, in the vehicle at all times when children are transported regularly. It is also suggested that a picture of each child be kept with their child information card to help identify children in the event of an accident or emergency.

R400.8760 Program staff and unsupervised volunteer-to-child ratio and supervision in transit

RULE 760 (1)

1. The ratio of staff and volunteers-to-children in transit, is based on the following provisions:
 - a. For infants and toddlers, there shall be 1 program staff member or unsupervised volunteer for 4 children. The driver does not count in the staff and volunteer-to-child ratio.
 - b. For preschoolers under 3 years of age, there shall be 1 staff member or volunteer for 8 children. The driver does not count in the program staff and unsupervised volunteer-to-child ratio.
 - c. For 3-year-olds, there must be 1 program staff member or unsupervised volunteer for 10 children. The driver may be counted in the program staff or unsupervised volunteer- to- child ratio.
 - d. For 4-year-olds, there must be 1 staff member or volunteer for 12 children. The driver may be counted in the staff or volunteer-to- child ratio.
 - e. For school-aged, there must be 1 staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to- child ratio. This requirement does not apply when school-age children are transported to and from school, on school transportation or are using public transportation.
 - f. An additional child care staff member or volunteer is not required if only 1 child under 36 months of age is transported.

RATIONALE

This rule says that a licensee will do what is best for the children... Adequate supervision prevents harm. A staff member or volunteer, not including the driver, is needed to be able to respond to the needs of infants and toddlers while traveling.

TECHNICAL ASSISTANCE

If children that do not attend the center are being transported on a school bus to or from school with children in the care of the center, only the children in care are counted in the ratio.

Example: A school bus is driving 10 four-year olds who are enrolled at the center to school. There are also 20 school-age children who are not enrolled at the center also on the bus. No staff members/volunteers in addition to the driver are needed.

Example: There are 10 four-year olds enrolled at the center and 20 school-age children that are enrolled in the center on a bus. This requires two staff members/volunteers in addition to the bus driver.

RULE 760 (2)

2. To count in the child care staff member or volunteer-to-child ratios, child care staff members or volunteers shall be all of the following:
 - a. Not less than 16 years of age.
 - b. Seated with the children.
 - c. Responsible for the supervision of the children.

RATIONALE

Ensures that children being transported are adequately supervised.

TECHNICAL ASSISTANCE

Staff or unsupervised volunteers can only be used to meet the staff-to-child ratio during the transportation of children. Once children arrive at their destination, whether at the center or field trip, only individuals that meet the definition of “program staff” or “unsupervised volunteers” can be counted in child care staff member-to-child ratios.

A supervised volunteer cannot be used as part of the child care program staff member-to-child ratio.

RULE 760 (3)

3. When children are entering or leaving the motor vehicle, the following safety precautions must be taken:
 - a. The accompanying child care staff member, volunteer, or driver shall ensure that the children are received by a child care staff member, parent, or other individual as designated by the parent.
 - b. Children shall enter and leave the motor vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

RATIONALE

Injuries and fatalities have occurred during the loading and unloading process, especially in situations where vans or school buses are used to transport children.

TECHNICAL ASSISTANCE

The driver must be able to see that a child is received safely by a staff member, parent or other individual means.

Exiting the vehicle on the curbside means the child gets out of the vehicle on the side away from traffic.

BEST PRACTICE

Center staff should look at the parking area and decide the safest way to drop off and pick up children. Plans for loading and unloading should be talked about with the children, families, child care staff members, and drivers.

RULE 760 (4)

4. Children shall not be left unattended in a motor vehicle.

RATIONALE

Ensures the safety and well-being of children.

BEST PRACTICE

Centers should develop procedures for checking vehicles to make sure all children have left the vehicle.

RULE 760 (5)

5. When children under school-age are entering or leaving the motor vehicle, the children shall be carried or helped into and out of the motor vehicle.

RATIONALE

Ensures the safety of children. Young children may have difficulty climbing into and out of vehicles without assistance, which could lead to injury.

BEST PRACTICE

Centers may wish to have extra staff present when loading and unloading children from vehicles.

R400.8770 Time limitation on child transit

RULE 770 (1)

1. For children under school-age, transportation routes must be planned so that a child is not in the motor vehicle longer than 1.5 continuous hours.

RATIONALE

It is unreasonable to expect young children to be seated in a vehicle for a period exceeding 1.5 continuous hours.

TECHNICAL ASSISTANCE

This time restriction is for all transportation, including field trips.

BEST PRACTICE

The time period may need to be less for infants or children with special needs.

R400.8780 Parent permission for transportation

RULE 780 (1)

1. A center shall obtain a parent's written permission annually for routine transportation.

RULE 780 (2)

2. A center shall obtain a parent's written permission for any non-routine transportation before each trip.

RULE 780 (3)

3. Permission for all transportation must be maintained on file at the center.

RATIONALE

Ensures that parents give permission for their children to be transported. Documents that parents gave permission for their children to be transported.

TECHNICAL ASSISTANCE

"Routine transportation" means regularly scheduled travel:

- on the same day of the week,
- at the same time,
- to the same destination.

Anything different is "non-routine transportation."

Parents may choose to make a plan for their child with other parents, friends or public transportation services. If this is the case, the center is not responsible for making sure the transportation rules are being followed.

R400.8801 Definitions

RULE 801 (1)

1. As used in this part:
 - a. "Lifeguard" means a person who meets the following criteria:
 - i. Possesses an appropriate and current life guard training and certification by the American Red Cross, YWCA, YMCA, or equivalent in 1 of the following:
 1. Basic lifeguard for pool only.
 2. Full life guarding for pool and all other water activities.
 - ii. Is dressed suitably to act in an emergency.
 - iii. Is providing constant supervision.
 - b. "Public swimming pool" means that term as defined in section 12521 of the public health code, 1978 PA 368, MCL 333.12521.

Per the public health code, "Public swimming pool" means an artificial body of water used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms.

Public swimming pools include those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, and the like. A pool or portable pool located on the same premises with a 1-, 2-, 3-, or 4-family dwelling and for the benefit of the occupants and their guests, a natural bathing area such as a stream, lake, river, or man-made lake, an exhibitor's swimming pool built as a model at the site of the seller and in which swimming by the public is not permitted, or a pool serving not more than 4 motel units is not a public swimming pool.

R400.8810 Swimming; child care staff member-to-child ratio

RULE 810 (1)

1. Written parental permission regarding their child's participation in swimming activities must be maintained on file at the center.

RATIONALE

Ensures that parents give approval for their children to be involved in swimming activities.

TECHNICAL ASSISTANCE

"Swimming activities" include any activity where a child enters the water, such as swimming, wading, tubing, water skiing and any activities at a water park.

The use of sprinklers is not considered a swimming activity.

Activities where children are on watercraft are not considered swimming activities for the purpose of these rules. Examples include boats, canoes, kayaks, and paddle boats. Fishing from a dock, shore, or boat is not considered a swimming activity. If centers let children engage in these activities, they must comply with all rules that cover boating, fishing, etc., supervision, ratio and safe premises.

BEST PRACTICE

It is recommended that centers ask parents if a child is a swimmer or not on the swimming permission form.

No matter what the parent marks on the form, the center should assess each child's swimming ability.

RULE 810 (2)

2. A lifeguard shall be on duty at all swimming activities and shall not be included in the child care staff member-to-child ratio.

RATIONALE

A lifeguard has other duties that would preclude involvement in supervision during water activities.

RULE 810 (3)

3. For children under 3 years of age, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

RATIONALE

Children under the age of three are at a high risk of drowning. Adequate staffing and supervision can minimize this risk.

BEST PRACTICE

Drowning can happen quickly and silently. There may not be any way to know a child is in trouble (splashing, etc.). Most children drown within a few feet of safety. It is highly recommended that the child care staff member stays close to the child.

RULE 810 (4) & (5)

4. For all non-swimmers 3 years of age and older, there shall be an in-the-water ratio of 1 child care staff member to 4 children when the water level is at the child's chest height or lower. When the water level is above the child's chest height, there shall be an in-the-water ratio of 1 child care staff member to 1 child.
5. For swimmers 3 years of age and older, there shall be an in-the-water child care staff member-to-child ratio as required by R 400.8222(3).

RATIONALE

Children who can swim need less supervision than non-swimmers.

TECHNICAL ASSISTANCE

For the purpose of this rule, for a child to be considered a swimmer, the child must be able to do both of the following without the use of a flotation device:

- Float for five minutes by any means possible.
- Swim the length of the pool using any stroke (minimum of 25 yards).

Children who can't do both of the above without the use of a life preserver or flotation device are considered non-swimmers.

R400.8820 Swimming activity supervision

RULE 820 (1)

1. All child care staff members counted in the program staff member-to-child ratio shall be both of the following:
 - a. Actively engaged in providing direct care, supervision, and guidance.
 - b. Physically able to assist children quickly.

RATIONALE

Close continuous supervision is one essential factor in reducing the number of children's drownings and water-related injuries.

- Drowning is the second leading cause of accidental deaths of children age five and under.
- Irreversible brain damage can occur in three to five minutes.
- A child can drown in as little as two inches of water.
- Twenty-five percent of all drowning victims have had swimming lessons.

TECHNICAL ASSISTANCE

Swimming activities are defined as activities where children are allowed to enter the water. The use of sprinklers is not considered a swimming activity.

During swimming activities, the center is responsible and accountable for making sure:

- There is appropriate supervision of children who are doing non-swimming activities away from the area with swimming activity.
- That all children doing swimming activities can be easily observed.
- That telephones or other distractions are limited to emergencies.

BEST PRACTICE

The following guidelines are recommended:

- Develop an emergency plan for responding to drowning.
- Limit the number of children in the water at a time based on:
 - the ages of children,
 - number of non-swimmers and
 - special needs of each child.
- Make sure that children know the rules for behavior in and around the swimming activity area.
- Know the water depths and strength of currents when in natural water settings).
- At the swimming area, set specific boundaries, both inside the water and on the shore or pool deck, for the child care children that is separate from the public.
- Assign a program staff member to observe the overall child care swimming area (this

should be their only job).

- Make up a system for program staff to account for all children, both in and out of the water
 - every 5-10 minutes, staff should make sure where each child is during a swimming activity.
- Put in place a buddy system for the children.

It is very important to keep close, nonstop supervision to prevent drowning and reduce water-related injuries.

Drowning is the second leading cause of accidental deaths of children age five and under.

- Irreversible brain damage can occur in three to five minutes.
- A child can drown in as little as two inches of water.
- Twenty-five percent of all who drown have had swimming lessons.
- Make a system so center children can be easily identified (like wearing colored rubber bracelets).

Note: Child should not wear t-shirts in the water as a way to identify them. Wet clothing can weigh a child down.

- Make sure that all program staff know these issues when they are responsible for supervising children during swimming activities.

R400.8830 Instructional swim

RULE 830 (1)

1. Instructional swim must be conducted under the supervision of a qualified water safety instructor (WSI), who is certified by the American Red Cross, in an organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.

RATIONALE

Ensures qualified personnel provide swimming instruction.

TECHNICAL ASSISTANCE

In addition to the YWCA and YMCA, other organizations may offer instructional swimming. These include, but are not limited to:

- Governmental units.
- School districts.
- Fitness centers.
- Swimming clubs.

The center must verify that the instructor has the proper certification.

RULE 830 (2)

2. The child care staff member-to-child ratio under R 400.8222(3) must be maintained. The instructor shall not be included in the ratio.

RATIONALE

The duties of the swimming instructor preclude his or her involvement in providing supervision during instructional swimming.

TECHNICAL ASSISTANCE

Program staff may or may not be in the water with the children during instructional swimming.

The swimming instructor's primary function is to teach children to swim. Therefore, an additional person is required to function as a lifeguard as required in R 400.8810(2).

R400.8840 Swimming activity area

RULE 840 (1)

1. All swimming areas must be maintained in a clean and safe condition.

RATIONALE

Ensures that children are safe while engaging in water activities.

BEST PRACTICE

Before each swimming activity, it is best practice to check for or inquire about the following:

- A non-slip surface is in wet areas. The non-slip surface should be in good repair and free of tears or breaks.
- Equipment and chemicals used for water maintenance should not be where children can reach them.
- There is no glass, trash, animal excrement, or other foreign or hazardous material.
- There are no hazards on beaches, shores and docks.

Program staff should be familiar with water depths, drop offs, and strength of currents.

RULE 840 (2)

2. A public pool used for swimming must be inspected by the local health department and issued a license by the department of environment, Great Lakes, and energy.

RATIONALE

Ensures a pool is safe for swimming activities

TECHNICAL ASSISTANCE

Swimming pool operation permits must be made available on request. Swimming pools are inspected yearly, expiring on December 31 of each year. For more information regarding the Public Swimming Pool Program go to [EGLE Public Swimming Pools](#)

RULE 840 (3)

3. The water at a public or private beach must not be used if determined unsafe by the local health department.

RATIONALE

Ensures the safety and health of children and staff.

TECHNICAL ASSISTANCE

Centers must look for a posted sign indicating the water is unsafe for swimming.

BEST PRACTICE

Centers may contact the local health department to determine if the water at a specific swimming area is safe.

RULE 840 (4)

4. A working phone must be accessible on the premises.

RATIONALE

Ensures the center staff can call for emergency assistance if needed.

TECHNICAL ASSISTANCE

If a working land-line phone is not available, a charged, working cell phone in service range may be used.

RULE 840 (5)

5. All of the following safety equipment **must** be readily accessible:
 - a. First aid kit.
 - b. Rescue pole or throwing rope and ring buoy.
 - c. Signaling device.

RATIONALE

Lifesaving equipment is essential to ensure the safety of children.

TECHNICAL ASSISTANCE

“First aid kit” means a kit containing, at a minimum, all of the following:

- sterile gauze pads (assorted sizes),
- a roll of gauze,
- adhesive bandages (assorted sizes),
- adhesive cloth tape,
- an elastic bandage,

- tweezers, and
- scissors.

A “first aid kit” cannot have any non-prescription or prescription medications as defined under R 400.8152.

Examples of appropriate signaling devices include a whistle or horn.

BEST PRACTICE

The center staff should contact the swimming activity area personnel before they arrive to make sure these items are readily accessible.

A rescue pole or throwing rope with ring buoy should be:

- Long enough to reach the center of the pool from the edge of the pool.
- Kept in good repair.
- Stored safely and conveniently for immediate use.

RULE 840 (6)

6. The use of hot tubs, residential pools, and private wading pools is prohibited.

RATIONALE

The water in hot tubs is extremely hot. Infants and toddlers are particularly susceptible to overheating. Private wading pools do not allow for adequate control of sanitation and safety and can promote the transmission of infectious disease.