



Bureau of Community and Health Systems
Child Care Licensing Division
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Special Edition
Center Rule Changes

Michigan Child Care Matters

This Special Edition of Michigan Child Care Matters will help you navigate the new child care center rules that became effective December 18, 2019. This issue contains new definitions, new rules and the new technical assistance that will help you comply with the new rules. The changes are shown in bold, and the technical assistance will follow where appropriate.

There is no corresponding quiz for this issue. Please see the back page for the most recent recall list.

INSIDE THIS ISSUE

- New Definitions.....2
- Licensee Requirements.....8
- Background Checks.....10
- Program Director.....14
- Lead Caregivers.....16
- Staff/Volunteer Requirements.....17
- Handwashing.....23
- Positive Discipline.....23
- Children’s Records..... 24
- Information to Parents.....25
- Medication.....26
- Accident/Illness.....28
- Emergency Plans and Drills.....30
- Telephone.....31
- Equipment.....31
- Sleeping Equipment.....33
- Program.....35
- Nighttime Care.....36
- Environmental Health.....37
- Fire Safety Provisions.....44
- Transportation.....47



New/Updated Definitions

The following are new/updated definitions in the Child Care Center Licensing Rules dated December 18, 2019. These definitions will assist you when reading the rules. Please note that only the new definitions are included.

R400.8101 Definitions; A through I.

As used in these rules:

(b) **“Act”** means 1973 PA 116, MCL 722.111 to 722.128.

(c) **“Adult”** means a person 18 years of age or older.

(e) **“Applicant”** means an individual who applies for a license to operate a child care center.

(g) **“Child care aide”** means an individual who is 17 years of age, who provides services and participates in child care activities in a child care center, who shall not have unsupervised access or provide unsupervised care or supervision of children, and who has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department.

Note: The vocational-occupational education careers (CIP 13.0000) training program approved by the Department of Education, Office of Career and Technical Education is equivalent to the vocational-occupational child care aide training program approved by the Department of Licensing and Regulatory Affairs. The child care aide program ended June 2014.

(h) **“Child care administration”** means educational courses in child care administration, education administration, or business administration.

(i) **“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.

(j) **“Child care center”** means that term as defined in section 1(h) of the act, MCL 722.111(h).

"Child care center" means a facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:

- i. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- ii. A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.

- iii. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- iv. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- v. A program that primarily provides therapeutic services to a child.

(k) **“Child care staff member”** means that term as defined in section 1(a) of the act, MCL 722.111(1) (a).

"Child care staff member" means an individual who is 18 years of age or older to whom 1 or more of the following applies:

- i. 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.
- ii. 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.
- iii. 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.
- iv. An individual who acts in the role of a licensee designee or program director.

(l) **“Child development associate credential”** or “CDA” 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 www.cdacouncil.org.

(m) **“Child-related field” means 1 of the following:**

- i. For an early education program director, academic courses in elementary education, child guidance, child counseling, child psychology, family studies, or social work.
- ii. For a school-age program director, academic courses in early childhood education, elementary education, secondary education, physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, social work, human services, or youth development.

(n) **“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.

(o) **“Comprehensive background check”** means a department review of an individual as required in section 5n of the act, MCL 722.115n.

(p) **“Conducive to the welfare of children”** means that term as defined in section 5m(13)(b) of the act, MCL 722.115m(13)(b).

"Conducive to the welfare of the children" means:

- i. The service and facility comply with this act and the administrative rules promulgated under this act.
- ii. 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.

(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 Michigan as referenced in sections 5n(15) and 5n(16) of the act, MCL 722.115n(15) and 722.115n(16).

(r) **“Conviction”** means that term as defined in section 1(i) of the act, MCL 722.111(i).

"Conviction" means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, a finding of guilt for a criminal law violation or a juvenile adjudication or disposition by the juvenile division of probate court or family division of circuit court for a violation that if committed by an adult would be a crime, or a conviction in a tribal court or a military court.

(s) **“Criminal history check”** means that term as defined in section 1(j) of the act, MCL 722.111(j).

"Criminal history check" means a fingerprint-based criminal history record information background check through the department of state police and the Federal Bureau of Investigation.

(t) **“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 quantitatively reflects the outcomes expected, the mode of instruction, the amount of time spent in class, and the amount of outside preparatory work expected for the class.

The US Department of Education website (<http://ope.ed.gov/accreditation/>) provides a listing of schools that are accredited.

- If a college or university is not accredited, the center must determine whether any accredited colleges or universities will accept credits from the college/university in question on a transfer basis. Written verification is required from the accepting college.
- 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.
- 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, www.wes.org.
 - Educational Credential Evaluators, www.ece.org.
- Transcripts from the following colleges are acceptable:
 - Bob Jones University.
 - Tennessee Temple College.
 - Marantha Bible College.
 - Hyles-Anderson College.

(u) **“Department”** means the department of licensing and regulatory affairs.

(v) **“Developmentally appropriate”** means age appropriate as well as appropriate to the individual child.

(w) **“Early childhood program director”** means the program director of a center serving children of all ages.

(y) **“Eligible”** means that term as defined in section 1(m) of the act, MCL 722.111(m).

"Eligible" means that the individual obtained the checks and clearances described in sections 5n and 5q and is considered appropriate to obtain a license, to be a member of the household of a group child care home or family child care home, or to be a child care staff member.

(cc) **“Hours of experience”** means experience serving the ages and developmental abilities of children for which the center is licensed.

(dd) **“Immediately available”** means a parent or guardian remains onsite at the address of the child care center.

(ee) **“Ineligible”** means that term as defined in section 1(n) of the act, MCL 722.111(n).

"Ineligible" means that the individual obtained the checks and clearances as described in sections 5n and 5q and is not considered appropriate to obtain a license, to be a member of the household of a group child care home or family child care home, or to be a child care staff member due to violation of section 5n, 5q, or 5r.

(ff) **“Infant”** means an individual from birth through 12 months of age.

(New Definitions, CONT.)

R 400.8102 Definitions; J through R.

As used in these rules:

(a) **“Lead caregiver”** means a child care staff member who is responsible for planning and implementing the daily program of activities for a group of children in a child care center.

(b) **“Licensee”** means that term as defined in section 1(q) of the act, MCL 722.111(q).

"Licensee" means a person, partnership, firm, corporation, association, nongovernmental organization, or local or state government organization that has been issued a license under this act to operate a child care organization.

(c) **“Licensee designee”** means that term as defined in section 1(cc) of the act, MCL 722.111(cc).

"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.

(d) **“Michigan school age or youth development credential”** means a credential issued by the Michigan Afterschool Association or similar credential approved by the department.

The Michigan School-Age/Youth Development credential is issued by the Michigan After-School Association.

For more information about the Michigan School-Age/Youth Development credential, contact the Michigan AfterSchool Association at (517) 241-4290 or go to their website at [Michigan Afterschool Association](http://www.michiganafterschool.org).

(e) **“MiRegistry”** is the electronic data system for child care providers that is maintained by the department of education to verify and track employment, training, and educational accomplishments. MiRegistry offers a statewide calendar of online and classroom training opportunities. MiRegistry can be accessed online at <http://www.miregistry.org>.

(f) **“Montessori credential”** means a credential issued by the Association Montessori International (AMI), American Montessori Society (AMS), or any Montessori teaching or training institution recognized by the Montessori Accreditation Council for Teacher Education (MACTE) that meets or exceeds 270 hours of academic training.

(g) **“Parent” or “parental”** means a child’s natural or adoptive parent who is legally responsible for the child or the child’s legal guardian.

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

(i) **“Personnel”** means a licensee, licensee designee, child care staff member, and child care aide. Personnel includes volunteers, which is part of the child care staff member definition.

(New Definitions, CONT.)

- (j) **“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.
- (k) **“Preschooler”** means an individual who is 31 months of age until eligible to attend school in a grade of kindergarten or higher.
- (l) **“Program components”** means the different services offered by a center. They include, but are not limited to infant and toddler, preschool, and school-age care and education; nighttime care; food service; swimming; and transportation.
- (m) **“Program director”** means a licensee or child care staff member who is responsible for the general management of the center and ensures compliance with the act and these rules.
- (n) **“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.

R 400.8103 Definitions; S through Z.

As used in these rules:

- (a) **“Sanitized”** means to wipe or spray the surface with a sanitizing solution, let the surface air dry or wipe dry after 2 minutes with a single service towel, or according to the manufacturer’s directions.
- (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 as required by 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”** means that term as defined in section 1(aa) of the act, MCL 722.111(1)(aa).

"School-age child" means a child who is eligible to attend a grade of kindergarten or higher, but is less than 13 years of age. A child is considered to be a school-age child on the first day of the school year in which he or she is eligible to attend school.
- (d) **“School-age program director”** means the program director of a center serving only school-age children.
- (e) **“Site supervisor”** means an individual who oversees the daily operation of a school age program when a multi-site director has been named. The site supervisor must meet all requirements as defined under R 400.8119.
- (f) **“Staff”** means any compensated employee of a center.

Includes only compensated employees, not volunteers.
- (g) **“Supervised volunteer”** means a person 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 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.

- (h) **“Toddler”** means an individual who is 13 through 30 months of age.
- (i) **“Unsupervised volunteer”** means an individual who is 18 years of age or older, who provides services for a child care center that is not compensated, and who has been determined eligible by the department to be unsupervised with children.

An unsupervised volunteer can be used to maintain the child care staff member to child ratio as long as they meet the definition of a child care staff member including completing all required professional development.

- (j) **“Well-defined space”** means space designed and used exclusively for a specific group of children.

Applicant; licensee; licensee requirements

The applicant, licensee, or licensee designee is responsible for the following rule additions.

R 400.8110 Applicant; licensee; licensee designee; requirements.

(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 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.**

"Conducive to the welfare of the children" means:

- (i) The service and facility comply with this act and the administrative rules promulgated under this act.
- (ii) 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.

(3) All of the following must be in a place, accessible, and visible to parents:

c) A notice stating that the center requires a comprehensive background check on its employees and unsupervised volunteers.

A visible place means a location where parents, staff and others can easily see it. In a place accessible to parents, includes but is not limited to, having the required documents available in a location parents have access to in any of the following manners:

- Posted.
- In a binder with the contents clearly labeled.
- On a desk, table, or shelf.

(4) There must be a licensing notebook on the premises that includes all licensing inspection and special investigation reports and related corrective action plans **for the last 5 calendar years**, and a summary sheet outlining the documents contained in the notebook. The notebook must be in a place accessible to parents and prospective parents at all times during the center's normal hours of operation.

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.

The notebook must be accessible to parents, meaning parents should have access without needing to ask for it. The notebook should be in plain view. A summary sheet or index of all reports and corrective active plans must included in the licensing notebook.

(6) The licensee or licensee designee shall maintain accurate daily records detailing arrival times and departure times for each child care staff member, child care aide, and volunteer.

Full and first and last names shall be used. It is best practice to record the exact arrival and departure times the child care staff member works in each well-defined space throughout the day.

Centers can keep attendance records electronically. It is the center's responsibility to 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.

(11) The records required by **the act** and **these rules** must be retained **for a minimum of 2 calendar years or longer as specified in these rules**, and made available to the department upon request.

(12) The following records must be retained and available to the department:

- a) The name, address, and telephone number for each child enrolled and each employee for at least 2 years after **the individual leaves** the center.
- b) Staff and volunteer health records, as required by R 400.8128, and documentation of qualifications **must** be retained until **the individual leaves** the center.
- c) The licensing notebook **must** be maintained and retained until the license is closed.

In most circumstances, records are to be on-site at the center for review. If there are records where some documents are not kept on-site, the records must be made available to the department upon request at the time of an on-site inspection or another designated time.

Training records must be kept for the past two full calendar years. For example, at a renewal inspection on July 1, 2016, your licensing consultant will review training records for calendar year 2014 and 2015.

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

(13) Smoking and vaping must not occur 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 upon which the center is located.
- b) On field trips and in vehicles when children are present.

(14) 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.

The licensee/licensee designee must post a notice indicating that smoking and vaping will not occur in the center or on the real property that is under control of the child care center.

Background Checks; Fingerprinting

To assure for the safety and welfare of children, the following rules regarding background checks have been added to the child care center licensing rules:

R 400.8112 Comprehensive background check; fingerprinting.

(1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, prior to an individual having any 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) A child care aide.**
- e) An unsupervised volunteer.**

a) "Licensee" means a person, partnership, firm, corporation, association, nongovernmental organization, or local or state government organization that has been issued a license under this act to operate a child care organization.

b) "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.

c) "Program director" means a licensee or child care staff member who is responsible for the general management of the center and ensures compliance with the act and these rules.

d) "Child Care Staff" means any compensated employee of a center.

e) "Unsupervised volunteer" means 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.

(2) An applicant or licensee shall do all of the following:

- a) Ensure that each individual who requires an eligibility determination under subrule (1) of this rule 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. The forms are available on the department's website for the child care background check system, www.michigan.gov/ccbc. The form or forms must be signed and dated prior to the individual's appointment to be fingerprinted.**
- b) Maintain 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, upon request, a copy of the individual's completed and signed form or forms.**

This form must be signed and dated prior to the individual being fingerprinted to be compliant with this rule. As the licensee(s) are also entered into the CCBC System, the licensee is also required to

accurately and thoroughly complete the Consent and Disclosure form. This form is important for several reasons:

- The Consent and Disclosure form provides instructions to the applicant on how to appeal their criminal history record information if they feel that there is an inaccuracy in their record.
- 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 contains personal information required for completing a comprehensive background check. Omitting or providing false information on this form will result in a determination of ineligible for that application. Therefore, the department may request a copy of the Consent and Disclosure form to assure that the applicant did not knowingly falsify or omit information such as, but not limited to; names previously used or states previously resided in.

This form shall be maintained for a minimum of four (4) years after the individual has left employment/connection with the child care facility.

Michigan State Police (MSP), the Federal Bureau of Investigation (FBI) and LARA will periodically request a copy of this form to ensure compliance. MSP and the FBI have Criminal Justice Information Services (CJIS) policies which require a Consent form. Both MSP and the FBI audit LARA to assure that individuals fingerprinted under the child care reason code are aware of their rights and responsibilities as documented in this form. As the department is periodically audited by the FBI/MSP to assure compliance with CJIS policies, we may request that a copy of the Consent and Disclosure form be provided.

On occasion, the department may become aware of additional aliases or states of residency not disclosed into the CCBC system. When this occurs, the department may request a copy of the Consent and Disclosure form to assess whether or not the individual was knowingly attempting to falsify or omit information in connection with the background check.

Falsifying and omitting information in connection with a comprehensive background check will result in an applicant being found ineligible for that application. If there are concerns that an applicant may have omitted or falsified information in the Consent and Disclosure form and by extension the CCBC System, the department may request to view the form.

Once an applicant completes the Consent and Disclosure form, they should be provided a copy of their form for future use.

(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(8) and 722.115q, and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.

While awaiting results of the comprehensive background check an individual may serve as a child care staff member if the individual is supervised at all times by an eligible staff member. Supervised at all times means the eligible staff member can see and hear the individual at all times.

Example: if the eligible staff member needs to use the restroom another eligible staff member must step in to supervise the individual prior to them leaving the room.

(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.**

Failure to disconnect an ineligible individual, or prohibit an ineligible person from being on the premises of the child care center or from having contact with the children in care, may result in disciplinary action against your license and/or loss of any subsidy payments.

(5) An individual who requires a comprehensive background check pursuant to section 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) Sex.
- m) Race.
- n) Current address.
- o) If the individual resided outside the state of Michigan during the last 5 years, then 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) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

R 400.8112b Eligibility determination; individual who resided out of the United States; self-certifying statement.

An individual who requires an eligibility determination under section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, under section 5n(2) of the act, MCL 722.115n(2), 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.

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

Program Director Qualifications

Program Director

The licensee and/or licensee designee is responsible for implementing the current rules under section R400.8113 in addition to the new rules listed below.

R 400.8113 Program director qualifications; responsibilities.

(1) Before hiring a new program director, a licensee or licensee designee shall submit a completed BCHS-CC 001 form, titled Child Care Licensing Information Request, and the credentials of the proposed program director to the department for review and approval.

Before hiring a new program director, the center must submit the credentials of the proposed program director to the department. The department must review the proposed program director's credentials and give approval prior to the center hiring the individual as the program director.

To have a program director approved, the following documents must be submitted to your licensing consultant:

- A copy of the proposed program director's *official* transcripts.
- A copy of any applicable credentials: Montessori credential, CDA, School-Age/Youth Development credential.
- Documentation of how the proposed program director meets the child care administration course requirement - 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 includes the following:
 - A copy of the proposed program director's transcripts.
 - Written documentation of completed CEUs.
 - Copy of the administrative credential.

Note: If there is a central administrator, see R 400.8113(12).

The BCHS-CC 001 form, titled Child Care Licensing Information Request, can be obtained from your child care licensing consultant.

“If the center is unsure if the proposed program director meets the education requirements of this rule, the proposed program director can wait to be fingerprinted until after the licensing consultant reviews the proposed program director’s credentials.”

(9) All program directors shall have at least 2 semester hours or 3.0 CEUs in child care administration or have an administrative credential approved by the department. These semester hours may satisfy a portion of the requirements of subrules (7) and (8) of this rule. **The program director may also use 30 hours of administrative training from MiRegistry to meet these requirements.**

A specific learning track for child care administration will be available at [MiRegistry](#).

(10) Any potential program director previously employed as an approved and qualified program director is exempt from meeting subrule (9) of this rule.

(13) Verification of the education, credentials, and experience of the program director must be kept on file at the center or made available online at MiRegistry.

The center must keep on file written documentation verifying college credits or degrees, credentials and hours of work experience, if applicable.

MiRegistry link: [MiRegistry](#).

(14) A program that has only a before school program or an afterschool program, but not both, serving school-aged children may have a program director that meets the qualifications of a site supervisor, as specified in R 400.8119.

Site supervisors shall meet all of the following requirements:

- Be at least 19 years of age.
- Have earned a high school diploma, GED, or equivalent
- Have 480 hours of experience working as a **child care staff member** in a program serving school-age children.
- Have completed 15 clock hours, 1 semester hour, or 1.5 CEUs of documented school-age training.

In this scenario, the program director meeting the definition of the site supervisor would not need the 2 semester hours or 3 CEU's of administrative training or 30 clock hours of administrative training through MiRegistry.



Lead Caregivers

Lead caregivers have an important role in overseeing the planning, implementation, and evaluation of the classroom. Lead caregivers must qualify under the subrules in R 400.8122. The new/updated subrules are listed below:

R 400.8122 Lead caregiver qualifications; responsibilities.

(6) Lead caregivers qualified under subrule (5), Table 3, row (g) of this rule, have 2 years from date of hire in this position to obtain an additional 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours, or 90 hours from MiRegistry.

Training will be available at [MiRegistry](#).

(7) Lead caregivers for infants and toddlers shall have 3 semester hours, or 4.5 CEUs, or 45 hours of MiRegistry approved infant and toddler development and care practices within 6 months of hire. These semester hours or CEUs may satisfy a portion of the requirements of subrule (6) of this rule.

A specific learning track will be available at [MiRegistry](#).

(8) A substitute for a lead caregiver shall be appointed for a lead caregiver who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute lead caregiver shall have 90 days to meet the qualifications of a lead caregiver.

When a lead caregiver leaves employment with a center, the center is in violation of R 400.8122(6) until a qualified replacement is found, even though a substitute is appointed under this subrule of this rule.

A temporary absence is one where the lead caregiver 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.

The center must keep on file documentation of the substitute lead caregiver's qualifications and/or verification of current participation in relevant training.

Note: This subrule of this rule does not allow a lead caregiver to be regularly absent from the center for less than 30 consecutive workdays. A lead caregiver must be present at the center as outlined in subrule (2) of this rule.

(9) Verification of the education, credentials, and experience of each lead caregiver shall be kept on file at the center or at MiRegistry, www.miregistry.org.

It is the program director's responsibility to ensure that lead caregivers meet the requirements of this rule. The center must keep on file written documentation verifying college credits or degrees, credentials, and hours of work experience, if applicable. Documentation includes the following:

- A copy of the lead caregiver's transcripts.
- A copy of any applicable credentials: Montessori credential or CDA.
- Documentation of completed CEUs.
- Documentation of applicable hours of experience. Documentation must be proof of previous or current license or registration as a family or group child care home or written verification from previous employer(s), internships, volunteer experiences, etc.

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

MiRegistry link: [MiRegistry](#).



Staff and Volunteer Requirements

All staff and volunteers shall provide appropriate care and supervision of children at all times. The licensee or licensee designee is responsible for implementing the following new/updated rules:

R 400.8125 Staff and volunteer requirements.

(2) All staff and volunteers shall act in a manner that is conducive to the welfare of children.

722.115m(b) "Conducive to the welfare of the children" means:

- (i) The service and facility comply with this act and the administrative rules promulgated under this act.
- (ii) 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(3) 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:

- a) Investigative report, such as a law enforcement report and a children's protective services report.
- b) Medical report.
- c) Public record.
- d) Child care center, group child care home, or family child care home record.
- e) Inspection of the child care center, group child care home, or family child care home.

(3) All supervised volunteers shall receive a public sex offender registry (PSOR) clearance before having any contact with a child in care. A copy of this clearance must be kept on file at the center.

Michigan State Police Sex Offender Registry can be found at [PSOR](#).

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.

(4) 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 individual registered on the public sex offender registry (PSOR) is prohibited from having contact with any child in care.

The written screening policy must describe what methods are used by the center to screen employees and volunteers. The written policy must describe the method of supervision and may include volunteer duties and restrictions.

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 search of the Michigan Sex Offender Registry can be done at [PSOR](#).

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.

Professional Development

The licensee or licensee designee shall make sure that all training requirements in R 400.8131 are met, including the new requirements listed below.

R 400.8131 Professional development requirements.

(1) A center shall provide an orientation about the center's policies and practices and these administrative rules for all personnel hired after the effective date of these rules and before unsupervised contact with children.

Orientation counts toward the annual clock hours of professional development as required by subrule (6) of this rule. Verification of orientation must be kept as required by subrule (11) of this rule. Center policies and practices would include: discipline, information provided to parents,

emergency procedures, illness for children and staff, appropriate care and supervision, prevention of shaken baby syndrome, abusive head trauma, child maltreatment, prevention and control of Infectious diseases including immunization training, as required by subrule (4) of this rule and recognition and reporting of child abuse and neglect etc.

Unsupervised volunteers must also complete an orientation before unsupervised access to children.

(2) Child care staff members shall have training that includes information about prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.

This training counts toward the annual clock hours of professional development as required by subrule (6) of this rule.

(3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with children shall be trained on prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect.

These trainings count toward the annual clock hours of professional development as required by subrule (6) of this rule.

(4) Before unsupervised contact with children, all child care staff members shall complete prevention and control of infectious disease training, including immunizations.

Licensing does not mandate a specific prevention and control of infectious disease training, including immunizations curriculum. Prevention and control of infectious disease training, including immunizations counts toward the annual clock hours of professional development as required by subrule (6) of this rule.

(5) Within 90 days of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall complete the following trainings, which may count 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.
- c) Building and physical premises safety.
- d) Emergency preparedness and response planning.
- e) Handling and storage of hazardous materials and appropriate disposal of bio-contaminants.
- f) Precautions in transporting children, if applicable.
- g) Child development.

Child Care Staff Members must receive training on how to:

- Ensure parents provide the proper written permission and instructions to provide medication to their child.
- Read medication labels and instructions.

- Properly measure doses of medication.
- Use any specific medical device such as an inhaler or nebulizer, if necessary.

Child Care Licensing does not mandate a specific training curriculum.

This training counts toward the annual clock hours of professional development as required by subrule (6) of this rule.

Health and Safety Trainings through MiRegistry: Training is available at [MiRegistry](#) in Health and Safety Training for Licensed Child Care Providers, Courses 1 and 2.

Health and Safety Training for Licensed Child Care Providers Course 1 includes:

- Prevention and Control of Infectious Diseases (including Immunizations)
- Administration of Medication
- Prevention and Response to Emergencies due to food and allergic reactions
- Child Development (birth to 5 years)

Health and Safety Training for Licensed Child Care Providers Course 2 includes:

- Building and Physical Premises Safety
- Prevention of Shaken Baby Syndrome, Abusive Head Trauma, and Child Maltreatment
- Emergency Preparedness and Response Training
- Handling and Storage of Hazardous Materials and the Appropriate Disposal of Bio-contaminants
- Precautions in Transporting Children
- Recognition and Reporting of Child Abuse and Neglect
- Child Development (school age)

NOTE: Infant safe sleep is not covered in the MiRegistry Health and Safety Trainings.

(6) All child care staff members who work directly with children shall complete 16 clock hours of professional development annually on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:

- Child development and learning.**
- Health, safety and nutrition.**
- Family and community collaboration.**
- Program management.**
- Teaching and learning.**
- Observation, documentation, and assessment.**
- Interactions and guidance.**
- Child care center administrative rules.**

(7) A center may count CPR and first aid training for up to 2 hours of the annual professional development hours in the year taken. Staff may use hours from MiRegistry to meet the professional development requirements in subrule (6) of this rule.

(8) An on-going professional development plan must be developed and implemented to include all the training and professional development required by these rules.

The staff training plan must address:

- Emergency procedures as required by R 400.8161(8).
- Orientation as required by subrule (1) of this rule.
- Infant safe sleep as required by subrule (2) of this rule.
- Prevention of shaken baby syndrome, abusive head trauma, child maltreatment, and recognition and reporting of child abuse and neglect required by subrule (3) of this rule.
- Prevention and control of infectious disease training, including immunizations as required by subrule (4) of this rule.
- Administration of medication, Prevention of and response to emergencies due to food and allergic reactions, building and physical premises safety, Emergency preparedness and response planning, handling and storage of hazardous materials and appropriate disposal of bio-contaminants, precautions in transporting children, if applicable, and child development as required by subrule (5) of this rule.
- CPR and first aid training as required by the Child Care Organizations Act and subrules (10).
- Sixteen annual clock hours of professional development as required by subrule (6) of this rule. To comply with subrule (6) of this rule, the staff training plan must also address the following training topics:

- 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) Interaction and guidance.
- h) Child care center administrative rules.

Note: The training plan must address all of the topics listed in subrule (6) of this rule; however, staff are not required to be trained in every topic area each year.

(10) All child care staff members who work directly with children are required to be trained in first aid and pediatric, child and adult cardiopulmonary resuscitation (CPR) within 90 days of being hired. Prior to issuing a license to operate a child care center and prior to the renewal of a license, the department shall verify that at least 50% of the child care staff members who work directly with children are currently certified in first aid and pediatric, child and adult cardiopulmonary resuscitation (CPR). Each child care staff member's first aid and CPR certificates must be valid and retained on file in the center.

The center must have at least one child care staff member present at all times that has current certification in CPR and First Aid per MCL 722.112a.

The center must “train” all child care staff members within 90 days of hire and 50% of all child care staff members who work with children must be “certified.”

MCL 722.112a, (1) 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.

First aid/CPR certification must be received from a person certified as a Red Cross instructor or a trainer from another organization approved by the department. The current list of approved organizations can be found on the department website CPR and First Aid Training. First aid and CPR certification may be completed online if an in-person skills test is completed. The online training and the in-person skills test must be administered by one of the approved organizations.

Trained in first aid and pediatric, child and adult cardiopulmonary resuscitation (CPR) means you have received instruction in the skills.

(11) Verification of all professional development required by this rule must be kept on file at the center or online at 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. Training hours from MiRegistry also meet this rule.

The center is responsible for obtaining verification of attendance at training for each child care staff member. Acceptable verification of attendance may include:

- Certificate signed by the trainer or sponsoring organization.
- Signed statement by the trainer or sponsoring organization.
- Program booklets/flyers with name badge and receipt.
- College transcript or CEU certificate.
- Written statement or training log from center documenting in-service or staff training provided by the center.
- MiRegistry learning records or certificate printed from MiRegistry training.

A receipt of payment for a training is not acceptable verification of training attendance.

The center must maintain copies of this documentation on file at the center for review by the licensing consultant.

(12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice

Handwashing

The handwashing rule now allows an additional way to wash children's hands when appropriate.

R 400.8134 Hand washing

(5) 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 handwashing.
- b) When the child cannot stand safely at the sink.
- c) When the child is not developmentally ready to hold his or her head.
- d) When the child has a special need, so the child is not able to wash his or her own hands.



Non-toxic disposable wipes include, but are not limited to, cleansing wipes, baby wipes, diaper wipes (Huggies Diaper Wipes), kid wipes, wet wipes for hands and face, etc. Only wipes intended for use on skin can be used.

Household cleaning wipes must not be used.

Packaging guidelines must be followed.

Children should be supervised when using disposable wipes.

Positive Discipline

Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used. The discipline rule was updated to include additional prohibited means of discipline.

R 400.8140(2)(a-i) Discipline.

All of the following means of punishment **are** prohibited:

Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.

- a) **Placing any substances in a child's mouth, including but not limited to, soap, hot sauce, or vinegar.**
- b) Restricting a child's movement by binding or tying him or her.
- c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
- d) Depriving a child of meals, snacks, rest, or necessary toilet use.
- e) Excluding a child from outdoor play or other gross motor activities.

- f) Excluding a child from daily learning experiences.
- g) Confining a child in an enclosed area, such as a closet, locked room, box, or similar **enclosure**.
- h) Time out must not be used for children under 3 years of age.**

All caregiving staff are responsible and accountable for:

- Assuring that a child's movement is not restricted by the use of a harness or leash or other restraint device.
- Assuring that the strapping device on confining equipment, such as highchairs are used to stabilize the child in that type of chair and not used for punishment or discipline.
- Assuring that firm and consistent expectations are given that do not cause children to feel shame or humiliation.

Discipline for child care centers now includes the ban of using substances in a child's mouth as a form of discipline. Also, be aware that time out is not to be used for under age 3. This had always been advised, but until now, there was not a specific rule citing this.

Note: The practices outlined in this subrule are prohibited regardless of parental permission. Any caregiver who questions or has concerns regarding a parental discipline request should contact their licensing consultant.

Time-Out

Time-out should only be used to stop aggressive behavior or to allow angry or upset children to calm down. It is an opportunity for children to clear their minds and rejoin the group or activity in a more productive state. Use time-outs only as a last resort to help the child gain a better sense of self-control. When using time-out, caregiving staff must assure:

- Their expectations of the child's behavior are realistic.
- 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.

Children's Records

There have been a few changes to the documentation center's need to keep in children's files.

R 400.8143 Children's records.

(6) Within 30 days of a child's initial attendance, a center shall obtain, keep on file, and make accessible in the center a record of a physical evaluation of the child that notes any restrictions and is signed by a physician or the physician's designee. **An electronic record from a physician's office will be accepted.** The physical evaluation must be performed within 1 of the following time limits:

- a) For an infant, within the preceding 3 months.
- b) For toddlers, within the preceding 6 months.

- c) For preschoolers, within the preceding 12 months.

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.

(10) A center that enrolls a homeless child pursuant to the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the every student succeeds 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 file any documentation of referring a child to the local educational agency liaison for homeless children and youths.

(11) The center shall maintain 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. Electronic records may be used. If electronic attendance are used, then they must be available to the department at the time of an inspection. If the electronic attendance records are not available during an onsite inspection, then the center is in violation of this rule.

A center's attendance procedure may include having either staff or parents be responsible for entering arrival and departure times or a combination of both. It is the center's responsibility to ensure attendance is accurate and is documented when the child arrives and departs, even if the procedure is for parents to sign children in and out.

Centers can keep attendance records electronically. It is the center's responsibility to 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.

Information for Parents

Clear, written policies assure that parents are aware of center policies and expectations. This rule was updated to include the centers medication policy and transportation policy. The length of time that reports are required to be in the center's licensing notebook and the department's website were also updated.

R 400.8146 Information provided to parents.

- (1) A center shall provide a written information packet to each parent enrolling a child that includes at least all of the following:
- a) Criteria for admission and withdrawal.
 - b) Schedule of operation, denoting 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. The notice must include all of the following:
 - i. The licensing notebook contains all the licensing inspection and special investigation reports and related corrective action plans **for the last 5 years.**
 - ii. The licensing notebook is available to parents during regular business hours.
 - iii. Licensing inspection reports, special investigation reports, and corrective action plans from at least **the past 3 years** are available on the department's child care licensing web-site at www.michigan.gov/michildcare. The website address must be in bold print.
 - (m) The website where parents can access these rules is www.michigan.gov/michildcare. The written information packet can be made available to parents online.
-

Medication

The following are the significant changes to the medication rules.

Rule 400.8152 Medication; administrative procedures.

(2) A **child care staff member** shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.

These guidelines must be followed when administering medication to assure compliance with this rule:

- For oral prescription or nonprescription medications and topical prescription medications, the Medication Permission and Instructions (BCAL-1243) form (or comparable substitute) must be filled out completely by the parent indicating the dosage, times given per day and the number of days to be given. **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 child's body.
- Topical, nonprescription medications require only annual written parental permission under subrule (8) of this rule. The BCAL-1243 (or comparable substitute) does not need to be used. A blanket "as needed" medication permission form is sufficient. Refer to subrule (8) of this rule for more information.

- A separate medication permission form is required for each medication for each individual child.
- The medication permission form must indicate a beginning date but can have “ongoing” as an ending date for ongoing/maintenance medications (e.g., inhalers, ritalin, etc.). The medication permission form must indicate a beginning date but can have “ongoing” as an ending date and “as needed” for the time the medication will be provided for medications that will only be provided in an emergency (e.g., epi pen) or for medications that will be provided on an as needed basis (e.g., Tylenol when a child complains of a headache or has a fever).
- Any change in the prescription requires a new medication permission form be completed.
- An electronic signature from a child’s parent is acceptable.

(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 sub-rule (8) of this rule.**

This rule prohibits siblings from sharing prescription medication unless all names are printed on the original pharmacy label.

Nonprescription medications must also be labeled with the child’s name.

Nonprescription medication can be shared as long as it is labeled with all of the children’s names that will be using it.

Center staff members are prohibited from administering any medication, prescription or nonprescription, that is not in an original labeled container.

(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.

(8) Topical nonprescription medication, including, but not limited to **diapering cream, triple antibiotic**, sunscreen, and insect repellent, requires written parental authorization annually.

Topical nonprescription medication includes, but is not limited to:

- Sunscreen.

“Caregivers must not inappropriately administer medication to a child based solely on a parent’s desire or written permission to give the child medication. This includes sharing prescription medication among siblings unless all names are printed on the prescription label”.

- Insect repellent
- Diaper rash cream.
- Antibiotic ointment.
- Rubbing alcohol.
- Hydrogen peroxide.
- Essential oils.

Topical nonprescription medication does not include:

- Hand sanitizer.
- Hand or body lotion, including petroleum jelly based products such as Vaseline.
- Lip balm.

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

As noted in subrule (2) of this rule, a blanket "as needed" medication permission form is sufficient for topical nonprescription medication. The date, time and amount of medication given does **not** need to be documented on the medication permission form.

(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 **child care staff member** administering the medication **must** be included.

The Medical Permission and Instructions (BCAL-1243) form or a comparable substitute must be used to document compliance with this subrule for oral prescription or nonprescription medications and topical prescription medications. Refer to subrule (8) of this rule for nonprescription topical medications.

Accident/Illness/Incident

It is important for parents to know when their children may have come into contact with a person who contracted a communicable disease and the preventative measures that should be taken. The following additional rules must be implemented:

R 400.8155 Child accidents and incidents; child and staff illness.

(4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, then 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 U.S. Centers for Disease Control and Prevention (CDC) at the following website: <https://www.cdc.gov/DiseasesConditions>.**

All parents of children in care must be notified, not just the parents of children who have contact with a communicable disease. When informing parents of their child's exposure to a communicable disease, the name of the ill child must not be released

per the Child Care Organizations Act, 1973 PA 116, MCL 722.120 amended (3), which defines this information as confidential.

If a child was exposed to Hepatitis B or HIV/AIDS, contact the local health department prior to informing parents of the exposure. The local health department will help determine what information can be released to parents to assure confidentiality laws are not broken. Centers have various options for notifying parents including, but not limited to the following:

- Posting the information in a conspicuous location at the center.
- Sending home written notification to parents.
- Emailing parents.
- Calling parents.

Centers must provide parents with the full list of prevention measures as recommended by the U.S. Centers for Disease Control and Prevention (CDC) at the following website: [CDC Diseases & Conditions](#).

R 400.8158 Incident, accident, injury, illness, death, fire reporting.

(1) In the event of the death of a child in care, a licensee, licensee designee, or program director shall do both of the following:

- (a) Immediately report it, in-person or via phone, directly to the child's parent.**
- (b) Report it to the department within 24 hours, via phone.**

In the event of a child's death, the center must speak to a representative of the department.

(2) A licensee, licensee designee, or program director 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) A child is lost or left unsupervised.**
- (b) An incident involving an allegation of inappropriate contact.**
- (c) A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.**
- (d) The center is evacuated for any reason.**

Leaving a voice message meets the intent of this rule if the details of the incident are specified in the message.

Examples of when a child is considered lost or unsupervised, include but are not limited to:

- When returning from a field trip and it is discovered that a child is missing.
- When the child leaves the building unnoticed.
- When a child is found unattended separate from his or her group.
- When a child is left outside or on the bus.

Examples of an incident involving an allegation of inappropriate contact, includes, but is not limited to:

- Alleged sexual contact between children or a child and child care staff member or volunteer.
- Physical discipline of a child by a child care staff member or volunteer.

If you are in doubt whether you need to contact the department, contact your licensing consultant.

Emergency Plans and Drills

There are big changes to the required emergency procedures and drills. Having well developed plans protect children in care when emergencies arrive. If you have not done so, it's important to set aside some time to write your new emergency procedures.

R 400.8161 Emergency Procedures

(1) Written procedures for the care of children and staff for each of the following emergencies must be developed and implemented:

- a) Fire.
- b) Tornado.
- c) Other natural or man-made disasters.
- d) Serious accident, illness, or injury.
- e) Crisis management including, but not limited to, intruders, **active shooters**, bomb threats, **and other man-made events**.

(2) The written procedures **must** include all of the following:

- **A plan for evacuation.**
- **A plan for safely moving children to a relocation site.**
- **A plan for shelter-in-place.**
- **A plan for lockdown.**
- A **plan** for contacting parents and reuniting families.
- A plan for how each child with special needs will be accommodated during each type of emergency.
- g) **A plan for how infants and toddlers will be accommodated during each type of emergency.**
- h) **A plan for how children with chronic medical conditions will be accommodated during each type of emergency.**

The relocation site must be determined in advance and be included in the plan. The relocation site must be clean and safe.

Children with special needs may have difficulty in an emergency situation. 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 with special needs 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 specialized equipment when evacuating or moving infants and toddlers to another space. Check manufacturer specifications for 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 down procedures in which parents will not have access to enter the building must be created; parents should be notified of the plan in advance to avoid panic.

Sample emergency plans are also available on the department's [website](#).

(6) A tornado drill program, consisting of at least 2 tornado drills between the months of **March** through **November**, must be established and implemented.

Telephone Service

It is important that parents have immediate access to the center and staff can place a call in an emergency.

R 400.8164 Telephone service.

- 1) An operable phone must be available and accessible in the building 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, 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.**

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

In 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.

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

If voice mail or an answering system is used, it is the center's responsibility to assure that the system is checked for messages frequently throughout the day and return to child care related calls promptly.

Equipment

R 400.8173 Equipment.

The following are the significant changes to the equipment rules. Technical assistance is also provided for most rules. Please note that some rules do not have technical assistance, if further explanation is not needed

(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.

Children cannot use shaving cream, or any other materials labeled "keep out of reach of children" for play purposes. Shaving cream is labeled as toxic and is not safe for use by children. Equipment or materials used during instruction and/or play must be safe for children's use.

NOTE: Items including, but not limited to, use of soap to wash hands, hand sanitizer on field trips, toothpaste to brush teeth after meal would not be considered a violation of this rule.

(5) A center shall provide a minimum of 3 playspaces per child multiplied by the number of children the center is licensed to serve.

The number of toys, games and other indoor play equipment necessary are based on the number of children for which the center is licensed.

The minimum standard is three activity spaces per child in the center's capacity. An activity space is defined as a piece(s) of equipment that one child can use independently for approximately 15 minutes. Activity areas (housekeeping, dramatic play, blocks, art, etc.) can vary from two to four activity spaces, depending upon the amount of equipment, accessories and space available.

The center is responsible and accountable for assuring that:

- Children's toys, games and play equipment will provide them with developmental opportunities that assist in developing manual dexterity, hand-eye coordination, spatial relationships, large muscle coordination, language skills, math and science concepts, social relationships, reading and writing skills, etc. **NOTE:** Refer to R 400.8179 for variety of required experiences to be offered to children.
- Children have an adequate amount of toys, games and other play equipment available.
- Toys, games, and other play equipment is appropriate for a child at his/her stage of development by being challenging and interesting, yet not so difficult as to cause the child stress or anxiety.
- Shelves and containers are sturdy, stable and free of hazards.
- Equipment is immediately removed, replaced or repaired if it is broken or missing pieces.



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

- To be counted in an inventory, the equipment must be:
 - Appropriate to the developmental needs and interests of the children. □ Safe, clean and in good repair (unbroken with all pieces).
- The inventory must indicate the number of items listed such as 25 books, 18 cots, 20 puzzles, etc.
- The inventory must include equipment, toys and materials that meet the requirements of R 400.8173.
- 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 such as 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.

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

Trampolines of all sizes are prohibited, 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.

Sleeping Equipment

Below are the significant changes to the sleeping equipment rules.

R 400.8176 Sleeping equipment.

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

(7) Documentation from the child's 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 porta-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.

(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 health provider is required. The documentation must include specific sleeping instructions and timeframes for how long the child needs to sleep in this manner, including an end date.

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.

It is permissible to swaddle an infant with a blanket while they are being held by a *child care staff member*. Infants swaddled in blankets must not be placed in cribs.

Wearable blankets, such as sleeps sacks and sleep sacks with a swaddle attachment and swaddle wraps, are an acceptable alternative to blankets and may be worn by infants when infants 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 properly attached (Velcro) to the sleep sack prior to use. 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 400.8188(8) requires continual monitoring of the infant's breathing, sleep position and 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 400.8188(7).

(10) Cribs and porta-cribs must comply with the federal product safety standards issued by the United States Consumer Product Safety Commission, which are available at no cost at the commission's website, www.cpsc.gov. These standards are also available for inspection or distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.

Since June 28, 2011, all full-size and non-full-size baby cribs sold in the U.S. are required to be manufactured 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 demonstrate compliance with 16 C.F.R. part 1219 or 16 C.F.R. part 1220. While manufacturers, importers and retailers are not required to supply CPCs or test reports to consumers, many will provide these documents to consumers 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.

Program

There are many rules regarding running a developmentally appropriate program in your child care center. The addition of "tummy time" for infants is now addressed in the child care center rules.

R400.8179 Program.

(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 kept in the child's file.**

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 when engaged in tummy time. Appropriate care and supervision must also be provided to the remainder of the children in the group as well.

Infants who are crawling, cruising and walking are no longer required to have daily tummy time. ♦



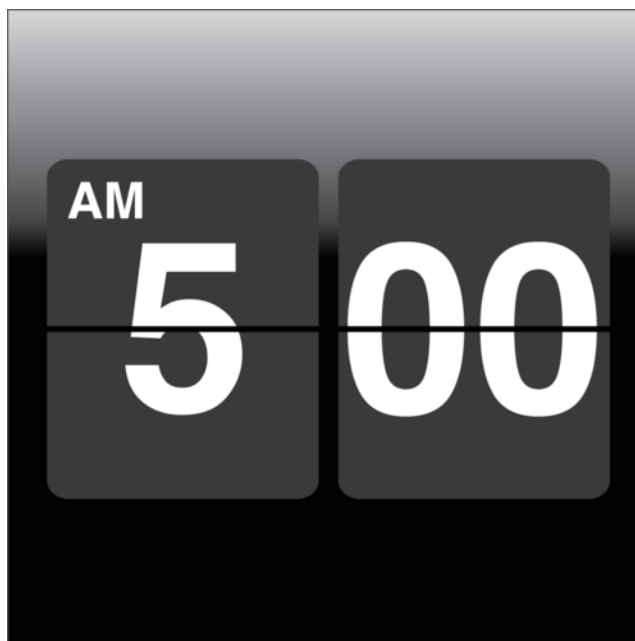
Nighttime Care

The only change to the Nighttime Care rule is the hours that are considered nighttime care. The hours changed from 11pm – 6am to 11pm to 5am.

R400.8191 Nighttime Care.

(1) If a child is in care between the hours of 11 p.m. and **5** a.m., a separate area, away from sleeping children, where the child can engage in quiet activities **must** be available.

(2) If a child is in care for more than 1 hour between the hours of 11 p.m. and **5** a.m., a bed and mattress, with waterproof covering, of a size appropriate to the age of **the** child shall be available.



Environmental Health

The licensee and/or licensee designee is responsible for implementing the current environmental health rules in addition to the new rules listed below.

R 400.8305 Plan review; approval; inspections.

(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.

Per department policy, environmental health inspections must be dated within one year of issuance of the original center license.

An "A" rating on an environmental health inspection report denoting substantial compliance - with all of the environmental health rules in this part except R 400.8330, 400.8335, and 400.8340 - is required prior to issuance of an original license, renewal of a license [when required by subrules (b) and (c)], or when adding food service or an infant and/or toddler program.

If the center has a private well and/or septic, a complete environmental health inspection is required every two years at renewal.

For subrule (2)(c) only: In situations where the center licensee also operates a licensed kitchen within the building (such as a school), a copy of the current food service license can be submitted in lieu of a complete Environmental Health Inspection. If the existing food service license is not current or available, a complete Environmental Health Inspection is required.

Applicants and licensees are responsible for contracting with and paying for any environmental health inspections. The inspection is requested by submitting the Environmental Health Inspection Request (BCAL-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 are not required 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 are not required to provide their children's meals and snacks. The center provides breakfast, lunch and snack daily. Most of the food items provided are ready-to-eat. The center does not cook

any food, but many of the food items require some preparation such as putting together sandwiches or heating frozen food items such as chicken nuggets. This is considered food service.

Example 3: Children are in care from 6:30 am to 6:30 PM daily. Parents provide meals and snacks for their children. The center provides milk and water. Center staff feed and assist children with the food items parents provide and may occasionally re-heat or warm an item in the microwave. This is not considered food service.

Example 4: Children are in care from 8:30 am to 11:30 am daily. Parents are not required to provide their children's snacks. The center provides a variety of ready-to-eat foods for snack such as 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 are not required to provide their children's meals and snacks. The center caters food service from an approved source (e.g., a licensed restaurant, kitchen, or catering service) for breakfast and lunch and provides a variety of ready-to-eat foods for snacks. This is not considered food service.

Example 6: Children are in care from 8:30 am to 11:30 am daily. Parents provide snacks that are shared among all the children. The snacks parents provide are ready-to-eat. This is not considered food service.

Note: As indicated above, if a center caters food service from an approved source (e.g., a licensed restaurant, kitchen, or catering service), this is not considered food service. If a center is catering food from a licensed kitchen in the same building and that licensed kitchen is not under the control of the center, this is also not considered food service. In addition, if a center is catering food from a licensed kitchen in the same building and the licensed kitchen is run by a private contractor, this is not considered food service.

Example 1: Forest View Elementary School is the licensee and operates a preschool program in the building. Forest View Elementary School also has a licensed kitchen which provides food for the elementary school students and the preschool children who attend the child care center. *This is considered food service; however, a copy of the food service license can be accepted in lieu 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 obtains 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 which 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.

R 400.8315 Food and equipment storage.

(9) Food and utensils **must** be stored in a cabinet or a shelf above the floor.

(10) All food service equipment **must be above the floor**, moveable, or be properly sealed to the floor.

Any space wider than a credit card under non-moveable equipment must be properly sealed to prevent dirt, insects, spillage, etc. from getting under the piece of equipment.

R 400.8320 Food Preparation.

(6) Food **must** be cooked to heat all parts of the food to the safe temperature as identified in the document titled **Safe Minimum Cooking Temperatures**, published by the U.S. Food Safety Working Group. This document is adopted by reference in this rule and is available at no cost on the [Foodsafety.gov](https://www.foodsafety.gov) website, <https://www.foodsafety.gov/keep/charts/mintemp.html>. It is also available for inspection and distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.



Centers must check the temperature by using a thermometer as indicated in subrule (10) of this rule. Measure the temperature by inserting the thermometer into the center of the food mass from several different spots.



Raw animal foods and foods containing raw animal foods must be cooked to heat all parts of the food to a temperature that complies with the following:

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

* 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.

(7) Potentially hazardous 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 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 will be 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.

Potentially hazardous foods that have been frozen must not be defrosted by leaving them at room temperature or standing them in water. This includes pre-cooked foods from a food supplier.

“Potentially hazardous 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.

(Environmental Health, CONT)

R 400.8330 Food services and nutrition generally.

(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. A child care staff member shall not hold a child while removing a bottle from the heating device.**

Bottles and beverage containers of milk or formula may be fed cold. If warmed, the bottle or beverage container must be warmed using one of the following methods:

- Under running warm tap water.
- By placing the bottle or beverage container in a container of water or pan on the stove in the kitchen that is no warmer than 120 degrees.
- In a bottle warmer made specifically for this purpose.

If a bottle warmer is used, it should be secured to prevent tipping and care should be taken so infants are not injured by the dangling cord or by hot water dripping off the bottle or beverage container onto the infant. It is recommended that slack from cords be removed by tying it off with a twist or zip tie. A bottle warming device should be emptied, sanitized and filled with fresh water daily.

R 400.8335 Food services and nutrition; provided by center.

(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 Michigan department of education, based on 7 C.F.R. Part 226, 1-1-11 edition, of the United States department of agriculture, food and nutrition services, **CACFP**, and is hereby adopted by reference. A copy can be obtained **at no cost** from CACFP at [http:// www.fns.usda.gov/cacfp/meals-and-snacks](http://www.fns.usda.gov/cacfp/meals-and-snacks). **In addition, a copy is available for inspection and distribution at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.**

R 400.8340 Food services and nutrition; provided by parents.

(6) **Breast milk may be supplied in a multi-day supply in a clean, sanitized container kept in the refrigerator for up to 4 days or kept in the freezer for no more than 2 weeks.**

“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: If formula is provided in a multi-day supply, it must be ready-to feed formula and can only be used for the number of days indicated on the container.

- (11) Other perishable beverages and food items must be refrigerated or otherwise kept at a safe temperature until used. Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days in a clearly labeled and dated container.**

A container can be a receptacle such as a basket, bowl, box, jar or similar item and may not need to be covered.

R 400.8380 Maintenance of premises.

- (9) A center shall adopt and implement an integrated pest management policy as required by section 8316 of 1994 PA 451, MCL 324.8316.**

(1) 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.

(2) 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.

(3) An annual notification under subsection (2) shall satisfy all of the following requirements:

- a) Be in writing.
- b) Specify 2 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 subdivision
- (c) the second method shall be 1 of the following:
 - (i) Posting in a public, common area of the school or day care center, other than an entrance.
 - (ii) E-mail.
 - (iii) 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.
 - (iv) 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.
 - (v) Posting on the school's or day care center's website.
- d) 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.

- e) 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.
 - f) 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.
- 4) An advance notice of application of a pesticide, other than a bait or gel formulation, shall contain all of the following information:
- (a) A statement that a pesticide is expected to be applied.
 - (b) The target pest or pests.
 - (c) The approximate location of the application.
 - (d) The date of the application.
 - (e) 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.
 - (f) 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.
- 5) 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).
- 6) 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.



(Environmental Health, CONT)

7) The department shall do both of the following:

(a) 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.

(b) Encourage local and intermediate school boards and boards of directors of public school academies to do both of the following:

(i) Adopt and follow the model integrated pest management policy developed under subdivision (a).

(ii) Require appropriate staff to obtain periodic updates and training on integrated pest management from experts on the subject.

(8) Subsections (1) to (7) do not apply to sanitizers, germicides, disinfectants, or antimicrobial agents.

Fire Safety Provisions

The fire safety rules have been updated to come into compliance with safety standards.

R 400.8515 Construction.

(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 shall be protected by a minimum of **45-minute rated** fire doors and frame assemblies. **“B” labeled fire doors are acceptable.**

(The previous rule set allowed for a minimum of one hour labeled fire door.)

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 at others 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 in the frame, so be sure to feel for any texturing/raised surfaces.

R 400.8525 Exits

(9) In new construction, additions, and remodeling, landings **must** comply with the latch-side clearance requirements of sections 404.2.3 through to 404.2.3.5 of the **International Code Council/American National Standards Institute (ICC/ANSI) standard A117.1, Accessible and Usable Buildings and Facilities, which is adopted by reference in this rule.** Copies of the adopted matter may be purchased from the **International Code Council** at www.iccsafe.org or 1-800-786-4452 at a cost of **\$47.50.** They are also available for inspection at the **Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.**

(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”.**



Exit signs must be placed above or in a highly visible location next to each exterior door that is designated for exiting. Exterior doors that are not used for exiting are not required to have an exit sign providing there are enough designated exits.

(Fire Safety, CONT)

(14) Exit signs shall 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 shall be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

- Internal illuminating includes a light inside the sign.
- External illuminating includes lights that shine on the sign.
- It must be illuminated at all times; even when center is closed.

Bureau of Community Health Systems (BCHS), Environmental Health and Safety Section states that 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 QFI/Fire Safety to be involved.

R 400.8530 Hazard Areas.

(1) Hazard areas **shall** be separated from the parts of the building used as a center in the following manner:

(b) In centers licensed between June 4, 1980 and July 1, 2000, **areas used for the storage of combustibles and other hazards will continue to be approved if they are enclosed by 1 of the following:**

- (i) Where 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 **shall** be protected with a minimum of **45-minute rated** fire door and frame assembly, including an approved self-closing device and positive latching hardware. **“B” labeled doors are acceptable.**

(ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum $3/4$ -hour fire resistance rating, all door openings **shall** 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 will continue to be approved if they are enclosed by 1** of the following:

(i) Where 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 **shall** be protected with a minimum of **45 minute-rated** fire door and frame assembly, including an approved self-closing device and positive latching hardware. **“B” labeled doors are acceptable.**

(ii) Where 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 **shall** 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.

(2) Where a kitchen with commercial 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 **minute rated** fire door and frame assemblies in all common openings. Kitchens having commercial 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.

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 at others 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 in the frame, so be sure to feel for any texturing/raised surfaces.

(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, 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 and frame assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening. Door openings for heat plant enclosures not located on the same floor that is used for child occupancy may have $1\frac{3}{4}$ -inch flush solid wood core doors or 20-minute labeled fire-rated doors having positive latching hardware and an approved self-closing device. Air for proper combustion, a minimum of 1 square inch per 4,000 BTUs input **must** be provided directly from the outside through a permanently opened louver or metal duct. **“B” labeled doors are acceptable.**

(12) If commercial-type laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a minimum of **45-minute rated** fire door and frame assembly in an interior door opening **that** would expose the center. **“B” labeled doors are acceptable.**

R 400.8540 Smoke detectors; carbon monoxide detectors.

(1) All child care centers shall, at a minimum, be equipped with approved single station smoke detectors covering all use areas and their means of egress. These smoke detectors **must** be located and spaced according to NFPA-72.

This rule applies to any proposed conversion of an existing building to a newly licensed child care center.

The minimum detection required is single-station, battery-operated smoke detectors distributed such that adequate protection of all program use areas and the required means of egress is provided.

Transportation

The licensee and/or licensee designee is responsible for implementing the current rules under the Transportation section, in addition to the new rules listed below.

R 400.8701 Definitions.

(b) “Motor vehicle” means a self-propelled device in which persons 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.

(e) “School bus” means that term as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(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) 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, 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.

R 400.8720 All motor vehicles.

(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.

A statement verifying that all motor vehicles, including volunteer vehicles, are in compliance with the Michigan Vehicle Code safety equipment requirements, MCL 257.683 - 257.711, must be on file at the center. This can be a self-certifying statement. The Michigan Vehicle Code requires the following equipment be present and in good operating condition in passenger and commercial vehicles at all times.

(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.

Note: A multifunction school activity bus cannot be used for transporting children directly between home, school bus stops, and school because it does not have the safety equipment that is 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 seating position.

The left side of the instrument panel.

The inward-facing surface of the door next to the driver's seating position.

R 400.8750 Motor vehicle operator.

(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.

A center must keep on file the following documentation:

- A copy of a valid operator license showing the appropriate endorsement, if applicable, for all staff who transport 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 be kept in the vehicle.



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CARE MATTERS**

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Background Check Update

More than 80,000 fingerprints have been completed by providers, staff, and adult household members. The backlog of prints pending is very small and expected to be completed in a matter of days. If you have questions or need to get your fingerprints completed, please call the Child Care Background Check Program at 1-844-765-2247.

Child Care Background Check Program web link:

<https://miltcpartnership.org/childcareportal>

Consumer Product Safety Commission Infant/Child Product Recalls (not including toys)

- A link to recalls specific to child care licensing will be available under the Michigan Child Care Matters website at www.michigan.gov/mccmatters.
- Details on these product recalls may be obtained on the CPSC's website (www.cpsc.gov). Post this page in your facility to be in compliance with the Children's Product Safety Act (2000 PA 219).

Online Applications for Child Care Licensing

To complete an online application, go to www.michigan.gov/adultchildcareapply. For questions related to child care licensing, contact your licensing consultant or 866-685-0006.

For online applications, you must create a MiLogin account. For help with MiLogin contact the MiLogin Customer Service Center at 1-877-932-6424.

To complete an online application, only up-to-date browsers are compatible. Such browsers are Internet Explorer, FireFox, and Chrome. If you are using Internet Explorer, you may be required to add "Michigan.gov" to your compatibility view settings in order for the application to be successful.