LICENSING RULES
FOR
CHILD CARE CENTERS

With Updates Effective May 7, 2025

OFFICE OF EARLY EDUCATION
CHILD CARE LICENSING

MiLEAP
Michigan Department of Lifelong
Education, Advancement, and Potential

www.michigan.gov/michildcare

Acknowledgement of

Licensing Rules for Child Care Centers

Each license or licensee designee for a licensed child care center in the State of Michigan must acknowledge they have received and reviewed the *Licensing Rules for Child Care Centers – Effective May 7, 2025*. Use the QR code below or visit Michigan.gov/MiChildCare to access the rules.

↓QR Code to Licensing Rules ↓

To acknowledge your receipt and review of the child care licensing rules, complete the short online form. To access the form, use the QR code below or visit https://forms.office.com/g/Bj8MdKATaa.

↓QR Code for Acknowledgment ↓

MiLEAP
Michigan Department of Lifelong Education, Advancement, and Potential

TABLE OF CONTENTS

PART 1. DEFINITIONS, LISCENSING PROCESS, PROCEDURES, AND RECORDS

R400.8101 Definitions; A through I. 1
R400.8102 Definitions; J through R. 4
R400.8103 Definitions; S through Z. 5
R400.8104 Rule variances. 7
R400.8107 Applicant qualifications; License application; fees. 7
R400.8110 Applicant; licensee; licensee designee; requirements. 7
R400.8112 Children's Records. 8
R400.8112a Center Records. 10
R400.8112b Rescinded. 10
R400.8113 Information provided to parents. 11
R400.8116 Rescinded. 11
R400.8119 Rescinded. 11

PART 2. SPACE AND EQUIPMENT

R400.8121 Indoor space. 12
R400.8122 Rescinded. 12
R400.8125 Outdoor play area. 12
R400.8128 Rescinded. 15
R400.8131 Equipment. 15
R400.8134 Sleeping Equipment. 16
R400.8137 Telephone service. 17
R400.8140 Water supply; plumbing. 17
R400.8143 Toilets; hand washing sinks. 18
R400.8143a Outdoor nature-based child care center toilets; hand washing sinks. 18
R400.8146 Sewage disposal. 19
R400.8149 Garbage and refuse. 19
R400.8152 Heating; temperature. 19
R400.8155 Light, ventilation, and screening. 19
R400.8158 Premises. 20
R400.8161 Maintenance of premises. 20
R400.8164 Poisonous or toxic material. 21
R400.8167 Smoking or vaping. 21
R400.8170 Rescinded. 21
R400.8173 Rescinded. 21
R400.8176 Rescinded. 21
R400.8179 Rescinded. 21
R400.8182 Rescinded. 22
R400.8185 Rescinded. 22
R400.8188 Rescinded. 22
R400.8191 Rescinded. 22

PART 3. STAFFING

R400.8201 Comprehensive background check; fingerprinting. 22
R400.8201a Department; information; eligibility. 23
R400.8201b Eligibility determination; individual who resided out of the United States; self-certifying statement. 24
R400.8204 Early childhood center, small capacity child care center, and outdoor nature-based child care center program administrator qualifications; responsibilities. 24
R400.8207 Early childhood center, small capacity child care center, and outdoor nature-based child care center site administrator; qualifications. 27
R400.8210 Lead teacher; qualifications; responsibilities. 28
R400.8213 Staff; volunteer. 30
R400.8213a MiRegistry. 30

R400.8216 Orientation. 31
R400.8216a Professional development requirements. 32
R400.8219 Sleeping, resting. 34
R400.8222 Capacity, ratio and group size. 35

PART 4 GENERAL HEALTH AND SAFETY

R400.8251 Hand washing. 36
R400.8254 Diapering; toileting. 37
R400.8257 Biocontaminants. 39
R400.8260 Medication; administrative. 39
R400.8263 Child accidents and incidents; child and staff illness. 39
R400.8266 Incident, accident, injury, illness, death, fire. 40
R400.8269 Emergency preparedness and response planning procedures. 41
R400.8269a Food. 42
R400.8269b Outdoor benefit-risk assessment; risk management plan for outdoor nature-based child care centers. 43

PART 5. PROGRAM AND CARE

R400.8271 Child development. 44
R400.8274 Primary care for infants and toddlers. 46
R400.8277 Nighttime care. 46
R400.8280 Discipline. 47

PART 6. FOOD SERVICES AND NUTRITION

R400.8301 Definitions. 47
R400.8305 Plan review; approval; inspections. 48
R400.8310 Food preparation areas. 49
R400.8315 Food and equipment storage. 49
R400.8320 Food preparation. 50
R400.8325 Dishwashing. 50
R400.8330 Food services and nutrition generally. 51
R400.8335 Food services and nutrition; provided by center. 53
R400.8340 Food services and nutrition; provided by parents. 54
R400.8341 Drinking water management plan; water sampling, testing, and remediation; filtered water; records. 55
R400.8345 Rescinded. 55
R400.8350 Rescinded. 55
R400.8355 Rescinded. 55
R400.8360 Rescinded. 56
R400.8365 Rescinded. 56
R400.8370 Rescinded. 56
R400.8375 Rescinded. 56
R400.8380 Rescinded. 56
R400.8385 Rescinded. 56

PART 7. SCHOOL AGE CHILD CARE CENTER SPECIFIC PROVISIONS AND EXEPTIONS

R400.8401 Specific provisions; exemptions. 56
R400.8410 School-age program administrator qualifications; responsibilities. 57
R400.8419 School-age child care site administrator; qualifications; responsibilities. 60
R400.8430 Use of large space requirements. 61
R400.8440 Emergency preparedness and response planning allowance in school buildings. 61

PART 8. FIRE SAFETY

R400.8501 National Fire Protection Association standards; adoption by reference. 61
R400.8505 Definitions. 62
R400.8510 Plans and specifications; submission; approval; inspections. 64

R400.8515 Construction. 65
R400.8520 Interior finishes. 66
R400.8525 Exits. 67
R400.8530 Hazard Areas. 69
R400.8535 Fire alarm. 71
R400.8540 Smoke alarms; carbon monoxide detectors. 71
R400.8545 Fire extinguishers. 72
R400.8550 Electrical service. 72
R400.8555 Open-flame devices; candles. 72
R400.8560 Rescinded. 73
R400.8565 Fire safety; exemptions for public and nonpublic school buildings. 73

PART 9. TRANSPORTATION

R400.8701 Definitions. 73
R400.8710 Transportations. 74
R400.8720 All motor vehicles. 74
R400.8730 Safety equipment in motor vehicles. 75
R400.8740 Manufacturer's rated seating capacity; restraint devices; safety belts. 75
R400.8750 Motor vehicles operator. 76
R400.8760 Program staff and unsupervised volunteer-to-child ratio and supervision in transit. 76
R400.8770 Time limitation on child transit. 77
R400.8780 Parent permission for transportation. 77

PART 10. SWIMMING

R400.8801 Definitions. 78
R400.8810 Swimming; child care member-to-child ratio. 78
R400.8820 Swimming activity supervision. 78
R400.8830 Instructional swim. 78
R400.8840 Swimming activity area. 79

APPENDICES

A. Small capacity center program administrator
B. Early childhood center or outdoor nature-based child care center
C. Early childhood center, small capacity child care center, and outdoor nature-based child care site administrator; qualifications
D. Lead teacher qualifications; responsibilities
E. Small capacity center; lead teacher qualification; responsibilities
F. School age program administrator
G. School age child care center site administrator
H. Substitute school age program administrator qualification; responsibilities
I. Promulgation process/suggested changes

DEPARTMENT OF LIFELONG EDUCATION, ADVANCEMENT, AND POTENTIAL

CHILD CARE LICENSING BUREAU

LICENSING CHILD CARE CENTERS

(By authority conferred on the director of the department of lifelong education, advancement, and potential by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, 2015-1 and 2023-6, MCL 330.3101, 445.2001, 445.2011, 400.226, 400.227 and 388.1283)

PART 1. DEFINITIONS, LICENSING PROCESS, PROCEDURES, AND RECORDS

R 400.8101 Definitions; A to I.

Rule 101. (1) As used in these rules:

(a) "Accredited college or university" means a college or university that is accredited by a regional or national institutional accrediting association recognized by the United States Department of Education.

(b) "Act" means 1973 PA 116, MCL 722.111 to 722.128, regarding child care organizations.

(c) "Adult" means an individual 18 years of age or older.

(d) "Ages" means all of the following:

(i) "Infant" means a child from birth until 1 year of age.

(ii) "Toddler" means a child who is 1 year of age until 30 months of age.

(iii) "Preschooler" means a child who is 30 months of age until eligible to attend a grade of kindergarten or higher.

(iv) "School-aged" means a child who is eligible to attend a grade of kindergarten or higher, but less than 13 years of age. A child is considered school-aged on the first day of the school year in which the child is eligible.

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

(f) "Biocontaminant" means bodily fluids such as urine, feces, saliva, vomit, blood, nasal discharge, eye discharge, and injury or tissue discharge.

(g) "Center" means an early childhood center, school-age child care center, outdoor nature-based child care center, or a small capacity child care center.

(h) "Certified playground safety inspector" means an individual certified by the national playground safety institute or the national program for playground safety to conduct playground safety inspections.

(i) "CEU" means a continuing education unit awarded by an accredited college or university sponsor of continuing education units or state continuing education clock hour awarded by the state board of education.

Courtesy of Michigan Administrative Rules

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

(k) “Child care background check system” means the database maintained by the department to document a comprehensive background check and eligibility determination pursuant to section 5n of the act, MCL 722.115n.

(l) “Child development associate credential” means a credential awarded by the council for professional recognition or a similar credential approved by the department.

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

(i) For an early childhood program administrator and lead teacher, academic courses in elementary education, child guidance, child counseling, child psychology, family studies, environmental or outdoor education, social work, or special education.

(ii) For a school-age program administrator, academic courses in early childhood education, elementary education, secondary education, educational leadership, special education, physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, environmental or outdoor education, social work, human services, or youth development.

(n) “Clean” means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.

(o) “Communicable disease” means an infectious disease that is transmissible from person to person by direct contact with an infected individual or the individual's discharges, or by indirect means through a vector. Communicable disease includes, but is not limited to, all of the following:

(i) Chicken pox.

(ii) Hand, foot, and mouth disease.

(iii) Influenza.

(iv) Measles.

(v) Mumps.

(vi) Pertussis, which is also referred to as whooping cough.

(vii) Rubella.

(viii) Tuberculosis.

(p) “Comprehensive background check” means a department review of an individual pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q.

(q) “Continuously employed child care staff member” means an individual who has not been disconnected from the child care background check system for a period of more than 180 days and has continuously resided in this state as referenced in section 5n(15) and (16) of the act, MCL 722.115n.

(r) “Degrees and semester hours” means only those degrees and hours from an accredited college or university.

(s) “Department” means the department of lifelong education, advancement, and potential.

(t) “Developmentally appropriate” means age appropriate and appropriate to the individual child.

(u) “Disinfect” means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or an EPA-registered disinfecting product as described on the label.

Courtesy of Michigan Administrative Rules

(v) “Early childhood center” means a child care center that serves children less than 13 years of age. It does not include a school-age child care center, outdoor nature-based child care center, or a small capacity child care center.

(w) “Early childhood program administrator” means a child care staff member who is the program administrator of an early childhood center and can be counted in child staff member to child ratios.

(x) “Easily cleanable” means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(y) “Experience” means paid and unpaid experience serving the ages and developmental abilities of children for which the center is licensed.

(z) “Field trip” means children, program staff or volunteers, or both, leaving the child care center premises for an excursion, trip, or program activity.

(aa) “First aid kit” means a kit containing, at a minimum, all of the following: sterile gauze pads of assorted sizes, a roll of gauze, adhesive bandages of assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8260.

(bb) “Group size” means the specified number of children assigned to a child care staff member or team of child care staff members occupying an individual classroom or well-defined space for each group within a larger room.

(cc) "Hand washing" means to cleanse the hands with soap and warm running water for not less than 20 seconds.

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

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8101 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

Courtesy of Michigan Administrative Rules

R 400.8102 Definitions; J to R.

Rule 102. As used in these rules:

(a) "Lead teacher" means a child care staff member employed by the child care center for compensation who is responsible for organizing, guiding, and implementing activities in a group or individual basis, to further the cognitive, social, emotional, and physical development of children in a child care center and can be counted in child care staff member to child ratios.

(b) "Mandated reporter" means a licensee, licensee designee, staff, or volunteer who are required to immediately report child abuse or neglect or suspected child abuse and neglect as required by R 400.8213(1)(c).

(c) "Michigan school age or youth development associate credential" means a credential issued by the Michigan afterschool partnership in collaboration with or similar credential approved by the department.

(d) "MiRegistry" is the electronic data system for child care providers that is maintained by the department to verify and track employment, training, and educational accomplishments.

(e) "MiRegistry-approved training" means training that is submitted to MiRegistry by a MiRegistry approved trainer or MiRegistry training sponsor organization that meets the qualification for approval.

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

(g) "Multiple occupancy" means a building or structure where 2 or more classes of occupancy exist. Classes of occupancy include, but are not limited to, day-care occupancy, residential occupancy, or health care occupancy.

(h) "Natural playground" means an outdoor play area that blends natural materials, features, and vegetation, which can include tree logs, tree stumps, boulders, and plants.

(i) "Nighttime care" means care between the hours of midnight and 5 a.m.

(j) "On file" means accessible at the center or central office, as specified in these rules, via a hard copy or electronically unless otherwise stipulated in the rule.

(k) "Outdoor nature-based child care center" means a child care center that does all of the following:

(i) Serves preschool and school-age children.

(ii) Provides early learning service to the enrolled children in an outdoor natural space approved by the department for not less than 4 hours per day or 50% of the daily program hours, whichever is less, and may operate in an approved building during inclement weather.

(iii) Teaches a nature-based curriculum to enrolled children.

(l) "Parent" or "parental" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.

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

(n) "Portable crib" means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh,

Courtesy of Michigan Administrative Rules

fabric, or non-rigid sides, such as a bassinet or play yard, are not considered portable cribs.

(o) "Present at the center" means being physically at the center at any point when children are present.

(p) "Program administrator" means a licensee or child care staff member who is responsible for the general management of the center, ensures compliance with the act and these rules, and can be counted in child care staff member to child ratios. Program administrators include an early childhood program administrator, a school-age program administrator, and a small capacity center program administrator.

(q) "Program components" means the different services offered by a center. Program components include, but are not limited to, infant and toddler, preschool, and school-age care and education; nighttime care; food service; swimming; and transportation.

(r) "Program staff" means a teacher, lead teacher, substitute teacher, site administrator, staff-in-charge, program administrator, substitute program administrator, or other compensated employee of the center that has direct contact with children and can be counted in child care staff member to child ratios. Program staff does not include volunteers, therapeutic professionals, and independent service providers.

(s) "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.

History: 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8103 Definitions; S to Z.

Rule 103. As used in these rules.

(a) "Sanitize" means reducing the number of germs on surfaces after cleaning the item by using heat, sanitizing solution, sprays as directed on the label, or a weakened bleach solution.

(b) "School" means a building or part of a building that is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction pursuant to the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.

(c) "School-age child care center" means a child care center serving only school-age children.

(d) "School-age program administrator" means a child care staff member who is the program administrator of a school-age child care center and can be counted in child care staff member to child ratios.

(e) "Serious injury" means an injury that occurred while the child was in care that resulted in a **c**hild receiving medical attention by a health care provider**.**

(f) "Session" means 8 hours within a 24-hour day from midnight until 11:59 p.m. for centers operating 8 hours or more per day or 50% of the time open for centers operating less than 8 hours per day.

(g) "Site administrator" means a child care staff member appointed by the program administrator responsible for supervising the operation of the center when the program

Courtesy of Michigan Administrative Rules

administrator is not on the center premises and can be counted in child care staff member to child ratios.

(h) “Small capacity center” means a child care center that receives 20 or fewer children less than 13 years of age.

(i) “Staff” means any compensated employee of a center that perform services for the child care center and has direct or indirect contact with children at the center. Staff includes the program administrator, substitute program administrator, site administrator, staff-in-charge, lead teacher, teacher, substitute teacher, and other paid employees at the center, such as the cook, driver, janitor, secretary, and bookkeeper. Staff does not include volunteers, therapeutic professionals, and independent service providers.

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

(k) “Standard precautions” means the use of barriers to handle potential exposure to biocontaminants, the process to clean and disinfect contaminated surfaces, and the process to dispose of biocontaminants.

(l) “Substitute teacher” means a child care staff member who is 16 years of age or older and is employed by the child care center, directly or indirectly, for compensation as a temporary replacement for a teacher and can be counted in child staff member to child ratios.

(m) “Supervised volunteer” means an individual 16 years of age or older, who provides service for a child care center that is not compensated, and who is supervised at all times when children are in care. A supervised volunteer cannot be counted in child staff member to child ratios.

(n) “Teacher” means a child care staff member who is 16 years of age or older and is employed by the child care center for compensation to further the cognitive, social, emotional, and physical development of children in a child care center and can be counted in child care staff member to child ratios.

(o) “Therapeutic professionals” means an independent service provider who provides therapeutic services in a child care center, including, but not limited to, speech therapists, nutritionists, early interventionists, nurses, and other licensed health care professionals who are employed by an intermediate school district or local school district to provide services in a child care center to a child with a disability that has an active individualized education program or individualized family service plan.

(p) “Unsupervised volunteer” means a child care staff member who is 16 years of age or older, provides service for a child care center that is not compensated, is determined eligible by the department to be unsupervised with children, and can be counted in child care staff member to child ratios.

(q) “Volunteer” means a supervised volunteer and an unsupervised volunteer.

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

History: 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

R 400.8104 Rule variances.

Rule 104. (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

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

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

(4) Variances must not be granted from statutory requirements.

History: 2013 AACS; 2019 AACS.

R 400.8107 Applicant qualifications; license application; fees.

Rule 107. (1) An applicant shall meet all of the following qualifications:

(a) Be suitable to meet the needs of children.

(b) Be able to ensure that the proposed services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

(d) Demonstrate a willingness and ability to comply with the act and these rules.

(2) An applicant for a license to operate a child care center shall complete, sign, and submit the department's child care application, along with the applicable fee listed under section 5m of the act, MCL 722.115m, in the manner prescribed by the department.

(3) If the applicant elects a licensee designee the applicant shall also complete, sign, and submit the department's child care licensee designee form in the manner prescribed by the department.

(4) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall comply with all applicable laws and rules.

(5) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall submit the certificate of occupancy.

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

(7) Outdoor nature-based child care centers are exempt from subrule (5) of this rule, but the applicant or licensee shall provide both of the following before issuance of the original license, and before the renewal of a license:

(a) A location map including the location of the emergency shelter.

(b) Outdoor benefit-risk assessment.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8110 Applicant; licensee; licensee designee; requirements.

Rule 110. (1) The licensee or licensee designee shall do all of the following:

Courtesy of Michigan Administrative Rules

(a) Act in a manner that is conducive to the welfare of children.

(b) Comply with sections 5n and 5q of the act, MCL 722.115n and 722.115q, which requires obtaining a comprehensive background check.

(c) Be responsible for compliance with the act and these rules.

(d) Report to the department within 3 business days after any arraignment or conviction of 1 or more of the crimes listed in section 5r of the act, MCL 722.115r, and any subsequent conviction.

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

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

(a) The current license and, if applicable, the letter extending the license beyond the expiration date, and a copy of the last page of any variances granted.

(b) A copy of these rules must be made available to the parents.

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

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

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8112 Children's records.

Rule 112. (1) At the time of a child's initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed, signed, and dated by the child's parent and updated as changes occur. The center shall keep current hard copies of the child information cards at the center.

(2) For children under school-age, at the time of a child's initial attendance, a center shall document 1 of the following, accessed through the Michigan care improvement registry or in a paper format if the parent or guardian chooses to provide to the center in that manner:

(a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services.

(b) A medical contraindication form signed by a medical doctor or doctor of osteopathic medicine stating why the child cannot receive immunizations.

(c) A copy of a non-medical waiver on the official form prescribed by the department of health and human services and documented in the Michigan care

Courtesy of Michigan Administrative Rules

improvement registry and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

(d) A paper copy of a non-medical waiver on the official form prescribed by the department of health and human services signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

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

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

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

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

(7) For a school-age child, on enrollment and annually thereafter, a center shall obtain and keep on file at the center a signed statement from the parent confirming all of the following:

(a) The child is in good health with activity restrictions noted.

(b) The child's immunizations are up to date.

(c) The immunization record or appropriate waiver is maintained on file either in the Michigan care improvement registry or in paper format provided by the parent at the center. For a school-age child not enrolled in a public or private school, a licensed health care provider's statement indicating the child is in the process of getting immunizations must be on file at the center.

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

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

Courtesy of Michigan Administrative Rules

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

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

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

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

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

(15) Parents shall be notified before each field trip.

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

History: 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8112a Center records.

Rule 112a. (1) The center shall maintain accurate records detailing daily arrival and departure times for each staff member, volunteers, therapeutic professionals, and independent service providers.

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

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

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

(a) The name, address, and telephone number for each child enrolled and each staff member and unsupervised volunteer for not less than 2 years after the individual leaves the center.

(b) Staff and unsupervised volunteer documentation of qualifications must be retained for not less than 2 years after the individual leaves the center.

(c) The licensing notebook must be maintained and retained until the license is closed.

History: 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8112b Rescinded.

Courtesy of Michigan Administrative Rules

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8113 Information provided to parents.

Rule 113. (1) A center shall provide a handbook, electronically or hard copy, to each parent enrolling a child that includes at least all of the following:

(a) Criteria for admission and withdrawal.

(b) Schedule of operation that denotes the hours, days, and holidays during which the center is open and services are provided.

(c) Fee policy.

(d) Discipline policy.

(e) Food service policy.

(f) Program philosophy.

(g) Typical daily routine.

(h) Parent notification plan for accidents, injuries, incidents, and illnesses.

(i) Transportation policy, if applicable.

(j) Medication policy.

(k) Exclusion policy for child illnesses.

(l) Notice of the availability of the center's licensing notebook and that it contains the items described in R 400.8110(4).

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

(3) For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:

(a) Food intake time, type of food, and amount eaten.

(b) Sleeping patterns indicating when and how long the child slept.

(c) Elimination patterns, including bowel movements, consistency, and frequency.

(d) Developmental milestones.

(e) Changes in the child's usual behaviors.

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8116 Rescinded.

History: 2013 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8119 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

PART 2. SPACE AND EQUIPMENT

Courtesy of Michigan Administrative Rules

R 400.8121 Indoor space.

Rule 121. (1) The required square footage of indoor space per child must be at least the following:

(a) Forty-two square feet for infants and toddlers.

(b) Thirty-five square feet for preschoolers and school-aged.

(c) Thirty-five square feet for small capacity centers, regardless of age.

(2) The following indoor space is excluded from the required square footage:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and closets.

(f) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.

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

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8122 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8125 Outdoor play area.

Rule 125. (1) The outdoor play area is considered an outdoor classroom and an extension of the learning environment.

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

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

(4) If outdoor space is not available adjacent to the center, a center may use a park or other outdoor facility. The outdoor space must meet all of the following requirements:

(a) The area must be easily accessible by a safe walking route.

(b) The play area must be inspected before each use to ensure that no hazards are present.

(c) The location of the alternative outdoor play area must be specified in writing to the department.

Courtesy of Michigan Administrative Rules

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

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

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

(8) Children shall only use age-appropriate equipment.

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

(10) The playground equipment, use zones, and surfacing in the outdoor play area must be inspected by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, on request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department on request and keep it on file at the center. All equipment present on a center playground must comply with one of the following:

(a) Centers licensed after January 1, 2014 are required to obtain documentation of compliance with the 2010 edition of the Consumer Protection Safety Commission Handbook for Public Playground Safety for all playground equipment, including equipment for children under age 2. The 2010 edition of the Consumer Protection Safety Commission Handbook for Public Playground Safety from the United States Consumer Product Safety Commission is adopted by reference and applies only to this subdivision of this subrule. This handbook can be obtained for free from the United States Consumer Product Safety Commission's website at https://www.cpsc.gov/safety-education/safety-guides/playgrounds/public-playground-safety-handbook, or from the United States Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814. This handbook can be inspected and obtained at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

(b) Centers licensed prior to January 2, 2014 were required to obtain documentation of compliance with the Consumer Product Safety Commission's 1997 edition of the Handbook for Public Playground Safety for equipment for children age 2 and older. The 1997 edition of the Consumer Protection Safety Commission Handbook for Public Playground Safety from the United States Consumer Product Safety Commission is adopted by reference and applies only to this subdivision of this subrule. This handbook can be obtained for free from the United States Consumer Product Safety Commission's website at https://files.eric.ed.gov/fulltext/ED427507.pdf, or from the United States Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, Maryland 20814. This handbook can be inspected and obtained at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

(11) All pieces of playground equipment that have an elevated playing or climbing surface, regardless of the height of the playing or climbing surface, must be surrounded by a shock absorbing surface and meet the guidelines defined by the United States Consumer Product Safety Commission Handbook for Public Playground Safety. The

Courtesy of Michigan Administrative Rules

shock absorbing surface material may be either unitary or the loose-fill type. An exception to this subrule is provided for natural playgrounds.

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

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

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

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

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

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

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

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

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

(21) Small capacity centers shall abide by all of the following:

(a) Provide a clean, safe, and hazard-free outdoor play area on the premises or within a reasonable walking distance of the center.

(b) Inspect the outdoor play areas daily before use to ensure that no hazards are present.

(c) The play area size must be not less than 600 square feet.

(d) Provide an adequate and varied supply of outdoor play equipment, materials, and furniture that meets all of the following requirements:

(i) Appropriate to the developmental needs and interests of children.

(ii) Appropriate to the number of children.

(iii) Safe and in good repair.

(e) The outdoor play area and equipment must be organized to meet all of the following requirements:

(i) To separate active and quiet activities.

(ii) For a clear and unobstructed view of the whole play area.

(iii) To ensure that there are safe distances between equipment.

(f) Playground equipment including, but not limited to, swings, climbers, and slides with a designated play surface above 30 inches must meet all of the following requirements:

(i) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

(ii) Be safe, in good repair, and age appropriate.

(iii) Be placed not less than 6 feet from the perimeter of other play structures or obstacles.

(g) If the playground includes commercial playground equipment, the center needs a playground inspection by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, on request of the department, and before using any newly added playground equipment.

Courtesy of Michigan Administrative Rules

The center shall provide documentation of the inspection to the department on request and keep it on file at the center.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8128 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8131 Equipment.

Rule 131. (1) A center shall not use equipment, toys, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission as being hazardous. This information is available free of charge at the United States Consumer Product Safety Commission website, www.cpsc.gov.

(2) The current list of unsafe children's products must be conspicuously posted in the center as an actual hard copy or electronic access to the Consumer Product Safety Commission or its successor's list of recalled children's products, pursuant to section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.

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

(4) Play equipment, materials, and furniture ~~,~~ must be all of the following

(a) Appropriate to the developmental needs and interests of children as required by R 400.8271(2).

(b) Safe, clean, and in good repair.

(c) Child-sized or appropriately adapted for a child's use.

(d) Easily accessible to the children.

(5) A center shall provide a minimum of 3 p l a y s p a c e s per child multiplied by the number of children the center is licensed to serve.

(6) A minimum of 2 playspaces must be accessible per child in attendance on any given day during child-initiated activity time.

(7) Children shall have access to equipment and materials in the following areas on a daily basis:

(a) Large and small muscle activity.

(b) Sensory exploration.

(c) Social interaction and dramatic play.

(d) Discovery and exploration.

(e) Early math and science experiences.

(f) Creative experiences through art, music, and literature.

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

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

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

Courtesy of Michigan Administrative Rules

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

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8134 Sleeping Equipment.

Rule 134. (1) All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.

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

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

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

(5) Along with a cot or a mat, a sheet or blanket of appropriate size must be provided as follows:

(a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.

(b) For any child in care who regularly naps.

(c) On a parent's request for any child in care.

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

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

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

(9) A center shall not use stacking cribs.

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

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

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

Courtesy of Michigan Administrative Rules

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

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

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

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

(17) When sleeping equipment and bedding are stored, both of the following apply:

(a) Sleeping surfaces must not come in contact with other sleeping surfaces.

(b) Bedding must not come in contact with other bedding.

(18) All occupied cribs, portable cribs, cots, and mats must be placed in a manner that there is a free and direct means of egress and be spaced as follows:

(a) Cribs and portable cribs must be not less than 2 feet apart when occupied. Cribs or portable cribs with solid-panel ends may be placed end-to-end.

(b) Cots and mats must be not less than 18 inches apart.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8137 Telephone service.

Rule 137. (1) An operable phone must be available and accessible onsite during the hours the center is in operation.

(2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.

(3) Emergency phone numbers, including 911, fire, police, Michigan Mental Health Hotline (866-903-3783), and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff. For outdoor nature-based centers, emergency phone numbers including, 911, fire, police, and the poison control center, and the emergency location for emergency medical services to arrive must be available to all staff at all times while in operation and caring for children.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8140 Water supply; plumbing.

Rule 140. (1) The water system must comply with the requirements of the local health department.

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

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

(4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good working condition.

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

Courtesy of Michigan Administrative Rules

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8143 Toilets; hand washing sinks.

Rule 143. (1) A center shall provide toilet and hand washing sinks as follows:

(a) A center operating with children toddler age or older in attendance less than 5 continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 20 children toddler age or older or fraction thereof.

(b) A center operating with children toddler age or older in attendance 5 or more continuous hours a day shall provide at least 1 toilet and 1 hand washing sink for every 15 children toddler age or older or fraction thereof.

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

(3) A separate hand washing sink is required in the kitchen for all of the following:

(a) A new center with a food service component.

(b) A center with a food service component that remodels the kitchen.

(c) Any center that adds a food service component.

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

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

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8143a Outdoor nature-based child care center toilets; hand washing sinks.

Rule 143a. (1) Outdoor nature-based child care centers are exempt from R 400.8143.

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

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

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

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8143 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

Courtesy of Michigan Administrative Rules

R 400.8146 Sewage disposal.

Rule 146. (1) Sewage and other water-carried wastes must be disposed of through a municipal or private sewer system.

(2) Private sewer and septic systems must be designed and operated to safely dispose of all wastewater generated, be adequate in size for the projected use, and meet the criteria of the local health department.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8149 Garbage and refuse.

Rule 149. (1) All garbage must be removed from the center daily.

(2) Garbage containers must be washed when soiled.

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8152 Heating; temperature.

Rule 152. (1) The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8155 Light, ventilation, and screening.

Rule 155. (1) The total ventilation area in every habitable room, as provided by openable windows, must be not less than 4.5% of the floor area, unless central air conditioning is provided.

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

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

R 400.8158 Premises.

Rule 158. (1) The center shall be located on land that provides good natural drainage or that is properly drained.

(2) Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:

(a) If elevated, have barriers to prevent falls and handrails designed and constructed for use by children.

(b) Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have nonslip surfacing.

(c) Landings must be located outside exit doors where steps or stairs are necessary and be at least as wide as the swing of the door.

(d) Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.

(e) Ramps, if used, must have a minimum rise-to-run ratio of 1-to-12.

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8161 Maintenance of premises.

Rule 161. (1) The premises must be maintained in a clean and safe condition and must not pose a threat to health or safety.

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

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

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

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

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

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

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

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

Courtesy of Michigan Administrative Rules

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

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8164 Poisonous or toxic materials.

Rule 164. Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children. This includes chemical sanitizers and disinfectants.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8167 Smoking or vaping.

Rule 167. (1) Smoking and vaping must not occur at any time in or during both of the following:

(a) In the child care center or on real property that is under the control of the center and on which the center is located.

(b) On field trips and in vehicles when children are present.

(2) A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center's property.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8170 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8173 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8176 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8179 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

R 400.8182 Rescinded.

History: 2013 AACS; 2019 AACS; 2022 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8185 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8188 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8191 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

PART 3. STAFFING

R 400.8201 Comprehensive background check; fingerprinting.

Rule 201. (1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:

(a) A licensee.

(b) A licensee designee.

(c) A child care staff member.

(d) An unsupervised volunteer.

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

(a) Ensure that each individual who requires an eligibility determination completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department.

(b) Maintain on file at the center or the central office, a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.

(c) Provide to the department, on request, a copy of the individual's completed and signed form or forms.

(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.

(e) Complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license within the department's child care background check system.

Courtesy of Michigan Administrative Rules

(f) Immediately disconnect each individual within the department's child care background check system once the individual is no longer a licensee, licensee designee, child care staff member, or an unsupervised volunteer under the license.

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

(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.

(5) An individual who requires a comprehensive background check pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:

(a) Full legal name.

(b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.

(c) Suffix, if applicable.

(d) Social Security number.

(e) Date of birth.

(f) Place of birth.

(g) Country of citizenship.

(h) Height.

(i) Weight.

(j) Hair color.

(k) Eye color.

(l) Gender.

(m) Race.

(n) Current address.

(o) If the individual resided outside this state during the last 5 years, provide each of those addresses.

(p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.

(q) Phone number.

(r) Email address, if available.

(s) Other information determined reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

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

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8201a Department; information; eligibility.

Courtesy of Michigan Administrative Rules

Rule 201a. The department may request information from an applicant, licensee, licensee designee, child care staff member, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction where the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual is ineligible under the statutory requirements.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8201a was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8201b Eligibility determination; individual who resided out of the United States; self-certifying statement.

Rule 112b. An individual who requires an eligibility determination pursuant to section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, pursuant to section 5n(2) of the act, MCL 722.115n, complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8204 Early childhood center, small capacity child care center, and outdoor nature-based child care center program administrator qualifications; responsibilities.

Rule 204. (1) Before hiring a new program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

(2) All program administrators are responsible for the general management of the center, including the following minimum responsibilities:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring staff, including annual evaluations.

(3) A program administrator can oversee multiple sites if all of the following are met:

(a) Is immediately available for not less than 5 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.

(b) Maintain written documentation of visits, including dates and times.

Courtesy of Michigan Administrative Rules

(c) Appoint a site administrator when the program administrator is not on the premises.

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

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

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

(7) The department shall be notified when a substitute program administrator is appointed.

(8) A substitute program administrator shall at least meet the qualifications of lead teacher.

(9) A program administrator shall have all of the following qualifications:

(a) Be not less than 21 years of age.

(b) Have a high school diploma or general equivalency diploma (GED).

(c) Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

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

(a) Meets the requirements of a program administrator in subrule (9) of this rule.

(b) Is responsible for subrules (2)(a) and (c) of this rule.

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

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works in a center that participates in great start to quality.

Courtesy of Michigan Administrative Rules

(c) A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, infant family associate credential, or associate degree or higher in any field of study.

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

(a) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.

(iii) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) An associate degree or higher in any field of study.

(iii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iv) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(v) Works in a center that participates in great start to quality.

(c) A bachelor's degree or higher in a child-related field.

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

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

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

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8204 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule

Courtesy of Michigan Administrative Rules

containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

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

Rule 207. (1) A site administrator shall be present at the center during all hours of operation when the program administrator, who is overseeing multiple sites, is not on the premises.

(2) Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.

(3) Site administrators shall assist the program administrator in all of the following:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring and overseeing staff.

(4) Site administrators shall meet both of the following qualifications:

(a) Be not less than 19 years of age.

(b) Have a high school diploma or GED.

(5) Site administrators shall meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.

(iii) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree in a child-related field.

(iii) Work in a center that participates in great start to quality.

(c) All of the following:

(i) An associate degree or higher in any field of study.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance

(B) Challenging behaviors.

(C) Trauma informed practices.

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

Courtesy of Michigan Administrative Rules

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

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8207 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8210 Lead teacher; qualifications; responsibilities.

Rule 210. (1) Lead teachers are required only for groups of children who are preschool-age and younger.

(2) Lead teachers are responsible for both of the following:

(a) Overseeing the planning, implementation, and evaluation of the classroom program and child assessment.

(b) Overseeing child care staff members for a specific group of children and overall care and supervision of children.

(3) At least 1 lead teacher shall be assigned to each group of children in a self-contained or well-defined space and be present and provide care in the assigned group in the following manner:

(a) Full time for programs operating less than 6 continuous hours.

(b) Not less than 6 hours per day for programs operating 6 or more continuous hours.

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

(5) Lead teachers shall have both of the following qualifications:

(a) Be not less than 19 years of age.

(b) Have a high school diploma or GED.

(6) A lead teacher shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Works in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

Courtesy of Michigan Administrative Rules

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works in a center that participates in great start to quality.

(c) All of the following:

(i) A valid child development associate credential, Montessori credential, infant family associate credential, or associate degree or higher in any field of study.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(7) Small capacity centers are exempt from subrule (6) of this rule.

(8) A lead teacher in a small capacity center shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 3 months of experience.

(ii) 3 hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) 6 hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Works in a center that participates in great start to quality.

(b) Both of the following:

(i) 3 semester hours, 4.5 CEUs, or a combination to equal 45 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field or an associate degree or higher in any field of study. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(ii) Works for a center that participates in great start to quality.

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

(10) Lead teachers for infants and toddlers shall have 3 semester hours, 4.5 CEUs, or 45 hours of MiRegistry-approved track of infant and toddler development and care practices within 6 months of hire.

Courtesy of Michigan Administrative Rules

(11) Verification of the qualifications of each lead teacher must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8213 Staff; volunteer.

Rule 213. (1) All staff and volunteers present at the center shall:

(a) Provide appropriate care and supervision of children at all times.

(b) Act in a manner that is conducive to the welfare of children.

(c) Make an immediate verbal report to the department of health and human services, children's protective services, by telephone at 1-855-444-3911, on reasonable cause to suspect child abuse or child neglect. The verbal report must be followed by submission of a written report within 72 hours of the verbal report.

(d) Sign and date a written statement at the time of hiring or before volunteering and indicate all of the following information:

(i) The individual is aware that abuse and neglect of children is against the law.

(ii) The individual is informed of the center's policies on child abuse and neglect.

(iii) The individual knows they are mandated reporters of child abuse and child neglect and are required by law to immediately report suspected abuse and neglect to the department of health and human services, children's protective services, as described in subdivision (c) of this subrule.

(2) All supervised volunteers shall receive a public sex offender registry clearance by the licensee against the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website before having any contact with a child in care. A copy of this clearance must be maintained on file at the center or at the central office.

(3) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any staff or volunteer registered on either the Michigan State Police Sex Offender Registry or the Dru Sjodin National Sex Offender Public Website is prohibited from having contact with any child in care.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8213 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8213a MiRegistry.

Rule 213a. (1) Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have an individual MiRegistry account and a non-expired MiRegistry membership status, which includes submitted, materials received, awaiting print, or current.

Courtesy of Michigan Administrative Rules

(2) Within 30 calendar days after employment, all program staff, unsupervised volunteers, and substitute teachers shall have a verified program organization employment entry in MiRegistry.

(3) Verification of the qualifications of all staff must be maintained on file at the center or at the central office 2 years after the effective date of this rule, after which qualifications must be verified in MiRegistry.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8216 Orientation.

Rule 216. (1) Program staff and unsupervised volunteers shall participate in the center's orientation training about the center's policies and practices and these rules.

(2) Within 30 calendar days after being present at the center and before caring for children, program staff and unsupervised volunteers shall have training on all of the following, as applicable:

(a) The prevention of shaken baby syndrome, if the center serves infants and toddlers.

(b) The prevention of sudden infant death syndrome and use of safe sleep practices, if the center serves infants and toddlers.

(c) The prevention of abusive head trauma.

(d) The prevention of child maltreatment.

(e) The recognition and reporting of child abuse and neglect.

(3) Within 30 calendar days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall have training on all of the following:

(a) Who to contact for questions.

(b) Discipline policy.

(c) Emergency procedures to include, but not limited to, location of first aid equipment, fire prevention, fire exits, and responsibilities during an emergency.

(d) Information to provide to parents.

(e) Appropriate care and supervision, including child care staff member to child ratios.

(f) Daily schedules, such as planned daily activities and routines.

(g) Health policies and procedures.

(h) The prevention and control of infectious diseases, including immunizations.

(i) Illness procedures for children and staff.

(j) Diapering procedures, only if applicable to children served.

(4) Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8269.

(5) Within 90 days after being present at the center, all other staff and supervised volunteers shall be trained on emergency preparedness and response planning as described in R 400.8269.

(6) Within 90 days after being present at the center and before caring for children unsupervised, program staff and unsupervised volunteers shall complete the following

Courtesy of Michigan Administrative Rules

trainings, which are allowed to be counted toward annual professional development hours and are available at MiRegistry:

(a) Administration of medication.

(b) Prevention of and response to emergencies due to food and allergic reactions as provided in R 400.8269a.

(c) Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.

(d) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.

(e) Precautions in transporting children if the center has a transportation component.

(f) Child development including the major domains of cognitive, social, emotional, physical development, and approaches to learning as provided in R 400.8271.

(g) Pediatric first aid and pediatric, infant, child, and adult cardiopulmonary resuscitation training.

(7) Before issuing a license to operate a child care center, and before the renewal of a license, the department shall verify that not less than 50% of the program staff are currently certified in pediatric first aid and pediatric, child, and adult cardiopulmonary resuscitation. Each of these program staff's first aid and cardiopulmonary resuscitation certificates must be valid and retained on file in the center or at the central office until 2 years after the effective date of this rule, after which they must be made available online at MiRegistry.

(8) Before caring for children, program staff and unsupervised volunteers of outdoor nature-based child care centers shall be trained on the outdoor benefit-risk assessment and the risk management plan as indicated in R 400.8269b.

(9) Outdoor nature-based child care centers operating more than 30 minutes from emergency medical care shall have at least 1 program staff present at all times trained in wilderness first aid.

(10) In regard to subrules (3) to (9) of this rule, as applicable to the type of center, until a program staff member or unsupervised volunteer has completed the orientation training, the program staff member or unsupervised volunteer shall be supervised by a program staff member who has completed the orientation training.

(11) Verification of all training required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in M i R e g i s t r y .

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8216 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8216a Professional development requirements.

Rule 216a. (1) Program staff, except for substitute teachers and unsupervised volunteers, shall complete 16 clock hours of professional development in a calendar year

Courtesy of Michigan Administrative Rules

on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:

(a) Child development and learning.

(b) Health, safety, and nutrition.

(c) Family and community collaboration.

(d) Program management.

(e) Teaching and learning.

(f) Observation, documentation, and assessment.

(g) Interactions and guidance.

(h) Updates to topics covered in R 400.8216.

(i) Child care center rules R 400.8101 to R 400.8840, as applicable to the center.

(2) Program staff of small capacity centers, except for substitute teachers and unsupervised volunteers, shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule.

(3) Substitute teachers that work an average of 20 hours a week in a calendar year shall complete 10 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(4) Substitute teachers that work less than an average of 20 hours a week in a calendar year shall complete 5 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(5) Unsupervised volunteers shall complete 2 clock hours of professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1)of this rule.

(6) A center may count CPR and first aid training or certification hours toward the professional development hours in the calendar year taken.

(7) Hours from MiRegistry may be used to meet the professional development requirements in subrules (1) to (5) of this rule.

(8) A center may count emergency preparedness and response planning training toward professional development hours and is available at MiRegistry.

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

(10) On-line trainings and correspondence courses must have an assessment of learning.

(11) Verification of all professional development required by this rule must be maintained on file at the center or at the central office until 2 years after the effective date of this rule, after which qualifications must be reflected as verified in MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Verification of professional development for a program staff member must be conducted by reviewing the 2 previous calendar years from the current license renewal year.

(12) Two years after the effective date of this rule, all training to meet professional development requirements must be approved in MiRegistry.

Courtesy of Michigan Administrative Rules

(13) When the department publishes a notice that a new health and safety update document or a new health and safety update training activity is published on MiRegistry, the licensee shall ensure that all identified staff or volunteers in the notice read and acknowledge the document or complete the activity within the timeframe indicated in the notice.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8219 Sleeping, resting.

Rule 219. (1) Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.

(2) A center shall allow children under 18 months of age to sleep on demand.

(3) Infants shall rest or sleep alone in cribs or portable cribs.

(4) Infants shall be placed on their backs for resting and sleeping.

(5) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down.

(6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but are allowed to adopt whatever position they prefer for sleep.

(7) For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant's licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant must be followed and maintained on file at the center. The instructions must include an end date.

(8) A sleeping infant's breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.

(9) An infant's head shall remain uncovered during sleep.

(10) Toddlers shall rest or sleep alone in cribs, portable cribs, or on mats or cots.

(11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.

(12) Naptime or quiet time must be provided when children under school-age are in attendance 5 or more continuous hours per day.

(13) For children under school-age who do not sleep at rest time, quiet activities, such as books or puzzles, must be provided.

(14) Resting or sleeping areas must have adequate soft lighting to allow the child care staff member to assess children.

(15) Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule and R 400.8213(1).

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8219 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

Courtesy of Michigan Administrative Rules

R 400.8222 Capacity, ratio and group size.

Rule 222. (1) The actual number and ages of children in care at any time must never exceed the number and ages of children for which the center is licensed.

(2) Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when not less than 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

(3) Not less than 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (4) of this rule.

(4) In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 1:

TABLE 1

	Age	Child Care Staff Member to Child Ratio	Maximum Group Size
(a)	Infants and toddlers, birth until 30 months of age	1 to 4	12
(b)	Preschoolers, 30 months of age until 3 years of age	1 to 8	24
(c)	Preschoolers, 3 years of age until 4 years of age	1 to 10	30
(d)	Preschoolers, 4 years of age until school-age	1 to 12	40
(e)	School-aged children	1 to 18	54

(5) Children who have reached 33 months of age may, when developmentally appropriate, be enrolled in a 3-year-old classroom with written parental permission. The ratio listed in subrule (4)(c) of this rule applies.

(6) Children who have reached 45 months of age may, when developmentally appropriate, be enrolled in a 4-year-old classroom with written parental permission. The ratio listed in subrule (4)(d) of this rule applies.

(7) Children who have reached 57 months of age but who are not considered a school-aged child may, when developmentally appropriate, be enrolled in a school-age classroom with written parental permission. The ratio listed in subrule (4)(e) of this rule applies.

(8) If there are children of mixed ages in the same room or well-defined space, the ratio and group size is determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child care staff member-to-child ratios and group sizes, if applicable, for each age group are maintained.

(9) When all children in a room are asleep, 1 child care staff member may provide supervision as long as all of the following are met:

Courtesy of Michigan Administrative Rules

(a) A child care staff member remains in the room and is not performing any duties other than supervision.

(b) All children are visible to the child care staff member in the room.

(c) Additional child care staff members are present at the center and near enough to immediately intervene if needed.

(d) When the first child wakes up, the required ratios in the room must be met immediately.

(10) An exception to the requirements of subrule (4) of this rule may be made when the center is transporting children and complies with R 400.8760(1) and (2).

(11) Two or more groups of the same age may be combined for collective activities as long as appropriate child care staff member-to-child ratios are maintained in the room or area.

(12) Group sizes for all ages may vary during outdoor play only if the center maintains the child care staff member to child ratios required by this rule.

(13) Written approval from the department must be obtained before making any changes in the terms of the license, including, but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.

(14) Small capacity centers are exempt from subrules (2) to (11) of this rule.

(15) Small capacity centers shall abide by all of the following:

(a) The ratio of child care staff member to children present at any one time must be a minimum of 1 to 6.

(b) The ratio of child care staff member to children present at one time may be a minimum of 1:10 if the center meets both of the following:

(i) Operates a preschool great start readiness program.

(ii) Only serves children enrolled in the great start readiness program.

(c) For each child care staff member, not more than 4 children shall be under the age of 30 months.

(d) The maximum group size is 20.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8222 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

PART 4. GENERAL HEALTH AND SAFETY

R 400.8251 Hand washing.

Rule 251. (1) All program staff and volunteers shall wash their hands at all of the following times:

(a) On arrival for the workday at the center.

(b) Before care of children.

Courtesy of Michigan Administrative Rules

(c) Before and after preparing and serving food and feeding children.

(d) Before and after giving medication.

(e) After each diapering.

(f) After using the toilet or helping a child use the toilet.

(g) After handling bodily fluids from sneezing, wiping, blowing noses, mouths, or sores.

(h) After handling animals and pets and cleaning cages.

(i) After cleaning or handling garbage.

(j) When soiled.

(2) Program staff and volunteers shall ensure that children wash their hands at all of the following times:

(a) Before and after meals, snacks, or food preparation experiences.

(b) After toileting or diapering.

(c) After contact with any bodily fluids.

(d) After handling animals and pets and cleaning cages.

(e) When soiled.

(3) Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.

(4) Program staff may wash children's hands with non-toxic disposable wipes in the following situations:

(a) When the child is too heavy to hold for hand washing.

(b) When the child cannot stand safely at the sink.

(c) When the child is not developmentally ready to hold their head up.

(d) When the child has a special need, so the child is not able to wash their own hands.

(5) When soap and running water are not available during an outing, hand sanitizers containing not less than 60% alcohol, or single-use wipes may be used as a temporary measure.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8254 Diapering; toileting.

Rule 254. (1) Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:

(a) Is physically separated from food preparation and food service.

(b) Is within close proximity to a sink that is used exclusively for hand washing.

(c) Has non-absorbent, smooth, easily cleanable surfaces in good repair.

(d) Is of sturdy construction with railings or barriers to prevent falls.

(e) Is an elevated diapering table or similar structure.

(f) Is cleaned and disinfected after each use.

(2) Children 1 year of age and older may be changed in a bathroom standing up or on a nonabsorbent, easily disinfected surface, with a changing pad between the child and the surface.

(3) Diapering supplies must be within easy reach of the designated diapering area.

Courtesy of Michigan Administrative Rules

(4) A plastic-lined, tightly covered container must be used exclusively for disposable diapers, training pants, and diapering supplies. The container must be emptied, cleaned, and disinfected at the end of each day.

(5) Only single-use disposable wipes or other single-use cleaning cloths must be used to clean a child during the diapering or toileting process.

(6) Diapers and training pants must be checked frequently and changed when wet or soiled.

(7) Guidelines for diapering must be posted in diapering areas.

(8) Disposable gloves, if used for diapering, must only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

(9) The following apply when cloth diapers or training pants are used:

(a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.

(b) Diapers, training pants, and outer coverings must not be reused until washed and sanitized.

(c) Rinsing the contents must not occur at the center.

(d) Soiled diapers must be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child's soiled diapers.

(e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate other items and must not be accessible to children.

(f) Soiled diapers or training pants must be removed from the center every day by the child's parent.

(g) A child's supply of clean diapers or training pants may only be used for that child.

(10) Toilet learning or training must be planned cooperatively between the child's regular teachers and the child's parent so the toilet routine established is consistent between the center and the child's home.

(11) Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:

(a) Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.

(b) Child-sized toilets.

(c) Non-flushing toilets or potty chairs, if they are all of the following:

(i) Made of a material that is easily cleanable.

(ii) Used only in a bathroom area.

(iii) Used over a surface that is impervious to moisture.

(iv) Cleaned and disinfected after each use.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8254 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

Courtesy of Michigan Administrative Rules

R 400.8257 Biocontaminants.

Rule 257. A center shall use standard precautions regarding prevention, exposure, and disposal of biocontaminants.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8260 Medication; administrative.

Rule 260. (1) Medication, prescription or nonprescription, must be given to a child by program staff only.

(2) Program staff shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.

(3) All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.

(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.

(5) Program staff shall keep all medication out of the reach of children and return it to the child's parent or destroy it if the parent determines it is no longer needed or it has expired.

(6) Program staff shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order from the child's licensed health care provider.

(7) Program staff shall not add medication to a child's bottle, beverage, or food unless indicated on the prescription label.

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

(9) A center shall maintain a record as to the time and the amount of medication given or applied, with the exception of medications described in subrule (8) of this rule, on a form provided by the department or a comparable substitute approved by the department. One form per medication is required. The signature of the program staff administering the medication must be included.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8260 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8263 Child accidents and incidents; child and staff illness.

Rule 263. (1) A center shall develop and implement a written plan for how and when a parent is notified if program staff or volunteers observe any of the following:

Courtesy of Michigan Administrative Rules

(a) Changes in a child's health.

(b) A child experiences an accident, injury, or incident.

(c) A child is too ill to remain in the group.

(2) A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised by program staff or an unsupervised volunteer until the parent arrives. The separate area may be an unlicensed space such as the office area, reception area, or hallway but supervision must occur during this time. Food preparation areas may not be used.

(3) Items and facilities used by an ill child or adult must not be used by another individual until cleaned and disinfected.

(4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, the center shall notify parents and provide all of the following information:

(a) The name of the communicable disease the children were exposed to.

(b) The symptoms of the disease.

(c) Prevention measures as recommended by the United States Centers for Disease Control and Prevention at the following website: https://www.cdc.gov.

(5) A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8266 Incident, accident, injury, illness, death, fire.

Rule 266. (1) If the death of a child occurs in care, a licensee, licensee designee, or program administrator shall do both of the following:

(a) Immediately report the death, in-person or via phone, directly to the child's parent.

(b) Report the death to the department within 24 hours, via phone.

(2) A licensee, licensee designee, or program administrator shall report to the child's parent on the same day of the incident and to the department within 24 hours, directly or via phone, fax, or email, if a child is lost or left unsupervised.

(3) A licensee, licensee designee, or program administrator shall report to the child's parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following:

(a) An incident involving an allegation of inappropriate contact.

(b) A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.

(c) The center is evacuated for any reason.

(4) A licensee, licensee designee, or program administrator shall report to the department, via phone, fax, or email, within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.

(5) A licensee, licensee designee, or program administrator shall submit a written report to the department of the occurrences outlined in subrules (1) to (4) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.

Courtesy of Michigan Administrative Rules

(6) A licensee, licensee designee, or program administrator shall keep a copy of the report on file at the center.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8266 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8269 Emergency preparedness and response planning procedures.

Rule 269. (1) Written plans and procedures for emergency preparedness and response planning for the care of children and staff in each of the following emergencies must be developed and implemented:

(a) Fires.

(b) Tornadoes.

(c) Floods.

(d) Power outages.

(e) Extreme weather events.

(f) Other natural or man-made disasters.

(g) Serious injuries or accidents.

(h) Bomb threats and other man-made emergencies.

(i) Intruders or active shooters.

(2) The written procedures must include all the following as applicable to the type of emergency:

(a) A plan for evacuation.

(b) A plan for safely moving children to a relocation site.

(c) A plan for shelter-in-place.

(d) A plan for lockdown.

(e) A plan for contacting parents and reuniting families.

(f) A plan for continuity of operations.

(g) A plan for how each child with special needs will be accommodated during an emergency.

(h) A plan for how infants and toddlers will be accommodated during an emergency.

(i) A plan for how children with chronic medical conditions will be accommodated during an emergency.

(3) A hard copy of the plans must be posted as indicated below:

(a) The plans required by subrules (1)(a) to (d) of this rule must be posted in a place visible to staff, volunteers, and parents.

(b) The plans required by subrules (1)(e) to (h) of this rule must be maintained in a place known and easily accessible to staff, volunteers, and parents.

(c)The plan required by subrule (1)(i) of this rule must be maintained in a place known and easily accessible to staff and volunteers.

(4) Training on the written procedures in subrule (1) of this rule must occur in the timeframe indicated in R 400.8216(3) and (4).

Courtesy of Michigan Administrative Rules

(5) All staff present at the center and volunteers shall be trained on and participate in the drills held during their presence at the center.

(6) A fire drill program, consisting of not less than 1 fire drill every 3 months, must be established and implemented.

(7) A tornado drill program, consisting of not less than 2 tornado drills between the months of March to November, must be established and implemented.

(8) Drills for other emergency plans not listed in subrules (6) and (7) of this rule must be conducted annually.

(9) A written log indicating the date and time of each drill must be maintained on file at the center.

(10) Staff shall be trained not less than twice a year on their duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.

(11) If cribs are used in emergency evacuations, all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.

(12) If the fire alarm is not monitored, 9-1-1 must be contacted immediately on notice.

(13) Centers established and operated by an intermediate school district or local school district, and located in a school building, may use the school's emergency preparedness plan or drills, or both, if they meet all of the requirements in this rule.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8269 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8269a Food.

Rule 269a. (1) A written plan for the prevention of and response to emergencies due to food and allergic reactions must be developed and implemented to include a child care plan, prevention measures, and emergency procedures.

(2) The child's care plan must include all of the following, at a minimum:

(a) The child's name with a list of their food allergies.

(b) The names, doses, and methods of medication administration the child should receive if there is a reaction.

(c) Training on the recognition of the child's allergic reaction.

(3) The child's care plan must be carried on field trips.

(4) The prevention measures must include all of the following, at a minimum:

(a) Notify parents and guardians of all known food allergens to avoid bringing in foods to the classroom or center.

(b) Post the child's name and known food allergy prominently in the classroom or other area, on parent approval.

(c) Train program staff and unsupervised volunteers on the symptoms of anaphylaxis.

(d) Prevent food sharing between children.

(5) The emergency procedures must include all of the following, at a minimum:

Courtesy of Michigan Administrative Rules

(a) Promptly and properly administer medications in an event of an allergic reaction according to the instructions in the child's care plan.

(b) Contact emergency medical services immediately if any child has a serious allergic reaction, a new suspected serious allergic reaction occurs with any child, or whenever epinephrine is administered, even if the child appears to have recovered from the allergic reaction.

(c) Notify parents or guardians immediately of any suspected allergic reactions, the ingestion of the problem food, or contact with the problem food, even if a reaction did not occur.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8269a was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8269b Outdoor benefit-risk assessment; risk management plan for outdoor nature-based child care centers.

Rule 269b. (1) An outdoor nature-based child care center shall submit an outdoor benefit-risk assessment on a form prescribed by the department that includes, but is not limited to, all of the following:

(a) Information about the site or sites that will be used.

(b) Different seasons of the year, such as summer versus winter plans, based on how conditions change within sites and locations used by the center on a regular basis.

(c) Risky play activities, including, but not limited to, all of the following:

(i) Climbing natural features.

(ii) Water activities.

(iii) Using sharp tools.

(iv) Plant foraging and gardening.

(v) Program pets and livestock management.

(vi) Campfire activities.

(vii) Activities near water, cliffs, steep slopes, or other potentially hazardous natural features.

(d) Guidance for when increased staffing is necessary and provide guidance for the development of the applicable risk management policies and procedures in subrule (1) of this rule.

(2) An outdoor nature-based child care center shall have a risk management plan that includes, but is not limited to, all of the following:

(a) Encountering non-program pets and wildlife.

(b) Interacting with strangers.

(c) The shared use of public spaces.

(d) Weather requiring the use of an emergency shelter and access to the shelter during program hours.

(e) Required clothing and keeping children dressed for the weather.

(f) Using public facilities or buildings.

Courtesy of Michigan Administrative Rules

(g) Encountering poisonous species.
(h) All other potentially hazardous situations and natural features.

History: 2025 MR 10, Eff. May 7, 2025.

PART 5. PROGRAM AND CARE

R 400.8271 Child development.

Rule 271. (1) As used in this rule:

(a) "Confining equipment" means equipment used to assist in caring for infants, including, but not limited to, swings, stationary activity centers, infant seats, and molded seats.

(b) "Media" means use of electronic devices with a screen, including, but not limited to, the following:

(i) Televisions.
(ii) Computers.
(iii) Tablets.
(iv) Multi-touch screens.
(v) Interactive white boards.
(vi) Mobile devices.
(vii) Cameras.
(viii) Movie players.
(ix) E-book readers.
(x) Electronic game consoles.

(c) "Interactive media" means media designed to facilitate active and creative use by children and to encourage social engagement with other children and adults.

(d) "Non-interactive media" means media that is used passively by children.

(2) A center shall implement a child development program plan that includes daily learning experiences appropriate to the developmental level of the children. Experiences must be designed to develop all of the following, which are described in Michigan's early childhood standards of quality:

(a) Physical development.
(b) Social development.
(c) Emotional development.
(d) Cognitive development.
(e) Approaches to play and learning.

(3) The program must be planned to provide a flexible balance of all of the following experiences:

(a) Quiet and active.
(b) Individual and group.
(c) Large and small muscle.
(d) Child initiated and staff initiated.

(4) Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:

(a) Practice social interaction skills.

Courtesy of Michigan Administrative Rules

(b) Use materials and take part in activities that encourage creativity.

(c) Learn new ideas and skills.

(d) Participate in imaginative play.

(e) Participate in developmentally appropriate language and literacy experiences.

(f) Participate in early math and science experiences.

(g) Be physically active.

(5) A school-age child care center shall supplement the areas of development not regularly provided for during the school day.

(6) A typical daily routine must be made available to parents.

(7) If awake, use of confining equipment for infants must be minimized, not to exceed 30 minutes at a time.

(8) Tummy time is 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 shall be immediately moved to a safe sleeping space.

(c) During tummy time, infants shall not be placed on or near soft surfaces, including, but not limited to, cushions, pillows, or padded mats.

(d) A parent may request in writing an exemption for their infant from tummy time. The request must be maintained in the child's file.

(9) Use of media is prohibited for children under 2 years of age.

(10) If media are used with children 2 years of age and older, all of the following apply:

(a) Activities must be developmentally appropriate.

(b) Interactive media must be used to support learning and to expand children's access to content and be suitable to the age of the child in terms of content and length of use per session.

(c) Media with violent or adult content are prohibited while children are in care.

(d) Use of non-interactive media must not exceed 2 hours per week per child.

(e) If media are available for children's use, other activities must also be available to children.

(11) An exception to the requirements of subrule (10)(d) of this rule may be made under the following conditions:

(a) School-age children using computers and other electronic devices for academic and educational purposes.

(b) Children using assistive and adaptive technology.

(12) For children with special needs, care must be provided according to the child's needs as identified by parents, medical personnel, or other relevant professionals.

(13) Parents may visit the center during hours of operation for the purpose of observing their children.

(14) Outdoor nature-based child care centers shall utilize developmentally appropriate techniques to teach children about boundaries and self-regulation for outdoor play.

History: 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

Editor's Note: An obvious error in R 400.8271 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8274 Primary care for infants and toddlers.

Rule 274. (1) As used in this rule, "primary teacher" means the child care staff member to whom the care of a specific infant or toddler is assigned. The primary teacher is responsible for direct care, verbal and physical interactions, primary responses to the child's physical and emotional needs, and continued interaction with the child's parents regarding the child's experiences.

(2) The center shall implement a primary care system so that each infant and toddler has a primary teacher.

(3) Each infant and toddler shall have not more than 4 primary teachers in a week. These 4 primary teachers shall remain with the children for the program year to promote continuity of care for the children. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing. This rule does not preclude a primary teacher from being relieved by another teacher or child care staff member while taking a lunch period or short break. This rule does not preclude a center from advancing a child to another classroom with new primary teachers if developmentally appropriate.

(4) Primary teachers' schedules for each infant or toddler must be documented and provided to parents.

(5) Information regarding a child's food, health, and temperament must be shared daily between primary teachers if more than 1 primary teacher is assigned to any infant or toddler.

(6) An exception to this rule may be made if the center is transporting children and is in compliance with R 400.8760(1) and (2).

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8274 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8277 Nighttime care.

Rule 277. (1) If a child is in nighttime care, a separate area, away from sleeping children, where the child can engage in quiet activities must be available.

(2) A child shall be allowed to go back to sleep if dropped off during any nighttime care hours.

(3) If a child is in nighttime care for more than 1 hour, a crib, portable crib, mat, or cot appropriate to the age of the child must be available.

History: 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

R 400.8280 Discipline.

Rule 280. (1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.

(2) All of the following means of punishment are prohibited:

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

(b) Placing any substances in a child's mouth, including, but not limited to, soap, hot sauce, or vinegar.

(c) Restricting a child's movement by binding or tying the child.

(d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

(e) Depriving a child of meals, snacks, rest, or necessary toilet use.

(f) Excluding a child from outdoor play or other gross motor activities.

(g) Excluding a child from daily learning experiences.

(h) Isolating a child in an adjacent room, closet, locked room, box, hallway, darkened area, play area, or another area where the child cannot be seen or supervised.

(3) Time out must only be used in combination with instructional approaches that teach children what to do in place of the behavior problem.

(a) Time out must not be used for children under 3 years of age.

(b) The program staff or volunteer shall remain calm when placing the child in time out.

(4) A non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues may be used if reasonably necessary, based on a child's development, to prevent a child from harming themselves or to prevent a child from harming other individuals or property, excluding those forms of punishment prohibited by subrule (2) of this rule. The plan for when the restraint should be initiated; the actual use of the restraint, such as holding the child as gently as possible, and timed use of the restraint must be developed in collaboration with the parent or guardian with the parent or guardian giving final approval of the plan.

(5) A written discipline policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to program staff, volunteers, and parents.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8280 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

PART 6. FOOD SERVICES AND NUTRITION

R 400.8301 Definitions.

Rule 301. As used in this part:

Courtesy of Michigan Administrative Rules

(a) "Bulk foods" means larger quantities of food that are used over time, such as flour, sugar, noodles, and rice. Food that is used up in a week or less, such as crackers, are not considered bulk foods.

(b) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bacterial solutions, and other conditions-of-use environment.

(c) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(d) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

(e) "Food grade surface" means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.

(f) "Food service equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a center.

(g) "Packaged" means bottled, canned, in a carton, or securely wrapped.

(h) "Ready to eat food" means food that does not require cooking and is not cooked before being served.

(i) "Sealed" means free of cracks or other openings that allow the entry or passage of moisture.

(j) "Single-service articles" means those food service articles intended for 1-time, 1-person use and then discarded.

(k)"Tableware" means multi-use eating and drinking utensils.

(l) Time/Temperature Control for Safety food" or "TCS food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(m) "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8305 Plan review; approval; inspections.

Rule 305. (1) All local health department requirements regarding plan reviews and specifications must be followed. Written confirmation that this has occurred must be submitted to the department.

(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.

Courtesy of Michigan Administrative Rules

(d) Prior to adding a food service program.
(e) Prior to adding an infant or toddler program.
(f) When requested by the department.

History: 2013 AACS; 2019 AACS.

R 400.8310 Food preparation areas.

Rule 310. (1) Food contact surfaces must be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

(2) Carpeting is prohibited in food preparation areas.

(3) Mechanical ventilation to the outside is required for all fuel-fired cooking equipment, including, but not limited to, stoves, ranges, ovens, and griddles.

(4) If residential hood ventilation is used, cooking equipment must be limited to residential stove and oven equipment.

(5) Mechanical ventilation to the outside may be required if a problem is evidenced.

(6) The use of deep fryers is prohibited.

(7) Live animals are prohibited in food preparation and eating areas.

(8) If the only food preparation is for feeding infants and toddlers, there must be a sink that is used exclusively for food preparation and clean up.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8315 Food and equipment storage.

Rule 315. (1) Each refrigerator must have an accurate working thermometer indicating a temperature of 41 degrees Fahrenheit or below.

(2) All artificial lighting fixtures located over, by, or within food storage, preparation, and service areas, or where utensils and equipment are cleaned and stored, must be properly shielded.

(3) Unpackaged bulk foods must be stored in clean covered containers, dated, and labeled as to the contents.

(4) Food not subject to further washing or cooking before serving must be stored in a way that protects it from cross-contamination from food requiring washing or cooking.

(5) Packaged food must not be stored in contact with water or undrained ice.

(6) Poisonous or toxic materials must not be stored with food, food service equipment, utensils, or single-service articles.

(7) Food, food service equipment, and utensils must not be located under exposed or unprotected sewer lines, open stairwells, or other sources of contamination. Automatic fire protection sprinkler heads are the exception.

(8) The storage of food, food service equipment, or utensils in toilet rooms is prohibited.

(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.

(11) Meals that are transported must be prepared in commercial kitchens and delivered in carriers approved by the local health department.

Courtesy of Michigan Administrative Rules

History: 2013 AACS; 2019 AACS.

R 400.8320 Food preparation.

Rule 320. (1) Food must be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.

(2) Food must be prepared on food grade surfaces that have been cleaned and sanitized.

(3) Raw fruits and vegetables must be thoroughly washed before being cooked or served.

(4) Staff shall minimize bare-hand contact with foods that will be cooked.

(5) Ready to eat foods must not be prepared or served using bare hands.

(6) Food must be cooked to heat all parts of the food to the safe temperature identified by the Michigan Food Code and Food Law/Safe Cooking Guidelines at https://www.michiganfoodsafety.com/wp-content/uploads/2022/01/MI_Modified_2009_Food_Code_396675_7.pdf.

(7) TCS foods must be thawed using 1 of the following methods:

(a) In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.

(b) Completely submerging the item under cold water, at a temperature of 70 degrees Fahrenheit or below, that is running fast enough to float off loose ice particles.

(c) In a microwave oven for either of the following:

(i) The food is immediately transferred to conventional cooking facilities as part of a continuous cooking process.

(ii) The entire cooking process takes place in the microwave oven.

(d) As part of the conventional cooking process.

(8) The temperature of TCS foods must be 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above, at all times, except during necessary periods of preparation.

(9) TCS foods that have been cooked and refrigerated or frozen must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.

(10) Probe thermometers must be used to ensure the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all TCS foods .

(11) On field trips, all foods must be protected from contamination at all times as required by this rule.

(12) In the absence of proper hand washing facilities on field trips, individuals preparing and serving food shall use hand sanitizer and wear sanitary disposable food service gloves properly.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8325 Dishwashing.

Rule 325. (1) All tableware, utensils, food contact surfaces, and food service equipment must be thoroughly cleaned and sanitized after each use. Multi-purpose tables

Courtesy of Michigan Administrative Rules

must be thoroughly cleaned and sanitized before and after they are used for meals or snacks.

(2) Enamelware utensils are prohibited.

(3) Reuse of single service articles is prohibited.

(4) Multi-use tableware and utensils must be cleaned and sanitized using 1 of the following methods:

(a) A commercial dishwasher.

(b) A residential dishwasher with sanitizing capability.

(c) A 3-compartment sink to wash in the first compartment, to rinse in the second compartment, and to sanitize in the third compartment.

(d) A 2-compartment sink for washing in the first compartment and rinsing in the second compartment, and a third container suitable for complete submersion for sanitizing.

(5) If the manual washing method is used, as referenced in subrule (4)(c) and (d) of this rule, all of the following must be done:

(a) Rinse and scrape all utensils and tableware before washing.

(b) In the first compartment, wash using detergent and water at or above 110 degrees Fahrenheit or at the temperature specified by the detergent manufacturer.

(c) In the second compartment, rinse in clear water making sure to remove all traces of food and detergent.

(d) In the third compartment or suitable container, sanitize using 1 of the following methods:

(i) Immersion for not less than 30 seconds in clean, hot water of not less than 171 degrees Fahrenheit.

(ii) Immersion with a food-grade sanitizing solution mixed as described on the manufacturer's label for sanitizing. A test kit or other device that measures the correct concentration of the solution must be used when a chemical is used for sanitizing.

(e) Air dry on a clean and sanitized surface. Do not use a towel for drying.

(6) Sponges must not be used in a food service operation.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8330 Food services and nutrition generally.

Rule 330. (1) Snacks and meals must be provided by the center, except if 1 of the following circumstances occurs:

(a) A majority of the children are in attendance less than 2.5 hours.

(b) Food is provided by a parent.

(2) A written agreement must be maintained on file at the center if the parent has agreed to provide formula, milk, or food. The center shall provide an adequate amount of formula, milk, or food if the parent does not.

(3) Beverages and food must be appropriate for the child's individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.

(4) A center shall ensure a child who has special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or licensed health care provider.

Courtesy of Michigan Administrative Rules

(5) A center shall provide adequate staff so that food service activities do not detract from direct care and supervision of children.

(6) A center shall make water available to drink throughout the day to children 1 year of age and older.

(7) Infants and toddlers shall be fed on demand.

(8) A child shall be served meals and snacks in accordance with the following schedule:

(a) Two and a half hours to 4 hours of operation: a minimum of 1 snack.

(b) Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.

(c) Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks or 2 meals and 1 snack.

(d) Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.

(9) A center shall not deprive a child of a snack or meal if the child is in attendance at the time when the snack or meal is served.

(10) Menus must be planned in advance, dated, and made available to parents. Food substitutions must be noted on the menus the day the substitution occurs.

(11) A center shall not serve infants and toddlers or allow them to eat foods that could easily cause choking, including, but not limited to, popcorn, seeds, nuts, hard candy, and uncut round foods such as whole grapes and hot dogs.

(12) Cereal must not be added to a bottle or beverage container without written parental permission.

(13) If food, bottles, or beverage containers are warmed, the warming must be done in a safe, appropriate manner.

(14) Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.

(15) Bottle warmers must be placed where children cannot access them or reach the cords for them.

(16) Bottle warmers must be shut off when not in use.

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

(18) Warmed food, bottles, and beverage containers must be shaken or stirred to distribute the heat, and the temperature must be tested before feeding.

(19) The contents of a bottle or beverage container must be discarded if any of the following apply:

(a) The contents appear unsanitary.

(b) The bottle or beverage container was used for feeding for a period that exceeds 1 hour from the beginning of the feeding.

(c) The bottle or beverage container requiring refrigeration was unrefrigerated for 1 hour or more.

(20) Formula and milk, including breast milk, left in a bottle or beverage container after a feeding must not be reused.

(21) Bottle propping is prohibited.

(22) When feeding, child care staff members shall hold infants, except when infants resist being held and are able to hold their bottle.

(23) Infants or toddlers shall not have bottles, beverage containers, or food in sleeping equipment.

Courtesy of Michigan Administrative Rules

(24) Children shall not have beverage containers or food while they are walking around or playing.

(25) Child care staff members shall foster and facilitate toddlers' independence, language, and social interactions by doing all of the following:

(a) Encouraging self-feeding.

(b) Serving appropriate portion sizes.

(c) Sitting with toddlers during mealtimes.

(26) Breastfeeding must be supported and accommodated.

(27) A designated place must be set aside for use by mothers who are breastfeeding.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8335 Food services and nutrition; provided by center.

Rule 335. (1) Food and beverages provided by a center must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child and adult care food program (CACFP), as administered by the department of education.

(2) The following standards are incorporated by reference in these rules: "Child and Adult Care Food Program," 7 CFR part 226. Copies of these regulations may be obtained from the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933 and from the United States Department of Agriculture (USDA), Food and Nutrition Service, CACFP at 1400 Independence Avenue, S.W., Washington DC 20250. Regulations and guidance are available at the USDA's website at https://www.fns.usda.gov/cacfp/program-operator.

(3) Infants shall only be served formula to drink unless written authorization is provided by the child's licensed health care provider.

(4) Children 12 months of age until 2 years of age shall be served whole homogenized Vitamin D-fortified cow's milk, except as provided in R 400.8330(4).

(5) Formula must be commercially prepared and ready-to-feed.

(6) All fluid milk and fluid milk products must be pasteurized and meet the grade "A" quality standards.

(7) Milk must be served from 1 of the following:

(a) A commercially filled container stored in a mechanically refrigerated bulk milk dispenser.

(b) A commercially filled container not to exceed 1 gallon.

(c) A sanitized container only if poured directly from the original container.

(8) All of the following apply to milk:

(a) Containers must be labeled with the date opened.

(b) Milk must be served within 7 days after opening.

(c) Milk must not be served if the contents appear unsanitary or have been unrefrigerated for a period exceeding 1 hour.

(d) Milk must not be combined with the contents of other partially filled containers.

(9) Contents remaining in single-service containers of milk must be discarded at the end of the snack or mealtime.

Courtesy of Michigan Administrative Rules

(10) All containers of ready-to-feed formula, once opened, must be labeled with the date and time of opening, refrigerated, and used within 48 hours or be discarded.

(11) Prepared bottles and beverage containers of milk and formula must be refrigerated and labeled with the child's first and last name, date, and time of preparation.

(12) Contents of unused bottles of formula must be discarded, along with any bottle liners, after 48 hours.

(13) All liners, nipples, formula, milk, and other materials used in bottle preparation must be prepared, handled, and stored in a sanitary manner.

(14) Reusable nipples and bottles must be cleaned and sanitized before reuse.

(15) Bottle liners and disposable nipples must be for single use only, by an individual child, and discarded with any remaining formula or milk after use.

(16) Commercially packaged baby food must be served from a dish, not directly from a factory-sealed container, unless the entire container is served to only 1 child and is discarded at the end of the feeding period.

(17) Uneaten food that remains on a dish from which a child was fed must be discarded.

(18) Food that was served and handled by the consumer of the food may not be served again, unless it is in the original, unopened wrapper.

(19) Home canned products are prohibited.

(20) Food containing contaminants, such as lead, recalled through the Food and Drug Administration or the department of agriculture and rural development, must be properly disposed of and not served again.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8340 Food services and nutrition; provided by parents.

Rule 340. (1) As used in this rule:

(a) "Same-day supply" means for use during a single day.

(b) "Multi-day supply" means for use over a multiple day period, up to 7 days.

(2) Breast milk, formula, milk, or other beverages provided in a same-day supply must be furnished daily in either of the following:

(a) Clean, sanitary, ready-to-feed bottles or beverage containers.

(b) A clean, sanitary, beverage container. The beverage must be poured into a clean, sanitary bottle or beverage container before each feeding.

(3) Breast milk, formula, milk, other beverages, and food furnished in a same-day supply must be covered and labeled with the child's first and last name and the date.

(4) Any food or beverages furnished in a same-day supply must be returned to the parent at the end of the day or discarded.

(5) Milk, other beverages, and non-perishable food items may be furnished in a multi-day supply in an unopened commercial container.

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

(7) Milk and other beverages furnished in a multi-day supply must be labeled with the child's first and last name and the date of opening and be returned to the parent or discarded 7 days after opening.

Courtesy of Michigan Administrative Rules

(8) Non-perishable food items furnished in a multi-day supply must be labeled with the date of opening and if applicable, the first and last name of the child for whom its use is intended.

(9) Beverages and food must be fed only to the child for whom the item is labeled.

(10) Breast milk, formula, and milk must be refrigerated until used.

(11) Other perishable beverages and food items not discarded by the end of the day must be dated and refrigerated or otherwise maintained at a safe temperature until used, which must not be more than 7 calendar days after the date opened or prepared.

(12) Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days in a clearly labeled and dated container.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8341 Drinking water management plan; water sampling, testing, and remediation; filtered water; records.

Rule 341. (1) Pursuant to section 3i of the act, MCL 722.113i, no later than January 24, 2025, the center shall develop and implement a drinking water management plan, conduct water sampling and testing after filters have been installed, conduct remediation as needed, and retain records.

(2) Pursuant to section 3j of the act, MCL 722.113j, no later than October 24, 2025, the center shall comply with the requirements of the duties of a center under the drinking water management plan, including ensuring that drinking water furnished to children for human consumption is from a filtered faucet or other filtered source meeting the standards required in section 3j(b) of the act, MCL 722.113j.

(3) Pursuant to section 3k of the act, MCL 722.113k, if a center is located in a school building that complies with the clean drinking water access act, 2023 PA 154, MCL 380.1901 to 380.1911, the center is considered compliant with this rule.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8345 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8350 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8355 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

R 400.8360 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8365 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8370 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8375 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8380 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8385 Rescinded.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

PART 7. SCHOOL AGE CHILD CARE CENTER SPECIFIC PROVISIONS AND EXEMPTIONS

R 400.8401 Specific provisions; exemptions.

Rule 401. (1) School-age child care centers shall follow all regulations contained in this document except the rules in table 2 and table 3 if the following criteria is met:

Table 2. Exemptions.

(a)	R 400.8134
(b)	R 400.8210
(c)	R 400.8216(2)(a) and (b)
(d)	R 400.8219
(	R 400.8274

Courtesy of Michigan Administrative Rules

e)	
(f)	R 400.8770

Table 3. Exemptions with criteria

	Exempt from:	Criteria
(a)	R 400.8125(10)(a) and (b)	If the school-age child care center operates in a school building approved by the department of education, and if the licensee informs parents in writing at the time of enrollment, that the center plans to use a public school's outdoor play area and equipment that do not comply with subrule (10) of this rule.
(b)	R 400.8158(2) and (3)	If the school-age child care center operates in a school building.
(c)	R 400.8161(8) and (9)	If the school-age child care center operates in a school building.
(d)	R 400.8501 to R 400.8565.	If the school-age center is established and operated by an intermediate school board, the board of a local school district, the board or governing body of a state-approved nonpublic school, or by an individual or entity with whom a school contracts for services and is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.
(e)	R 400.8271(10)(d)	If the school-age children are using computers and other electronic devices for academic and educational purposes or using assistive and adaptive technology.
(f)	R 400.8701 R 400.8710(1) and (2) R 400.8720 R 400.8730 R 400.8740 R 400.8750	If a school-age child care center uses school transportation only.

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8410 School-age program administrator qualifications; responsibilities.

Rule 410. (1) Before hiring a new school-age program administrator, a licensee or licensee designee shall submit the credentials of the proposed program administrator to the department for review and approval in the manner prescribed by the department.

Courtesy of Michigan Administrative Rules

(2) School-age program administrators are responsible for the general management of the center, including the following minimum responsibilities:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring staff, including annual evaluations.

(3) A program administrator can oversee multiple sites if all of the following are met:

(a) The program administrator is immediately available for not less than 3 sessions during 30 consecutive open days within the center. Consecutive open days do not include days that are closed for holidays, planned closed days, or emergency closures.

(b) Written documentation of program administrator visits, including dates and times, is maintained.

(c) A site administrator is appointed when the program administrator is not on the premises.

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

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

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

(7) The department shall be notified when a substitute program administrator is appointed.

(8) A substitute program administrator shall be not less than 19 years of age, have a GED, and meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(iv) Work in a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

Courtesy of Michigan Administrative Rules

(iii) Work in a center that participates in great start to quality.

(c) All of the following:

(i) A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree or higher in any field of study.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

(C) Trauma informed practices.

(9) The program administrator shall have all of the following qualifications:

(a) Be not less than 21 years of age.

(b) Have a high school diploma or GED.

(c) Have not less than 2 semester hours or 3.0 CEUs in child care administration within 6 months of hire.

(10) A program administrator is exempt from subrule (9)(c) of this rule if there is a central administrator that complies with both of the following:

(a) Meets the requirements of a site administrator in subrule (9) of this rule.

(b) Is responsible for subrules (2)(a) and (c) of this rule.

(11) A program administrator of a school-age child care center shall meet 1 of the following to qualify:

(a) All of the following:

(i) A minimum of 1 year of experience.

(ii) Six semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.

(iii) Works for a center that participates in great start to quality.

(b) All of the following:

(i) A minimum of 6 months of experience.

(ii) A valid child development associate credential, Montessori credential, Michigan youth development associate certificate or credential, or associate degree in any field of study.

(iii) Works for a center that participates in great start to quality.

(c) All of the following:

(i) An associate degree or higher in any field of study.

(ii) Three hours of MiRegistry approved training in each of the following areas:

(A) Program management.

(B) Observation, documentation, and assessment.

(C) Teaching and learning.

(iii) Six hours of MiRegistry approved training in any of the following areas:

(A) Interactions and guidance.

(B) Challenging behaviors.

Courtesy of Michigan Administrative Rules

(C) Trauma informed practices.

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

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

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

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8419 School-age child care center site administrator; qualifications; responsibilities.

Rule 419. (1) A site administrator shall be present at the center during all hours of operation when the program administrator overseeing multiple sites is not on the premises.

(2) Site administrators are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.

(3) Site administrators shall assist the program administrator in all of the following:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.

(c) Monitoring and overseeing staff.

(4) Site administrators shall meet both of the following qualifications:

(a) Be not less than 18 years of age.

(b) Have a high school diploma or GED.

(5) Site administrators shall meet 1 of the following to be qualified:

(a) All of the following:

(i) A minimum of 6 months of experience.

(ii) 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, youth development, or a child-related field. Up to 30 hours of training from MiRegistry may be used to meet these requirements.

(iii) Work for a center that participates in great start to quality.

Courtesy of Michigan Administrative Rules

(b) All of the following:

(i) A minimum of 3 months of experience.

(ii) A valid child development associate credential, Montessori credential, Michigan youth development or credential, or associate degree in a child-related field.

(iii) Work for a center that participates in great start to quality.

(c) Both of the following:

(i) An associate degree or higher in any field of study.

(ii) 15 clock hours of school-age training.

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

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

History: 2025 MR 10, Eff. May 7, 2025.

R 400.8430 Use of large space requirements.

Rule 430. For school-age child care centers located in a large space such as a cafeteria, gymnasium, or a multi-purpose room, groups can be combined if child care staff member to child ratios and group sizes are maintained, program staff and unsupervised volunteers are well positioned throughout the room, and interest areas are set up.

History: 2025 MR 10, Eff. May 7, 2025.

Editor's Note: An obvious error in R 400.8430 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2025 MR 10. The memorandum requesting the correction was published in Michigan Register, 2025 MR 11.

R 400.8440 Emergency preparedness and response planning allowance in school buildings.

Rule 440. School-age child care centers located in a school building may use the school's emergency preparedness plan or drills, or both, if it meets all of the requirements in R 400.8269.

History: 2025 MR 10, Eff. May 7, 2025.

PART 8. FIRE SAFETY

R 400.8501 National Fire Protection Association standards; adoption by reference.

Rule 501. The National Fire Protection Association (NFPA) standards, in table 4, are adopted by reference in these rules with the exemptions noted. The standards are available for free from the NFPA website at www.nfpa.org, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9109, Quincy, Massachusetts 02269-9101. They are also available for inspection and distribution at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

TABLE 4

Standard	Title	Edition
NFPA-10	Standard for Portable Fire Extinguishers	2018
NFPA-13	Standard for the Installation of Sprinkler Systems	2019
NFPA-17A	Standard for Wet Chemical Extinguishing Systems	2024
NFPA-25	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	2017
NFPA-72	National Fire Alarm Code and Signaling Code	2019
NFPA-80	Standard for Fire Doors and Other Opening Protectives	2019
NFPA-96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations	2024
NFPA-251	Standard Methods of Fire Resistance of Building Construction and Materials	2006
NFPA-265	Standard Methods of Fire Tests for Evaluation Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls	2019
NFPA-701	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films	2015

History: 2013 AACS; 2019 AACS.; 2025 MR 10, Eff. May 7, 2025.

R 400.8505 Definitions.

Rule 505. As used in this part:

(a) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade for not less than 50% of the perimeter.

(b) "Child care room" means a space or area bounded by any obstruction to egress of any height that, at any time, encloses more than 80% of perimeter of the space or area and is occupied by children.

(c) "Closet" means a room with dimensions of not greater than 24 square feet, not deeper than 3 feet, and is not used to store hazardous equipment or flammable products.

Courtesy of Michigan Administrative Rules

(d) “Combustible” means materials that ignite and burn when subjected to a fire or excessive heat.

(e) “Conversion” means to alter the use of an existing building or room to a center.

(f) “Existing building” means a structure or part of a structure not currently used as a center.

(g) “Existing licensed center” means a center that was licensed on or before December 7, 2006 and whose license continues uninterrupted.

(h) “Exit” means a way of departure from the interior of a building or structure to the open air outside at ground level.

(i) “Fire alarm” means a device used to alert the occupants of the building of fire or smoke conditions. The device must be audible in all parts of the building used as a center.

(j) “Fire alarm system” means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a central panel, manual pull stations near all outside exits, audible electric signal devices, and, where warranted, a remote trouble annunciator. All system components must be listed by a nationally recognized testing laboratory and installed in accordance with NFPA-72.

(k) “Fire door assembly” means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with NFPA-80.

(l) “Fire-resistance rating” means the time for an element in a building to maintain its particular fire resistance properties in accordance with NFPA-251.

(m) “Fire-resistive construction” means a building having walls, ceilings, floors, partitions, and roof of non-combustible materials having a minimum fire-resistance rating of 1 hour. This subdivision does not prohibit finished wood floors, doors, and windows with assorted frames and trim.

(n) “Flammable” means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less.

(o) “Fuel-fired appliance” means a device that burns solid, liquid, or gaseous fuel or a combination thereof.

(p) “Hazard area” means those parts of a center building housing a commercial kitchen, heating plant, fuel-fired water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.

(q) “Heating plant room” means a room or area housing fuel-fired equipment.

(r) “Interior finish” means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.

(s) “Means of egress” means a minimum of 36 inch wide continuous and unobstructed path of exit travel from any point in a building to the outside at grade.

(t) “New construction” means a created structure, addition, replacement, or alteration of structural components, such as walls.

(u) “Noncombustible” means materials that do not ignite and burn when subjected to fire.

Courtesy of Michigan Administrative Rules

(v) “Protected ordinary construction” means all of the following types of construction:

(i) Roofs and floors and their supports having a minimum of 1-hour fire-resistance rating.

(ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1-hour fire-resistance rating and stability under fire conditions.

(iii) Nonbearing exterior walls are of noncombustible or limited combustible materials.

(iv) Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

(w) “Standard partition construction” means a substantial smoke-tight assembly consisting of walls, in conjunction with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½-inch drywall over 2 by 4 foot studs. Doorways in these walls are protected with minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are allowed in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire-rated safety glass of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.

(x) “Textile material” means having a napped, tufted, looped, woven, non-woven, or similar surface.

(y) “Wired glass” means glass not less than ¼-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(z) “Wood frame construction” means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8510 Plans and specifications; submission; approval; inspections.

Rule 510. (1) A complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center must be submitted to the department for review and approval. If the total cost of the project is $25,000.00 or more, including labor and materials, the plans must bear the seal of a registered architect or engineer.

(2) Written approval must be obtained from the department before initiating any construction.

(3) A fire safety inspection must be conducted by the bureau of fire services or a department-approved qualified fire inspector, and an approval granted, before issuance of the original license and every 4 years thereafter, at the time of renewal.

(4) If a boiler is located in the building or child use area where children are located, it must be inspected, and a certificate provided, as required by the boiler division of the department of licensing and regulatory affairs.

Courtesy of Michigan Administrative Rules

(5) Fuel-fired furnaces must be inspected by a licensed mechanical contractor before issuance of an original license and every 2 years at renewal.

(6) Fuel-fired water heaters must be inspected by a licensed mechanical contractor or a licensed plumbing contractor before issuance of an original license and every 2 years at renewal.

(7) New furnace and water heater installations must be inspected and approved by the local mechanical inspecting authority at the time of installation.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8515 Construction.

Rule 515. (1) If child occupancy is limited to the first or main floor, the building may be of wood frame construction.

(2) If child occupancy is on the second floor, all of the following are required:

(a) The building must be of protected ordinary construction.

(b) All required stairways and vertical openings must be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate that meet the requirements of standard partition construction to provide a protected means of egress to the outside with proper termination to grade.

(c) All door openings contained in subdivision (b) of this subrule must meet all of the following requirements:

(i) Be protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.

(ii) Be installed in fully stopped smoke-tight, substantial frames.

(iii) Be equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

(3) If child occupancy is above the second floor, then both of the following are required:

(a) The building must be of 1-hour fire-resistive construction.

(b) All required stairways and other vertical openings must be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress to the outside with proper termination to grade.

(4) If any portion of a basement is used for more than 30 children, then 1 of the following provisions is required:

(a) Two enclosed stairways of 1-hour fire-resistant construction must discharge directly to the outside with proper termination to grade, and all openings in the stairways must be protected by a minimum of 45-minute rated fire door assemblies. "B" labeled fire doors are acceptable.

(b) One approved exit from the occupied room or use area must discharge directly to the outside with proper termination to grade. Travel distance from any point in this room or area to this exit must be less than 50 feet.

(c) Two exits comprised of any combination of subdivisions (a) and (b) of this subrule.

(5) If basement occupancy is limited to not more than 30 children, then all of the following apply:

Courtesy of Michigan Administrative Rules

(a) One of the exits required by subrule (4) of this rule must discharge directly to the outside with proper termination to grade, or through a 1-hour fire-resistive enclosure.

(b) The second exit may terminate at the first-floor level with an approved floor separation meeting the requirements of standard partition construction between the basement and the first floor.

(c) For new construction and conversions, the separation must be located at the first floor with travel distance from the door to an approved exit not to exceed 100 feet.

(6) All vertical openings and stairways that are not required must be constructed and arranged with effective fire and smoke separation under the requirements of standard partition construction. All door openings must be as follows:

(a) Protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.

(b) Installed in fully stopped smoke-tight substantial frames.

(c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8520 Interior finishes.

Rule 520. (1) The classifications of interior finishes for flame spread and smoke development, as displayed in table 5, must be used as follows:

TABLE 5
FLAME SPREAD AND SMOKE DEVELOPMENT FOR INTERIOR FINISHES

Class	Flame Spread	Smoke Developed
A or I	0-25	0-450
B or II	26-75	0-450
C or III	76-200	0-450

(2) Basic materials in a means of egress and basement use occupancies must be class A or I or B or II.

(3) Basic materials in all other areas must be class C or III.

(4) Interior finish material more hazardous than class C or III is prohibited in child use areas.

(5) If an approved automatic sprinkler system is installed and maintained in accordance with NFPA-13 and NFPA-25, class C or III interior wall and ceiling finish materials are allowed in any location where class B or II is required and class B or II interior wall and ceiling finish materials are allowed in any location where class A or I is required.

(6) In an existing licensed center or conversion, existing interior finishes that do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. The coatings must be applied to interior finishes that are attached to or furred out not more than 1 inch from a noncombustible backing and applied according to

Courtesy of Michigan Administrative Rules

manufacturer's recommendations. Documentation must be provided as required by the department.

(7) Interior finish materials of classes B or II and C or III that are less than 1/4 inch in thickness must be applied directly against a noncombustible backing or be furred out not more than 1 inch unless the tests under which such material has been classed were made without a backer.

(8) Centers licensed before December 7, 2006 may retain previously approved fire retardant coated interior finishes.

(9) Textile materials having a class A or I rating and used as an interior finish are allowed as follows:

(a) On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.

(b) On room partitions that are less than ¾ of the floor-to-ceiling height not to exceed 8 feet in height.

(c) To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.

(d) Textile materials are allowed on walls and partitions if tested in accordance with and meeting the standards of NFPA-265. If compliance is achieved by application of a flame-proofing product in accordance with NFPA-701, documentation must be provided as required by the department.

(10) Drapery material may be used for stage curtains, room dividers, and similar uses if the material was tested and approved in accordance with NFPA-701.

(11) Drapery material applied to surfaces of a facility as an interior finish must meet the requirements of subrule (9) of this rule.

(12) All vinyl and wooden wall dividers must meet the interior finish requirements of subrules (1), (2), and (3) of this rule, as applicable.

(13) Bulletin boards must meet the interior finish requirements of subrules (2) and (3) of this rule.

(14) Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8525 Exits.

Rule 525. (1) Except as referenced in R 400.8515(5)(b), each occupied floor must have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the center must be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

(2) Travel distance to an exit must be as follows:

(a) For infants and toddlers, travel must be 50 feet or less from the door of the occupied room to the exit.

Courtesy of Michigan Administrative Rules

(b) For preschoolers and school-aged, travel must be 100 feet or less from the door of the occupied room to the exit.

(c) Buildings with a complete fire suppression system may increase their travel distances by 50 feet if the fire suppression system plan is submitted and approved by the bureau of fire safety.

(d) Those areas approved before July 1, 2000 are exempt from the requirements of this rule.

(3) For all centers initially licensed after December 6, 2006, programs with infants and toddlers must have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(4) Exit doors and all doors in the means of egress must be side-hinged and equipped with knob, lever-type, non-locking-against-egress, or panic-type hardware.

(5) Exit doors and doors in rooms occupied by 21 or more children must swing in the direction of egress.

(6) Means of egress must be maintained in an accessible, free, and unobstructed manner while a center is in operation.

(7) In new construction, additions, remodeling, and conversions, there must be a floor or landing on each side of an exit door. The floor or landing must be at the same elevation on each side of the door, except for variations in elevation due to differences in finish materials, which must not exceed ½ inch.

(8) In conversions, landings must have a width not less than the width of the stairway or the width of the door, whichever is greater. Landings must have a length not less than the width of the door.

(9) In new construction, additions, and remodeling, landings must comply with the latch-side clearance requirements of sections 404.2.3 to 404.2.3.5 of the International Code Council standard A117.1,-2017 Standard for Accessible and Usable Buildings and Facilities, American National Standard, which is adopted by reference and only applies to this subrule. The A117.1,-2017 Standard for Accessible and Usable Buildings and Facilities, American National Standard, can be purchased from the International Code Council for $36.60 at https://shop.iccsafe.org/icc-a117-1-2017-standard-for-accessible-and-usable-buildings-and-facilities-1.html, or from the International Code Council, 200 Massachusetts Ave, NW, Suite 250, Washington DC 20001, or by calling (888) 422 7233. They are also available for inspection and distribution at no charge at the Department of Lifelong Education, Advancement, and Potential, Child Care Licensing Bureau, 105 West Allegan Street, Lansing, Michigan 48933.

(10) For new construction, additions, and remodeling, an exit door must be not less than 36 inches wide. Doors to multiple-use bathrooms must not be less than 32 inches wide.

(11) For the conversion of an existing building, exterior exit doors must be not less than 36 inches wide. Existing interior doors must be not less than 28 inches wide. Single-use toilet room doors must not be less than 24 inches wide. Any remodeled door openings, other than the door swing, must comply with subrule (10) of this rule.

(12) Centers licensed before December 7, 2006 may retain previously approved door widths.

(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

Courtesy of Michigan Administrative Rules

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 ¾-inch wide. The word “EXIT” must have letters that are not less than 2 inches wide, except the letter “I”.

(14) Exit signs must be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means must be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

(15) When nighttime care is provided, the center must have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(16) When nighttime care is provided, all exit signs must be illuminated, and emergency lighting provided at the interior and exterior of the exits.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8530 Hazard Areas.

Rule 530. (1) Hazard areas must be separated from the parts of the building used as a center in the following manner:

(a) In centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas are approved if they are enclosed with a minimum ¾-hour fire resistive construction and doorways to the areas are protected with a minimum 1¾-inch flush solid core wood or 20-minute labeled fire-rated doors equipped with approved self-closing devices and positive latching hardware.

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

(i) If the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation must be protected with a minimum of 45-minute rated fire door assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.

(ii) If the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum ¾-hour fire resistance rating, all door openings must be protected by minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(c) In centers licensed after July 1, 2000, areas used for the storage of combustibles and other hazards are approved if they are enclosed by 1 of the following:

(i) If the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation must be protected with a minimum of 45 minute-rated fire door assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.

(ii) If the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings must be protected by minimum 1¾ inch flush solid core wood doors or 20-minute labeled

Courtesy of Michigan Administrative Rules

fire-rated doors in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(iii) If the area is used for the storage of combustibles, including basements and areas adjacent to the licensed area, a room must be protected according to subrule (1)(c)(i) or (ii) of this rule.

(2) If a kitchen with fuel-fired appliance cooking equipment exposes a required means of egress or child use area, it must be separated from the remainder of the building with minimum 1-hour fire resistive construction, including a minimum of 45-minute rated fire door assemblies in all common openings. Kitchens having fuel-fired appliance cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement. "B" labeled doors are acceptable.

(3) The use of an incinerator is prohibited.

(4) Heating must be by a central heating plant or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy or adjacent to the licensed area such as the basement or attic, it must be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a minimum of 45-minute rated fire door assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening.

(5) In centers licensed before December 7, 2006, a properly installed heating plant located in a basement that is not used for child occupancy does not require additional protection if there is a qualified fire separation and with not less than a 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.

(6) Any fuel-fired appliance must be located according to subrule (4) or (5) of this rule, as applicable.

(7) If electric heating is used, it must be Underwriters' Laboratories, Inc. (UL) listed, permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating that complies with this requirement may be installed in any location.

(8) Auxiliary heating units, such as portable combustion or electrical types, are prohibited.

(9) The center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized staff.

(10) The center shall not store combustible materials within the central heating plant or fuel-fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.

(11) The center shall not allow flammable gases, gasoline, or gasoline-powered equipment in the part of a building that is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

Courtesy of Michigan Administrative Rules

(12) If a fuel-fired laundry equipment is installed, the equipment must be enclosed to provide a 1-hour resistance to fire, including a minimum of 45-minute rated fire door assembly in an interior door opening that would expose the center. "B" labeled doors are acceptable.

(13) Dryer vents must be metal or Underwriters' Laboratories, Inc (UL) listed flexible transition duct and vented completely to the exterior.

(14) The department does not require fire dampers in ¾-hour and 1-hour fire-resistive enclosures.

(15) All appliances and equipment in the center must be installed and maintained in accordance with their manufacturer's specifications.

(16) Centers shall be maintained free of all conditions that constitute fire safety hazards.

(17) When oxygen is needed for a child in care, all of the following must apply:

(a) The center shall not store more than a day's worth of oxygen on the premises and only when the child is in attendance.

(b) Tanks that are not in use must be secured from tipping over and labeled as full or empty.

(c) Signs stating "Oxygen in Use" must be posted at every entrance of the building.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8535 Fire alarm.

Rule 535. (1) In centers with 4 child-occupied rooms or less, excluding bathrooms, and 60 or less children, a fire evacuation method, either electrical or manual, must be installed, with a separate and distinct notice sounding throughout the center.

(2) In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system must be installed and maintained in compliance with NFPA-72.

(3) In new construction, conversions, remodeling, or newly licensed centers, the trouble signal for required fire alarm systems must be located in an area normally occupied by child care staff members.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8540 Smoke alarms; carbon monoxide detectors.

Rule 540. (1) All child care centers shall, at a minimum, be equipped with approved single station smoke alarms covering all use areas and their means of egress. These smoke alarms must be located and spaced according to NFPA-72.

(2) Centers in buildings equipped with a fire alarm system shall have system smoke alarms installed in accordance with subrule (1) of this rule that are connected to and monitored by the fire alarm system.

(3) Centers in buildings with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.

Courtesy of Michigan Administrative Rules

(4) Centers shall properly install and maintain all alarms and detectors in operable condition in accordance with manufacturer's recommendations.

(5) Other detector installation and arrangements approved before the adoption of these rules may remain in service.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8545 Fire extinguishers.

Rule 545. (1) Multipurpose fire extinguishers, having ratings of not less than 2A-10BC, must be installed in or adjacent to the kitchen or cooking area and in or adjacent to the door of the heating plant room.

(2) Additional fire extinguishers must be provided in accordance with NFPA-10 for light hazard occupancies, including child care centers.

(3) Fire extinguishers must be properly mounted, inspected, and maintained in accordance with NFPA-10. The fire extinguisher must bear a tag indicating the last date of inspection or service and the initials of the individual who performed the inspection or service.

History: 2013 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8550 Electrical service.

Rule 550. (1) The electrical service shall be maintained in a safe condition.

(2) For new construction and additions, electrical systems and service shall be inspected and approved by the electrical inspecting authority having jurisdiction. A copy of the certificate of approval shall be maintained at the center at all times.

(3) When warranted, conversions of existing buildings and existing rooms to child care use, as well as existing licensed centers, may require an electrical inspection.

(4) Extension cords, listed by a nationally recognized testing laboratory, and used in accordance with all manufacturer's recommendations, may be used on a temporary basis, and for short periods of time.

(5) All electrical outlets in child use areas for children who are not yet school-age shall be made inaccessible to children.

(6) All electrical outlets in approved child use space located within 6 feet of a sink or other water source shall be protected by a ground-fault circuit interrupter (GFCI).

(7) Power strips shall be equipped with surge protectors and shall not be longer than 6 feet or be connected to another power strip.

History: 2013 AACS.

R 400.8555 Open-flame devices; candles.

Rule 555. All open-flame devices, candles, and incense are prohibited, except for religious celebrations.

History: 2013 AACS.

Courtesy of Michigan Administrative Rules

R 400.8560 Rescinded.

History: 2013 AACS; 2019 AACS; rescinded 2022 MR 17, Eff. June 23,2022.

R 400.8565 Fire safety; exemptions for public and nonpublic school buildings.

Rule 565. The rules with respect to fire prevention and fire safety in this part do not apply to a center established and operated by an intermediate school board, the board of a local school district, the board or governing body of a state-approved nonpublic school, or an individual or entity with whom a school contracts for services, if the center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

PART 9. TRANSPORTATION

R 400.8701. Definitions.

Rule 701. As used in this part:

(a) "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.

(b) "Motor vehicle" means a self-propelled device in which individuals are or may be transported on a highway, built on an automobile or truck chassis specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and that meets the safety equipment requirements of sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711.

(c) "Multifunction school activity bus" means that term as described in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(d) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

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

(f) "School transportation" means transportation provided by a public, non-public, or private school.

(g) "Transportation" means the conveyance of children by means of a motor vehicle to or from a center and to and from all activities planned for children by or through the center.

(h) "Transportation component" means when a center uses center owned vehicles, vehicles of staff or volunteers, or other private or contracted transportation to transport children for any reason. Transportation component does not include either of the following:

Courtesy of Michigan Administrative Rules

(i) Transportation is not a component of the child care program if a child care center uses public transportation or public or private school transportation; however, certain transportation rules still apply.

(ii) Transportation is not a component of the child care program if a child care center contracts with, or is established and operated by an intermediate school district, the board of a local school district, or by the board or governing body of a state-approved nonpublic school. If transportation is not a component of the child care program, the school is responsible for the health and safety of children during transportation. If this paragraph applies, a child care center is not required to complete a comprehensive background check on the transportation staff through the Child Care Background Check System.

(i) "Volunteer motor vehicle" means a motor vehicle not owned by, leased by, or registered to the center or principle or employee of the center.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8710 Transportation.

Rule 710. (1) If transportation other than public transportation or school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.

(2) If public transportation or school transportation is used, only R 400.8760, 400.8770, and 400.8780 apply.

(3) If a parent makes a private arrangement for the transportation of their child, not including arrangements made with the center, the rules in this part do not apply.

History: 2013 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8720 All motor vehicles.

Rule 720. (1) All motor vehicles must be in safe operating condition.

(2) All motor vehicles, except multifunction school activity buses and school buses inspected by the department of state police as indicated in subrule (3) of this rule, must be inspected annually by a licensed mechanic. A copy of the inspection must be kept on file at the center. Volunteer vehicles are not required to be inspected.

(3) Centers that use multifunction school activity buses and school buses must do all of the following:

(a) Contact the department of state police to determine if an annual inspection by the department of state police is required under section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839.

(b) If directed by the department of state police, obtain an annual inspection by the department of state police. A copy of the inspection must be kept on file at the center.

(4) A statement verifying that all motor vehicles, including volunteer vehicles, are in compliance with Michigan vehicle code safety equipment requirements, as defined in sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711, must be kept on file at the center.

Courtesy of Michigan Administrative Rules

(5) The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, is prohibited.

(6) Multifunction school activity buses used for transporting children between the child care center and school must comply with all minimum safety specifications, except color, identification, and alternating flashing lights, as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877.

(7) Motor vehicle seats used by children, staff, and volunteers must not face sideways.

(8) A truck must not be used to transport children, except in the cab.

(9) There must be no loose or heavy objects in the passenger compartment of any motor vehicle.

History: 2013 AACS; 2019 AACS.

R 400.8730 Safety equipment in motor vehicles.

Rule 730. (1) All motor vehicles used to transport children must carry all the following safety equipment:

(a) Three bidirectional emergency reflective triangles properly cased and securely stored in the motor vehicle.

(b) A first aid kit securely stored in an accessible location in the driver compartment.

(2) Any motor vehicle with a manufacturer's rated seating capacity of more than 10 occupants used to transport children must carry both of the following additional safety equipment:

(a) Not less than 3 15-minute flares or an approved battery-operated substitute properly cased and securely stored in the driver's compartment.

(b) Fire extinguisher of dry chemical type rated not less than 2A-10BC mounted in an accessible place in the driver's compartment. The fire extinguisher must be inspected and maintained in accordance with NFPA-10. The fire extinguisher must bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.

(3) Volunteer motor vehicles are exempt from subrule (1)(a) of this rule.

History: 2013 AACS; 2019 AACS.

R 400.8740 Manufacturer's rated seating capacity; restraint devices; safety belts.

Rule 740. (1) Each child transported shall be seated according to the manufacturer's rated seating capacity and properly restrained by a passenger restraint device pursuant to sections 710d and 710e of the Michigan vehicle code, 1949 PA 300, MCL 257.710d and 257.710e.

(2) Passenger restraint devices, as required by subrule (1) of this rule, are not required for children transported on a school bus or a multifunction school activity bus.

(3) Each restraint device must be properly anchored to the vehicle seat and used according to the manufacturer's specifications.

Courtesy of Michigan Administrative Rules

(4) Allowing 2 or more children to share a seat belt or restraint device is prohibited.

(5) The driver of a motor vehicle and all adult passengers shall be seated according to the manufacturer's rated seating capacity and properly restrained by safety belts when the motor vehicle is in motion.

(6) All safety belts and restraint devices used while transporting children and adults must be in good working condition.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8750 Motor vehicle operator.

Rule 750. (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.

(2) All of the following documents must be kept on file at the center:

(a) A copy of each driver's driving record, except for drivers of volunteer motor vehicles, obtained from the secretary of state at least once a year.

(b) A self-certifying statement that all volunteer drivers comply with subrule (1) of this rule.

(c) A copy of a valid driver's license for each driver.

(3) Drivers shall be provided with a copy of the child information card or comparable substitute for each child being transported in their motor vehicles.

History: 2013 AACS; 2019 AACS.

R 400.8760 Program staff and unsupervised volunteer-to-child ratio and supervision in transit.

Rule 760. (1) The ratio of staff and volunteers-to-children in transit is based on the following provisions:

(a) For infants and toddlers, there must be 1 program staff member or unsupervised volunteer for 4 children. The driver does not count in the staff and volunteer-to-child ratio.

(b) For preschoolers under 3 years of age, there must be 1 staff member or volunteer for 8 children. The driver does not count in the program staff and unsupervised volunteer-to-child ratio.

Courtesy of Michigan Administrative Rules

(c) For 3-year-olds, there must be 1 program staff member or unsupervised volunteer for 10 children. The driver may be counted in the program staff or unsupervised volunteer-to- child ratio.

(d) For 4-year-olds, there must be 1 child care staff member or volunteer for 12 children. The driver may be counted in the staff or volunteer-to-child ratio.

(e) For school-aged, there must be 1 child care staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to-child ratio. This requirement does not apply when school-age children are transported to and from school on school transportation or are using public transportation.

(f) An additional child care staff member or volunteer is not required if only 1 child under 36 months of age is transported.

(2) To count in the child care staff member or volunteer-to-child ratios, child care staff members or volunteers shall be all of the following:

(a) Not less than 16 years of age.

(b) Seated with the children.

(c) Responsible for the supervision of the children.

(3) When children are entering or leaving the motor vehicle, the following safety precautions must be taken:

(a) The accompanying child care staff member, volunteer, or driver shall ensure that the children are received by a child care staff member, parent, or other individual as designated by the parent.

(b) Children shall enter and leave the motor vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(4) Children shall not be left unattended in a motor vehicle.

(5) When children under school-age are entering or leaving the motor vehicle, the children shall be carried or helped into and out of the motor vehicle.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8770 Time limitation on child transit.

Rule 770. For children under school-age, transportation routes must be planned so that a child is not in the motor vehicle longer than 1.5 continuous hours.

History: 2013 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8780 Parent permission for transportation.

Rule 780. (1) A center shall obtain a parent’s written permission annually for routine transportation.

(2) A center shall obtain a parent’s written permission for any non-routine transportation before each trip.

(3) Permission for all transportation must be maintained on file at the center.

History: 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

PART 10. SWIMMING

R 400.8801 Definitions.

Rule 801. As used in this part:

(a) "Lifeguard" means a person who meets the following criteria:

(i) Possesses an appropriate and current life guard training and certification by the American Red Cross, YWCA, YMCA, or equivalent in 1 of the following:

(A) Basic lifeguard for pool only.

(B) Full life guarding for pool and all other water activities.

(ii) Is dressed suitably to act in an emergency.

(iii) Is providing constant supervision.

(b) "Public swimming pool" means that term as defined in section 12521 of the public health code, 1978 PA 368, MCL 333.12521.

History: 2013 AACS; 2019 AACS.

R 400.8810 Swimming; child care staff member-to-child ratio.

Rule 810. (1) Written parental permission regarding their child's participation in swimming activities must be maintained on file at the center.

(2) A lifeguard shall be on duty at all swimming activities and shall not be included in the child care staff member-to-child ratio.

(3) For children under 3 years of age, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(4) For all non-swimmers 3 years of age and older, there shall be an in-the-water ratio of 1 child care staff member to 4 children when the water level is at the child's chest height or lower. When the water level is above the child's chest height, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(5) For swimmers 3 years of age and older, there shall be an in-the-water child care staff member-to-child ratio as required by R 400.8222(3).

History: 2013 AACS; 2019 MAACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8820 Swimming activity supervision.

Rule 820. All child care staff members counted in the child care staff member-to-child ratio shall be both of the following:

(a) Actively engaged in providing direct care, supervision, and guidance.

(b) Physically able to assist children quickly.

History: 2013 AACS; 2019 AACS.

R 400.8830 Instructional swim.

Rule 830. (1) Instructional swim must be conducted under the supervision of a qualified water safety instructor (WSI), who is certified by the American Red Cross, in an

Courtesy of Michigan Administrative Rules

organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.

(2) The child care staff member-to-child ratio under R 400.8222(3) must be maintained. The instructor shall not be included in the ratio.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

R 400.8840 Swimming activity area.

Rule 840. (1) All swimming areas must be maintained in a clean and safe condition.

(2) A public pool used for swimming must be inspected by the local health department and issued a license by the department of environment, Great Lakes, and energy.

(3) The water at a public or private beach must not be used if determined unsafe by the local health department.

(4) A working phone must be accessible on the premises.

(5) All of the following safety equipment must be readily accessible:

(a) First aid kit.

(b) Rescue pole or throwing rope and ring buoy.

(c) Signaling device.

(6) The use of hot tubs, residential pools, and private wading pools is prohibited.

History: 2013 AACS; 2019 AACS; 2025 MR 10, Eff. May 7, 2025.

Courtesy of Michigan Administrative Rules

APPENDIX A

R 400.8204 (9) & (11) Small capacity center program administrator

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

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

APPENDIX B

R 400.8204 (9) & (12) Early childhood center or outdoor nature-based child care center

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

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

APPENDIX C

R 400.8207 (4) & (5) Early childhood center, small capacity child care center, and outdoor nature-based child care center site administrator; qualifications;

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

APPENDIX D

R 400.8210(5) & (6) Lead teacher qualifications; responsibilities.

Lead Teacher Qualifications	Option A (6)(a)	Option B (6)(b)	Option C (6)(c)
Minimum Age (5)(a)	19 years	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	1 year	6 months	None
Training/ Semester Hours/CEUs	**3 hours of MiRegistry approved training in each of the following**: (a) Program Management. (b) Observation, documentation, and assessment. (c) Teaching and learning. **AND** **6 hours of MiRegistry approved training in any of the following areas:** (a) Interactions and Guidance. (b) Challenging Behaviors. (c) Trauma Informed Practices.	**6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in:** • Child Care Administration, • Early Childhood Education • Child Development, • A Child-Related Field. Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.	**One of the following:** • A valid child development associate credential • Montessori credential • Infant Family Associate Credential • Associate degree or higher in any field of study. **AND** **3 hours of MiRegistry approved training in each of the following**: (d) Program Management. (e) Observation, documentation, and assessment. (f) Teaching and learning. **AND** **6 hours of MiRegistry approved training in any of the following areas:** (d) Interactions and Guidance. (e) Challenging Behaviors. (f) Trauma Informed Practices.
Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

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

APPENDIX E

R 400.8210(8) Small capacity center; lead teacher qualifications; responsibilities.

Lead Teacher Qualifications	Option A	Option B
Minimum Age (5)(a)	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	3 months	None
Training/ Semester Hours/CEUs	**3 hours of MiRegistry approved training in each of the following:** (D) Program Management (E) Observation, documentation, and assessment (F) Teaching and learning **AND** **6 hours of MiRegistry approved training in any of the following areas:** (D) Interactions and Guidance (E) Challenging Behaviors (F) Trauma Informed Practices	**3 semester hours, 4.5 CEUs, or a combination to equal 45 clock hours of coursework in:** • Child Care Administration • Early Childhood Education • Child Development • A Child-Related Field Up to 30 hours of MiRegistry-approved training may be used to meet these requirements. **OR** • Associate degree or higher in any field of study
Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.

***** A lead teacher for infants and toddlers must complete the 45 hours of Mi-registry approved track **in addition to** the required hours listed in this chart to be in compliance with subrules (8) and (10) of this rule.

APPENDIX F

R 400.8410 (9) & (11) School age program administrator

Program Administrator Qualifications	Option A (9) & (11)(a)(i)(ii)(iii)	Option B (9) & (11)(b)(i),(ii),(iii),(iv),(v)	Option C (9) & (11)(c)
Minimum Age (9)(a)	21 years	21 years	21 years
Minimum Education (9)(b)	High school diploma or GED.	High school diploma or GED.	High school diploma or GED.
Administration Training (9)(c)	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*	2 semester hours or 3.0 CEUs in child care administration within 6 months of hire*
Minimum Experience	1 year	6 months	None
Training/ Semester Hours/CEUs (11)	**6 semester hours 9 CEUs or a combination to equal 90 clock hours of coursework in one of the following**: • Child care administration • Early childhood education • Child development • Youth development • A child-related field	**One of the following:** • Valid child development associate credential • Montessori credential • Michigan youth development associate certificate or credential • Associate degree in any field of study	**An associate degree or higher in any field of study.** **AND** **3 hours of MiRegistry approved training in each of the following**: (g) Program Management (h) Observation, documentation, and assessment (i) Teaching and learning **AND** **6 hours of MiRegistry approved training in any of the following areas:** (g) Interactions and Guidance (h) Challenging Behaviors (i) Trauma Informed Practices
Center Requirements (11)(a)(iii)(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

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

APPENDIX G

R 400.8419 (1) A site administrator shall be present at the center during all hours of operation when the program administrator overseeing multiple sites is not on the premises.

R 400.8419 (4) & (5) School age child care center site administrator

Site Administrator Qualifications	Option A	Option B	Option C
Minimum Age (4)(a)	18 years	18 years	18 years
Minimum Education (4)(b)	High school diploma or GED.	High school diploma or GED.	High school diploma or GED.
Administration Training	None	None	None
Minimum Experience	6 months	3 months	None
Training/ Semester Hours/CEUs	**6 semester hours 9 CEUs or a combination to equal 90 clock hours of coursework in**: • Child care administration • Early childhood education • Child development • Youth development • A child-related field	**One of the following:** • Valid child development associate credential • Montessori credential • Michigan youth development associate certificate or credential • Associate degree in a child related field	**An associate degree or higher in any field of study.** **AND** **15 clock hours of school-age training**
Center Requirements (12)(a)(iii),(b)(v)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

APPENDIX H

R. 400.8410 (8) Substitute school-age program administrator qualifications; responsibilities.

Substitute program administrator	Option A (6)(a)	Option B (6)(b)	Option C (6)(c)
Minimum Age (5)(a)	19 years	19 years	19 years
Minimum Education (5)(b)	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).	High school diploma or general equivalency diploma (GED).
Minimum Experience	1 year	6 months	None
Training/ Semester Hours/CEUs	**3 hours of MiRegistry approved training** in **each of the following:** (a) Program Management. (b) Observation, documentation, and assessment. (c) Teaching and learning. **AND** **6 hours of MiRegistry approved training in any of the following areas:** (a) Interactions and Guidance. (b) Challenging Behaviors. (c) Trauma Informed Practices.	**6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in:** • Child Care Administration, • Early Childhood Education • Child Development, • A Child-Related Field. • Up to 30 hours of MiRegistry-approved training may be used to meet these requirements.	**One of the following:** • A valid child development associate credential • Montessori credential • Infant Family Associate Credential • Associate degree or higher in any field of study **AND** **3 hours of MiRegistry approved training in each of the following:** (d) Program Management. (e) Observation, documentation, and assessment. (f) Teaching and learning. **AND** **6 hours of MiRegistry approved training in any of the following areas:** (d) Interactions and Guidance. (e) Challenging Behaviors. (f) Trauma Informed Practices.
Center Requirements (6)(a)(iv),(b)(iii)	Works in a center that participates in Great Start to Quality.	Works in a center that participates in Great Start to Quality.	None

APPENDIX I

PROMULGATION PROCESS/SUGGESTED CHANGES

The promulgation process is lengthy. That is due, in part, to the Department's desire to develop rules that are clear, reasonable, necessary, fair and enforceable. Serious consideration is given to the recommendations of the Ad Hoc Committee, licensees, child care organizations, interested citizens, parents, and staff.

In the interest of continuing to serve the public by considering its wishes, the Department welcomes any comments or suggestions that you feel will help improve future revisions of these regulations. Your comments will be reviewed when changes in the rules are being considered. 1973 PA 116 requires the Department to conduct a review of the rules every other year and a major review by an Ad Hoc Committee every five years.

You are invited to email your comments to Child Care Licensing at:
www.michigan.gov/michildcare
Or mail your comments to:
Child Care Licensing
P O Box 30837
Lansing, MI 48909

In forwarding comments or suggestions, please use an outline similar to the one below. Send to the Department for consideration and review.

Rule Number	Subrule Number
SUGGESTED CHANGE:	
REASONO FOR CHANGE:	
Signature	Date
Print Name	
Address (Number, Street)	
City, State, Zip Code	

Individuals with disabilities may contact the MiLEAP ADA Coordinator to request an alternative format to these materials.

Please visit ***www.Michigan.gov/ADA*** for a list of state ADA Coordinators.

MiLEAP

Michigan Department of Lifelong
Education, Advancement, and Potential

MiLEAP is an equal opportunity employer/program.

CCL-PUB-8 (Rev. 10-26)