

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Lifelong Education, Advancement, and Potential

Division/Bureau/Office:

Office of Early Childhood Education

Name of person completing this form:

Chanti Cole

Phone number of person completing this form:

313-820-7634

E-mail of person completing this form:

ColeC5@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Robert Mass

2. Rule Set Information

MOAHR assigned rule set number:

2024-11 LP

Title of proposed rule set:

Licensing Rules for Child Care Center

3. Purpose for the proposed rules and background:

These rules provide for the protection of children through the licensing of child care centers. The Child Care Licensing Bureau (CCL) anticipates introducing additional rules, amending, or eliminating existing rules to address inconsistencies with current state statutes and federal regulations.

Under Child Care Organizations (excerpt) Act, 1973 PA 116, the licensing rules must undergo a major review by an advisory ad hoc committee not less than once every 5 years and be reviewed biennially by the department. The Michigan Department of Lifelong Education, Advancement, and Potential (MiLEAP) anticipates the ad hoc committee recommending several changes when the committee convenes. As a result of these recommendations, changes to the rules may include or address but are not limited to, growth due to the Governor's expansion of PreK for All, the lack of child care in the state, lack of staffing for child care, streamlining processes, and reorganizing sections to improve the public's understanding of the rules. MiLEAP will also address changes required by the federal Office of Child Care to comply with Child Care and Development Fund (CCDF) requirements.

4. Summary of proposed rules:

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The proposed rules add parts and revise the structure of existing rules to properly group items by topic. In addition, the proposed rules revise and add definitions to increase clarity, adds a part on school age child care center specific exemptions to clearly state which rules school age only centers are exempt from, extends allowable transportation time from 1 hour to 1.5 hours, adds requirements on anaphylactic shock policies, adds provisions related to Outdoor nature-based centers, provides flexibility for group sizes and naptime ratios, eliminates requirements for tuberculosis testing, provides allowances to incorporate Individual Family Services Plan, Individualized Education Plans and 504 plans for children in care, adjusted qualification requirements to include certain work experiences as a substitute for certain credentials, and makes clarifications throughout.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Flint Journal, published 11/07/2024.

Daily Press, published 11/06/2024.

Battle Creek Enquirer, published 11/08/2024.

6. Date of publication of rules and notice of public hearing in Michigan Register:

11/15/2024

7. Date, time, and location of public hearing:

11/19/2024 01:30 PM at Michigan Library and Historical Center, 1st Floor Forum , 702 W. Kalamazoo Street, Lansing, MI 48915

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1518>

9. List of the name and title of agency representative(s) who attended the public hearing:

Erika Bigelow, Michigan Department of Lifelong Education, Advancement, and Potential.

Monica Sturdivant, Michigan Department of Lifelong Education, Advancement, and Potential.

10. Persons submitting comments of support:

Amanda Klein

Megan (Last name not provided)

Kirsty MacIver

11. Persons submitting comments of opposition:

N/A

12. Persons submitting other comments:

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Bryan McCormick
 Anne Creek
 Pam Bailey
 Angelique Nichols -Submitted letter from Erin Skeene-Pratt
 Patricia Soutas-Little
 Stephanie Beckett
 Crystal Forsberg
 Ryan Waalkes
 Marci McCoy
 Jennifer Wilson
 Becky Gorinac
 Mike Latvis
 Brian Gutman
 Lee Anna Massey
 Jessica Anderson
 Anonymous Submission

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for Rule Change and Description of Change(s) Made	Rule number & citation changed
1	Angelique Nichols, Michigan Afterschool Partnership		Currently, the Michigan Youth Development Associate definition is written as "Michigan school age or youth development associate credential" means a certificate or credential issued by the Michigan Afterschool Partnership in collaboration with or similar credential approved by the	The Agency agrees with the suggestion to clarify the definition. The definition will be as follows: 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.	R 400.8102 (c)

department."

We would like to recommend this correction: Michigan school age or youth development associate credential" means a credential issued by the Michigan Afterschool Association Partnership in collaboration with or similar credential approved by the department.

Although there are two pathways for a MiYDA, only one pathway (the credential) is what is used to substantiate the necessary education requirements for licensed positions. To keep the definition as written, implies that the certificate is a substantiated method of rigor and training necessary for the roles and responsibilities of Program and Site Administrator

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			and it is not. We ask that you consider the new definition to distinguish what is an appropriate and acceptable pathway for obtaining employment within a licensed facility.		
2	Erica Willard, Michigan Association for the Education of Young Children	An area of concern is around lowering the age for time out from 3 years to 2 years. Requests that it be reconsidered and returned to 3 years of age.		The Agency agrees with suggestion based on the information provided. The age for time out will return to 3 years.	R 400.8280 (3)(a)

14.Date report completed:

12/10/2024