

SUBSTITUTE FOR
HOUSE BILL NO. 5583

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1285a (MCL 380.1285a), as added by 1996
PA 285.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1285a. (1) If a school district or intermediate school
2 district operates a child care center, AS DEFINED IN SECTION 1 OF
3 1973 PA 116, MCL 722.111, then, except as provided in this sub-
4 section, the child care center is subject to the requirements of
5 ~~Act No. 116 of the Public Acts of 1973, being sections 722.111~~
6 ~~to 722.128 of the Michigan Compiled Laws~~ 1973 PA 116,
7 MCL 722.111 TO 722.128. If a child care center established and
8 operated by a school district or intermediate school district is
9 located in a school building that is approved and inspected by
10 the state fire marshal or other similar authority as provided in

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1 section 3 of ~~Act No. 306 of the Public Acts of 1937, being~~
2 ~~section 388.853 of the Michigan Compiled Laws~~ 1937 PA 306,
3 MCL 388.853, for school purposes and is in compliance with school
4 fire safety rules, as determined by the state fire marshal or a
5 fire inspector certified pursuant to section 2b of the fire pre-
6 vention code, ~~Act No. 207 of the Public Acts of 1941, being sec-~~
7 ~~tion 29.2b of the Michigan Compiled Laws~~ 1941 PA 207, MCL 29.2B,
8 the child care center is not subject to any fire prevention or
9 fire safety requirements under ~~Act No. 116 of the Public Acts of~~
10 ~~1973~~ 1973 PA 116, MCL 722.111 TO 722.128. AS USED IN THIS SUB-
11 SECTION, "CHILD CARE CENTER" DOES NOT INCLUDE A PROGRAM DESCRIBED
12 IN SUBSECTION (2).

13 (2) IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
14 OPERATES OR CONTRACTS FOR THE OPERATION OF A BEFORE- OR
15 AFTER-SCHOOL PROGRAM FOR CHILDREN IN GRADES K TO 8, ALL OF THE
16 FOLLOWING APPLY TO THE OPERATION OF THE PROGRAM:

17 (A) THE PROGRAM SHALL HAVE AT LEAST 2 ADULT PROGRAM STAFF
18 MEMBERS PRESENT AT ALL TIMES WHEN CHILDREN ARE PRESENT.

19 (B) THE PROGRAM SHALL HAVE A CHILD TO STAFF MEMBER RATIO
20 THAT IS NO GREATER THAN THE AVERAGE PUPIL TO TEACHER RATIO DURING
21 SCHOOL HOURS IN THAT SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DIS-
22 TRICT IN REGULAR K TO 5 CLASSROOMS.

23 (C) THE PROGRAM SHALL BE LOCATED AT SCHOOL IN FACILITIES
24 COMPARABLE TO ROOMS USED BY PUPILS DURING THE REGULAR SCHOOL
25 DAY.

26 (D) IF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT
27 USES ITS EMPLOYEES TO STAFF THE PROGRAM, BEFORE ASSIGNING A STAFF

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1 MEMBER TO WORK IN THE PROGRAM, THE SCHOOL DISTRICT OR
2 INTERMEDIATE SCHOOL DISTRICT SHALL COMPLY WITH SECTIONS 1230 AND
3 1230A WITH RESPECT TO THAT INDIVIDUAL TO THE SAME EXTENT AS IF
4 THE INDIVIDUAL WERE BEING HIRED AS A TEACHER. IF THE SCHOOL DIS-
5 TRICT OR INTERMEDIATE SCHOOL DISTRICT CONTRACTS FOR THE OPERATION
6 OR STAFFING OF THE PROGRAM, THE CONTRACT SHALL CONTAIN ASSURANCE
7 THAT THE CONTRACTING PERSON OR ENTITY, BEFORE ASSIGNING AN INDI-
8 VIDUAL TO WORK IN THE PROGRAM, WILL COMPLY WITH SECTIONS 1230 AND
9 1230A WITH RESPECT TO THAT INDIVIDUAL TO THE SAME EXTENT AS IF
10 THE PERSON OR ENTITY WERE A SCHOOL DISTRICT EMPLOYING THE INDI-
11 VIDUAL AS A TEACHER. THE DEPARTMENT OF STATE POLICE SHALL PRO-
12 VIDE INFORMATION TO A SCHOOL DISTRICT, INTERMEDIATE SCHOOL DIS-
13 TRICT, OR CONTRACTING PERSON OR ENTITY REQUESTING INFORMATION
14 UNDER THIS SUBDIVISION TO THE SAME EXTENT AS IF THE SCHOOL DIS-
15 TRICT, INTERMEDIATE SCHOOL DISTRICT, OR PERSON OR ENTITY WERE A
16 SCHOOL DISTRICT MAKING THE REQUEST UNDER SECTION 1230 OR 1230A.

17 (E) THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
18 DISTRICT SHALL DEVELOP, ADOPT, AND ANNUALLY REVIEW A POLICY CON-
19 CERNING THE PROGRAM THAT, AT A MINIMUM, ADDRESSES SAFETY PROCE-
20 DURES FOR THE PROGRAM, INCLUDING AT LEAST EMERGENCY PROCEDURES
21 SUCH AS ACCESS TO STUDENT EMERGENCY INFORMATION AND ACCESS TO
22 TELEPHONES, FOOD SAFETY, AND DISCIPLINE. THE POLICY SHALL
23 ADDRESS WHETHER OR NOT THE PROGRAM WILL HAVE ANY ADULT STAFF MEM-
24 BERS PRESENT OR AVAILABLE WHO HOLD CERTIFICATION IN CARDIOPULMO-
25 NARY RESUSCITATION.

26 (F) NOT LATER THAN SEPTEMBER 1 OF EACH SCHOOL YEAR, THE
27 BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT

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1 SHALL ADOPT AND SUBMIT TO THE SECRETARY OF THE INTERMEDIATE
2 SCHOOL BOARD A RESOLUTION AFFIRMING THAT THE PROGRAM AND THE COR-
3 RESPONDING POLICIES COMPLY WITH THIS SECTION. THIS SUBMISSION
4 SHALL INCLUDE A COPY OF THE POLICY UNDER SUBDIVISION (E).

5 (3) THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE A MODEL
6 BEFORE- OR AFTER-SCHOOL PROGRAM POLICY THAT ADDRESSES HUMAN RELA-
7 TIONSHIPS; INDOOR ENVIRONMENT; OUTDOOR ENVIRONMENT; ACTIVITIES;
8 SAFETY, HEALTH, AND NUTRITION; AND ADMINISTRATION. A SCHOOL DIS-
9 TRICT OR INTERMEDIATE SCHOOL DISTRICT IS NOT REQUIRED TO USE THIS
10 MODEL PROGRAM POLICY.

11 Enacting section 1. This amendatory act does not take
12 effect unless House Bill No. 5584 of the 91st Legislature is
13 enacted into law.