

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5583

(As passed the Senate, December 13, 2002)

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. BEGINNING  
11 JULY 1, 2003, AS USED IN THIS SUBSECTION, "CHILD CARE CENTER"  
12 DOES NOT INCLUDE A PROGRAM DESCRIBED IN SUBSECTION (2) THAT HAS  
13 BEEN GRANTED AN EXEMPTION FROM CHILD CARE CENTER APPROVAL BY THE  
14 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES AS PROVIDED UNDER  
15 SECTION 1(2) OF 1973 PA 116, MCL 722.111.

16 (2) BEGINNING JULY 1, 2003, IF A SCHOOL DISTRICT, PUBLIC  
17 SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT OPERATES OR CON-  
18 TRACTS FOR THE OPERATION OF A BEFORE- OR AFTER-SCHOOL PROGRAM FOR  
19 CHILDREN IN GRADES K TO 8, AND IF THE PROGRAM IS EXEMPT FROM  
20 CHILD CARE CENTER APPROVAL AS PROVIDED UNDER SECTION 1(2) OF 1973  
21 PA 116, MCL 722.111, ALL OF THE FOLLOWING APPLY TO THE OPERATION  
22 OF THE PROGRAM:

23 (A) THE PROGRAM SHALL MEET ALL OF THE FOLLOWING STAFFING  
24 REQUIREMENTS:

25 (i) SHALL HAVE AT LEAST 2 ADULT PROGRAM STAFF MEMBERS  
26 PRESENT AT ALL TIMES WHEN CHILDREN ARE PRESENT.

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1           (ii) SHALL HAVE A CHILD TO ADULT PROGRAM STAFF MEMBER RATIO  
2 THAT MEETS THE FOLLOWING:

3           (A) FOR CHILDREN IN GRADES K TO 3, IS NO GREATER THAN THE  
4 LESSER OF EITHER 20 CHILDREN TO 1 ADULT PROGRAM STAFF MEMBER OR  
5 THE AVERAGE PUPIL TO TEACHER RATIO DURING SCHOOL HOURS IN THAT  
6 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL  
7 DISTRICT IN REGULAR K TO 3 CLASSROOMS.

8           (B) FOR CHILDREN IN GRADES 4 TO 8, IS NO GREATER THAN THE  
9 LESSER OF EITHER 25 CHILDREN TO 1 ADULT PROGRAM STAFF MEMBER OR  
10 THE AVERAGE PUPIL TO TEACHER RATIO DURING SCHOOL HOURS IN THAT  
11 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL  
12 DISTRICT IN REGULAR GRADE 4 TO 8 CLASSROOMS.

13           (iii) WITHIN 3 MONTHS AFTER HE OR SHE BEGINS TO WORK IN THE  
14 PROGRAM, EACH ADULT PROGRAM STAFF MEMBER SHALL HOLD VALID CERTI-  
15 FICATION IN CARDIOPULMONARY RESUSCITATION AND BASIC FIRST AID  
16 ISSUED BY THE AMERICAN RED CROSS, AMERICAN HEART ASSOCIATION, OR  
17 A COMPARABLE ORGANIZATION OR INSTITUTION APPROVED BY THE  
18 DEPARTMENT.

19           (B) THE PROGRAM SHALL BE LOCATED AT SCHOOL IN FACILITIES  
20 COMPARABLE TO ROOMS USED BY PUPILS DURING THE REGULAR SCHOOL  
21 DAY.

22           (C) THE PROGRAM SHALL PROVIDE DAILY ACTIVITIES AND RELATION-  
23 SHIPS THAT OFFER EACH CHILD IN THE PROGRAM OPPORTUNITIES FOR  
24 PHYSICAL DEVELOPMENT; SOCIAL DEVELOPMENT, INCLUDING POSITIVE  
25 SELF-CONCEPT; AND INTELLECTUAL DEVELOPMENT.

26           (D) IF FOOD IS SERVED, THE FOOD SERVICE SHALL COMPLY WITH  
27 THE SAME NUTRITION REQUIREMENTS THAT APPLY TO FOOD SERVICE BY THE

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1 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL  
2 DISTRICT DURING THE REGULAR SCHOOL DAY.

3 (E) IF THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTER-  
4 MEDIATE SCHOOL DISTRICT USES ITS EMPLOYEES TO STAFF THE PROGRAM,  
5 BEFORE ASSIGNING A STAFF MEMBER TO WORK IN THE PROGRAM, THE  
6 SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL  
7 DISTRICT SHALL COMPLY WITH SECTIONS 1230 AND 1230A WITH RESPECT  
8 TO THAT INDIVIDUAL TO THE SAME EXTENT AS IF THE INDIVIDUAL WERE  
9 BEING HIRED AS A TEACHER. IF THE SCHOOL DISTRICT, PUBLIC SCHOOL  
10 ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT CONTRACTS FOR THE OPERA-  
11 TION OR STAFFING OF THE PROGRAM, THE CONTRACT SHALL CONTAIN  
12 ASSURANCE THAT THE CONTRACTING PERSON OR ENTITY, BEFORE ASSIGNING  
13 AN INDIVIDUAL TO WORK IN THE PROGRAM, WILL COMPLY WITH SECTIONS  
14 1230 AND 1230A WITH RESPECT TO THAT INDIVIDUAL TO THE SAME EXTENT  
15 AS IF THE PERSON OR ENTITY WERE A SCHOOL DISTRICT EMPLOYING THE  
16 INDIVIDUAL AS A TEACHER. THE DEPARTMENT OF STATE POLICE SHALL  
17 PROVIDE INFORMATION TO A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY,  
18 INTERMEDIATE SCHOOL DISTRICT, OR CONTRACTING PERSON OR ENTITY  
19 REQUESTING INFORMATION UNDER THIS SUBDIVISION TO THE SAME EXTENT  
20 AS IF THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, INTERMEDIATE  
21 SCHOOL DISTRICT, OR PERSON OR ENTITY WERE A SCHOOL DISTRICT  
22 MAKING THE REQUEST UNDER SECTION 1230 OR 1230A.

23 (F) THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
24 DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY, IN  
25 CONSULTATION WITH THE DIRECTOR OF THE PROGRAM AND THE PRINCIPAL  
26 OF THE SCHOOL AT WHICH THE PROGRAM IS OPERATED, SHALL DEVELOP,  
27 ADOPT, AND ANNUALLY REVIEW A POLICY CONCERNING THE PROGRAM THAT,

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1 AT A MINIMUM, ADDRESSES SAFETY PROCEDURES FOR THE PROGRAM,  
2 INCLUDING FIRST AID, FOOD SAFETY, DISCIPLINE, DISPENSING AND  
3 STORAGE OF MEDICATION, AND ACCESS TO STUDENT EMERGENCY INFORMA-  
4 TION AND TELEPHONES.

5 (G) NOT LATER THAN SEPTEMBER 1 OF EACH SCHOOL YEAR, THE  
6 BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR  
7 BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL ADOPT AND  
8 SUBMIT TO THE SECRETARY OF THE INTERMEDIATE SCHOOL BOARD A RESO-  
9 LUTION AFFIRMING THAT THE PROGRAM AND THE CORRESPONDING POLICIES  
10 COMPLY WITH THIS SECTION. THIS SUBMISSION SHALL INCLUDE A COPY  
11 OF THE POLICY UNDER SUBDIVISION (F).

12 (H) THE BOARD OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL  
13 DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL ACADEMY SHALL  
14 MAKE COPIES OF THE POLICY UNDER SUBDIVISION (F), AND OF ANY  
15 ANNUAL REVIEWS OR REVISIONS, AVAILABLE TO THE PUBLIC.

16 (3) NOT LATER THAN APRIL 1, 2003, THE DEPARTMENT, IN CONSUL-  
17 TATION WITH THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES,  
18 SHALL DEVELOP AND MAKE AVAILABLE TO THE PUBLIC MODEL STANDARDS  
19 FOR BEFORE- OR AFTER-SCHOOL PROGRAMS OPERATED UNDER  
20 SUBSECTION (2) THAT ADDRESS HUMAN RELATIONSHIPS; INDOOR ENVIRON-  
21 MENT; OUTDOOR ENVIRONMENT; ACTIVITIES; SAFETY, HEALTH, AND NUTRI-  
22 TION; AND ADMINISTRATION. IN DEVELOPING THESE MODEL STANDARDS,  
23 THE DEPARTMENT SHALL GIVE SUBSTANTIAL CONSIDERATION TO SIMILAR  
24 FACTORS IN THE REQUIREMENTS PLACED ON CHILD CARE CENTERS UNDER  
25 1973 PA 116, MCL 722.111 TO 722.128. A SCHOOL DISTRICT, PUBLIC  
26 SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT IS NOT REQUIRED  
27 TO FOLLOW THESE MODEL STANDARDS.

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1           (4) BEGINNING JULY 1, 2003, THE BOARD OF A SCHOOL DISTRICT  
2 OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC  
3 SCHOOL ACADEMY SHALL ENSURE THAT ANY WRITTEN INFORMATION PUB-  
4 LISHED OR DISTRIBUTED BY THE SCHOOL DISTRICT, PUBLIC SCHOOL ACAD-  
5 EMY, OR INTERMEDIATE SCHOOL DISTRICT CONCERNING A BEFORE- OR  
6 AFTER-SCHOOL PROGRAM IT OPERATES UNDER SUBSECTION (2) INCLUDES A  
7 STATEMENT IN AT LEAST 10-POINT TYPE NOTIFYING THE PUBLIC WHETHER  
8 THE PROGRAM FOLLOWS OR DEVIATES FROM THE MODEL STANDARDS DEVEL-  
9 OPED UNDER SUBSECTION (3).

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