

Legislative Analysis



SCHOOL AGE PROGRAMS: EXEMPTIONS

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House Bill 5110 (Substitute H-1)

Sponsor: Rep. Jerry O. Kooiman

Committee: Family and Children Services

Complete to 9-21-05

A SUMMARY OF HOUSE BILL 5110 AS REPORTED FROM COMMITTEE

The bill would amend the Child Care Licensing Act. The stated aim of the bill is to remove regulatory barriers to the operating of before- and after-school programs while maintaining state oversight, and to distinguish between programs for children of elementary age and programs for older children.

The bill would amend the act in the following ways:

- It would specifically include "before-school and after-school programs" within the definition of "child care center or "day care center."
- It would specify, however, that the term "child care center" or "day care center" would not apply to 1) a program that primarily provides supervised, school-age child-focused training in a specific subject, such as dancing, drama, music, or religion; or 2) a program that provides group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, such as youth clubs, scouting, and recreational or supplementary education programs. The exclusion applies only during the time the child is engaged in supervised school-aged-child-focused training, or the group athletic or social activities (and, in the case of the athletic and social activities only, if the school-age child can come and go at will).
- The term "school-age child" would be defined to mean a child who is eligible to be enrolled in a grade of kindergarten or above, but less than 13 years of age.
- It would create a procedure for a currently operating facility or program for school age children to apply to the Department of Human Services for exemption from inspections and on-site visits under the act. To be eligible, a facility or program would have to have been in operation and licensed or approved for at least two years before the application date without any substantial violations. The school board, board of directors, or governing body would have to adopt a resolution supporting the application for exemption from inspections and onsite visits. The current exemption process requires a program to have been in operation for four years.

- A facility or program granted exemption from inspections and on-site visits would have to maintain status as a licensed or approved program and continue to meet requirements of the act, rules promulgated under the act, or the terms of a license or approval. Such a facility or program would be subject to an investigation by the Department of Human Services when a rule or act violation was alleged. An exemption provided under the act would be rescinded by the department if willful and substantial violations of the act, rules, terms of licensure or approval are substantiated.
- A facility or program granted exemption from inspections and on-site visits would not be subject to interim or annual licensing reviews. It would be required to submit documentation annually demonstrating compliance with the act, rules, or terms of licensure or approval.
- An exemption could be rescinded by the Department of Human Services if a facility or program willfully and substantially violated the act, rules, or terms of a license or approval.

MCL 722.11

POSITIONS:

Department of Human Services testified in support of the bill (9-20-05)

Fight Crime: Invest in Kids in Michigan supports the bill. (9-20-05)

Mayor's Time (of Detroit) supports the bill. (9-20-05)

Michigan 4C Association (Community Coordinated Child Care) supports the bill. (9-20-05)

Michigan Federation for Children and Families supports the bill. (9-20-05)

United Way of Genesee County supports the bill. (9-20-05)

Legislative Analyst: E. Best

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.