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BILL ANALYSIS

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House Bill 5110 (Substitute H-1 as passed by the House)
Sponsor: Representative Jerry O. Kooiman
House Committee: Family and Children Services
Senate Committee: Families and Human Services

Date Completed: 10-10-05

CONTENT

The bill would amend the child care licensing Act to do the following:

- **Amend the definition of "child care center" or "day care center" to include before- and after-school programs and exclude programs primarily focused on training in a specific subject, or primarily consisting of group athletic or social activities sponsored by an organized club or hobby group.**
- **Allow exemptions from required inspections and on-site visits for child care facilities if the programs or facilities have been in operation for at least two years and have not violated the Act or rules under it during the past two years.**
- **Delete exemptions from inspections and on-site visits for school-operated facilities or programs that have been in operation for at least four years and have not violated the Act or rules during the past four years.**
- **Provide that an exempt facility or program would not be subject to licensing reviews.**
- **Allow the Department of Human Services to rescind an exemption for a willful and substantial violation.**

Child Care Centers

The Act defines "child care center" or "day care center" as a facility, other than a private residence, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child, subject to several exclusions. One of the exclusions applies to a facility or program for school-age children, operated at a school, by a public school or by a person under contract with the school, in accordance with Section 1285a(2) of the Revised School Code (which provides for before- and after-school programs) if that facility or program has been granted an exemption from inspections and on-site visits required by the Act. The bill would remove that provision.

Under the bill, a "child care center" or "day care center" would not include the following:

- A program that was primarily supervised, school-age-child-focused training in a specific subject, including dancing, drama, music, or religion. This exclusion would apply only to the time a child was involved in supervised, school-age-child focused training.
- A program that primarily consisted of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including youth clubs, scouting, and school-age recreational or supplementary educational programs. This exclusion would apply only to the time the school-age child was engaged in the group athletic or social activities and if the school-age child could come and go at will.

(The bill would define "school-age child" as a child who is eligible to be enrolled in a grade of kindergarten or above, but is less than 13 years of age.)

The Act defines "children's camp", in part, as a residential, day, troop, or travel camp conducted in a natural environment for more than four school-age children. The bill would refer to a residential, troop, or travel camp that provides care and supervision for more than four children, removing the references to a day camp and school-age children.

Inspections & On-Site Visits

The Act requires the Department of Human Services (DHS), before issuing or renewing a license for a child care organization (which includes a child care center or day care center), to investigate the applicant's activities and proposed standards of care and make an on-site visit to the organization. The Act provides an exemption to the required inspection and on-site visit if the facility or program meets all of the following criteria:

- The facility or program is for school-age children at a school, operated by a public school or by a person or entity under contract with the school.
- The facility or program is currently operating and has been in operation for a minimum of four years before the application date.
- During the four years before the application date, the facility or program has not had a substantial violation of the Act, rules promulgated under it, or terms of an approval under the Act.
- The school board or board of directors adopts a resolution supporting the application for exemption.

Under the bill, the program or facility would not have to be associated with a school to be eligible for the exemption. It would have to be in operation for a minimum of two years rather than four, and during the two years before the application date, the facility or program could not have had a substantial violation of the Act, rules promulgated under it, or the terms of a licensure or approval under the Act. A school board, board of directors, or governing body would have to adopt a resolution supporting the application.

The bill would require that a facility or program granted an exemption maintain status as a licensed or approved program under the Act, and continue to meet the requirements of the Act, the rules, or the terms of a license or approval under the Act. When a violation of the Act or a rule was alleged, a facility or program granted an exemption would be subject to an investigation by the DHS.

A facility or program granted an exemption under the bill would not be subject to interim or annual licensing reviews. The facility or program would be required to submit documentation annually demonstrating compliance with the requirements of the Act, the rules promulgated under it, or the terms of a license or approval granted under the Act.

The DHS could rescind an exemption if a facility or program willfully and substantially violated the Act, the rules, or the terms of a license or approval granted under the Act.

MCL 722.111

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill would have not a fiscal impact on State or local government. Currently, before- and after-school programs that receive funding from the Department of Human Services must be licensed and renew their license every two years. The bill would not waive the licensure and renewal requirements for the programs.

Fiscal Analyst: Constance Cole

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.