

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Child Care Licensing

3. Promulgation type:

MCL 24.244 (1)

4. Title of proposed rule set:

Licensing Rules for Child Care Centers

5. Rule numbers or rule set range of numbers:

R 400.8182

6. Estimated time frame:

3 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

Child Care Licensing Bureau is seeking to amend R 400.8182 to comport with 45 CFR 98.41. R 400.8182 addresses requirements for ratio and group size within a child care facility. R 400.8182 must be amended to comport and align with the federal regulation group size requirement for 3-4 year old children, 4-school age children, and school age children. This will address the problem of non-compliance under 45 CFR 98.41 identified in the December 14, 2021 Administration for Children and Families' letter to Michigan Department of Education.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

By authority conferred on the director of the department of licensing of regulatory affairs.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of 1973 PA 116, MCL 722.112, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2004-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 400.226, and 400.227.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The requirements are mandated by the Child Care Development Block Grant Act of 2014. The federal provisions are met in Michigan's Child Care Development Fund Plan, which is developed based in part on LARA's rule set. Specifically, group size requirements for 3-4 year old children, 4-school age children, and school age children as mandated in 45 CFR 98.41 are not stated in the current administrative rules.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

R 400.8182 is substantially similar to 45 CFR 98.41 but must be amended to comport and align with the federal regulation group size requirements for 3-4 year old children, 4-school age children, and school age children.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of the rules is contained in 45 CFR 98.41, the Licensing Rules for Child Care Centers (effective date December 18, 2019) and the Technical Assistance and Consultation Manual for Child Care Centers.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

No.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

MCL 24.244 (1)

A. Explain why the rules are being promulgated under 24.244.

This rule is being amended under MCL 24.244(1) for the solely formal purpose of bringing Michigan into compliance under 45 CFR 98.41.