

AGENCY REPORT TO THE JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate the rules must complete and submit this form electronically to the Michigan Office of Administrative Hearings and Rules (MOAHR) at MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Licensing and Regulatory Affairs		
Division/Bureau/Office:	Bureau of Community and Health Systems		
Name, title, phone number, and e-mail of person completing this form:	Tammy Bagby, Analyst, bagbyt@michigan.gov 517-335-4084		
Name of Departmental Regulatory Affairs Officer reviewing this form:	Liz Arasim		

2. Rule Set Information:

MOAHR assigned rule set number:	2018-032 LR
Title of proposed rule set:	Licensing Child Care Centers

3. Purpose for the proposed rules and background:

The proposed rule revisions are necessary to comply with recent amendments to the Child Care Organizations Act, 1973 PA 116, and requirements for the federal Child Care and Development Block Grant. The proposed revisions will provide the latest standards to protect the health and safety of children in Child Care Centers. The rules have not been updated since 2013.
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4. Summary of proposed rules:

The proposed rules would ensure that all child care staff undergo a comprehensive background check before having any contact with children. They would update certain health and safety requirements within licensed child care centers. In addition, they increase training requirements for child care staff on certain health and safety subjects. This will provide the latest standards to protect the health and safety of children in Child Care Centers.
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5. List names of newspapers in which the notice of public hearing was published and publication dates (attach copies of affidavits from each newspaper as proof of publication).

July 24, 2019- Grand Rapids Press July 24, 2019 Jackson Citizen Patriot July 23, 2019- Marquette Mining Journal

6. Date of publication of rules and notice of public hearing in *Michigan Register*:

August 1, 2019 Michigan Register

7. Time, date, location, and duration of public hearing:

August 7, 2019 from 3-3:46 pm. Library of Michigan and Historical Museum -Forum Auditorium 702 W. Kalamazoo St., Lansing, MI
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8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

https://dtmb.state.mi.us/ORRDocs/RIS/1810_2018-029LR_ris.pdf

9. List of the name and title of agency representative(s) attending public hearing:

Karen Krzanowski, Manager, Legislative Reporting, Rules, Training & FOIA, Mark Jansen,
Director of Child Care Licensing Division, Sharon Riebel, Child Care Program Consultant

10. Persons submitting comments of support:

None

11. Persons submitting comments of opposition:

None

Michigan Office of Administrative Hearings and Rules

611 West Ottawa Street; 2nd Floor, Ottawa Building

Lansing, MI 48933

Phone: (517) 335-8658 FAX: (517) 335-9512

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

	Name & Organization	Comments Made at Public Hearing	Written Comments	Agency Rationale for Change	Rule Number & Citation Changed
1.	Ms. Karen Eshenaur, Executive Director, Lakeshore Little People's Place, Holland, MI	Yes, see transcript. She asked several questions; and, she requested to have the definitions of different age categories to be designated in years , as they are now, rather than in months , as was proposed. That makes it easier to manage enrollment in each room.	No	As proposed, R 400.8101(b) was stricken-out and replaced with new definitions for infant, toddler, preschooler, and school-ager. That proposal has been withdrawn and the current language is retained, which delineates these age categories by year.	R 400.8101(b),
2.	Ms. Robin Zeiter, Michigan Department of Education	No	Yes, see email message dated August 8, 2019. She requested to have the definition of "child-related field" revised to include academic courses in "special education"; and, to have these requirements apply not only to the program director, but also to the lead caregiver.	R 400.8191(l)(i) and (ii) were revised to read: " Child-related field" means 1 of the following: (i) For an early childhood education program director and lead caregiver , academic courses in elementary education, child guidance, child counseling, child	R 400.8101(l) was renumbered as R 400.8101(m).

				psychology, family studies, social work, or special education. (ii) For a school-age program director, academic courses in early childhood education, elementary education, secondary education, special education , physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, social work, human services, or youth development.	
3.	LARA Bureau of Community and Health Systems	No	No	R 400.8103 was revised by adding a definition of “serious injury” to mean “that term as defined in section 2b of 1973 PA 116, MCL 722.122b.”	R 400.8103(d) and renumbering remaining subrules.
4.	Ms. Elizabeth Weston, Executive Director, EC3 Educational Child Care Center and Early LCC	Yes, see transcript. She posed several questions; and, she asked for clarification R 400. 8110(6), the recording of arrival and departure times for personnel.	No	R 400.8110(6) was revised as follows: (6) The licensee or licensee designee shall maintain accurate daily records detailing daily arrival times and departure times for each child care staff	R 400.8110

				member, child care aide, and volunteer.	
5.	LARA Bureau of Community and Health Systems	No	No	R 400.8112(5) delineates all of the information an individual must provide in order to receive a comprehensive background check. One item was listed as sex . This item was changed to gender .	R 400.8112(5)(1)
6.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8113(7), Table 1, which addresses Early Childhood Program Director Qualifications, she requested one revision. As proposed, for those holding a valid child development associate credential, the 18 semester hour requirement is deleted. She recommended that it be retained.	In Table 1, row (e), the 18 semester hours requirement is retained because MDE’s position is that this requirement is critical.	R 400.8113(7), Table 1.
7.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8113 (8), Table 2, which addresses School-Age Program Director Qualifications, she requested one revision. As proposed, for a person with a valid child	In Table 2, row (e), the 12 semester hours requirement is retained because MDE considers it necessary.	R 400.8113(8), Table 2.

			development associate credential, the 12 semester hour requirement was deleted. She recommends retaining this requirement.		
8.	Ms. Sue Beckett, Heaven's Elect Little People Christian Learning Center, Midland, MI.	Yes, see transcript.	Yes, see her email message dated August 8, 2019. She posed several questions. In addition, she asked for some flexibility in professional development requirements for personnel who do <u>not</u> work directly with children. For example, she has an employee who has a disability. That person only does dishes and laundry; she has no responsibilities for child care.	The training requirements have been revised so they only apply to personnel who work directly with children. R 400.8131, professional development requirements, subrules (3), (4), (5), (6), and (10) have been revised to apply only to personnel who work directly with children.	R 400.8131
9.	Robin Zeiter, Michigan Department of Education	No	Yes, see her email message dated August 8, 2019. She requested to have R 400.8131(2) revised as follows: Child care staff members shall have training that includes information about infant safe sleep and shaken baby syndrome prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.	These revisions were made to be consistent with the federal Child Development Fund Block Grant Act of 2014.	R 400.8131(2)

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10.	Rhonda M. Grubb, Program Director Owner, Wee Discover Child Care & Enrichment Center, Waterford, MI	None	See attached memo dated August 7, 2019 – She objects to the proposed rule that requires all child care staff members to maintain a valid first aid and CPR certificate due to the cost.	This subrule was revised. It now requires all child care staff members to be trained in first aid and CPR, but only 50% of child care staff members who work directly with children must have current certification in first aid and CPR.	R 400.8131(10)
11.	Ms. Robin Zeiter, Michigan Department of Education	No	Yes, see email message dated August 8, 2019. She requested to have the following language added to R 400.8131: (12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.	Subrule (12) was added because it is required for the State to be eligible for federal funds under the Child Care Development Fund Block Grant Act of 2014. States are required to have ongoing training requirements on health and safety topics for caregivers, teachers, and directors. If state are found non-compliant, penalties may result.	R 400.8131(12)
12.	Elizabeth McClain, Children’s Program	No	Yes, see her letter dated July 26, 2019. She asked	R 400.8176(2) was revised as follows:	R 400.8176(2)

	Director, Community Action Agency, Jackson, Lenawee, and Hillsdale Counties.		several questions; and, she requested clarification of R 400.8176(2), which deals with the location of sleeping equipment.	(2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.	
13.	Danielle Columbo, Director & Parent, IXL Learning Center, Howell	No	Yes, see her email message dated August 8, 2019. Regarding R 400.8182, Table 4 Child Care Staff Member to Child Ratios, Ms. Columbo pointed-out an inconsistency that was created when children’s ages were converted from years to months.	The table was revised to retain the current age designations in years rather than months.	R 400.8182, Table 4.
14.	LARA Bureau of Community and Health Systems	No	No	Part 3: Fire Safety. Changed the word from must to shall. In Part 3, several national publications are adopted by reference, for example the Life Safety Code. In those publications, the term “shall” is a defined term, and its use is very specific. Fire Safety Inspector recommended that we retain the word “shall” throughout Part 3 so the rules are consistent with the national reference	Part 3: Fire Safety 76 instances changed must to shall.

				material. This will avoid any confusion on the part of fire safety inspectors and owners of child care centers.	
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13. Date report completed:

<u>Sept 17, 2019</u>

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

Public Hearing
Wednesday, August 7, 2019
3:00 P.M.

Present From Department of
Licensing and Regulator Affair

Ms. Karen Krzanowski
Mr. Mark Jansen
Ms. Sharon Riebel

Court Reporter: Timothy J. Boroski, RPR, CSR-2378

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EXHIBIT	DESCRIPTION	MARKED
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(NO EXHIBITS MARKED)

1 Lansing, Michigan

2 August 7, 2019

3 3:00 p.m.

4 P R O C E E D I N G S

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6 MS. KRZANOWSKI: We're going to call the
7 Hearing together.

8 Good afternoon. My name is Karen Krzanowski.
9 I am manager of the Legislative Reporting, Rules
10 Training & FOIA section, within the Bureau of Community
11 Health Systems, in the Department of Licensing and
12 Regulatory Affairs.

13 This hearing regarding Licensing Child Care
14 Centers is being called to order at 3 o'clock p.m. on
15 August 7th, 2019, at the Library of Michigan and
16 Historical Museum, and this is the Forum Auditorium,
17 located at 702 West Kalamazoo Street in Lansing,
18 Michigan.

19 The hearing is being conducted under the
20 authority of the Administrative Procedures Act, Public
21 Act 306 of 2019 -- excuse me -- of 1969.

22 The notice of public hearing was published in
23 three newspapers. On July 23, 2019, in the Marquette
24 Mining Journal, and on July 24, 2019, it was published in
25 the Jackson Citizen Patriot and the Grand Rapids Press.

1 The same notice was published in the Michigan Register on
2 August 1st, 2019.

3 As stated in the notice, the proposed rule
4 revisions are being promulgated as a result of recent
5 amendments to Public Act 116 of 1973, which is commonly
6 known as the Child Care Licensing Act, and new
7 requirements of the federal Child Care and Development
8 Block Grant.

9 A Regulatory Impact Statement is available for
10 further explanation of this ruleset. Copies are
11 available in the hall up the steps just outside of this
12 auditorium, or they can be found on the website for the
13 Michigan Office of Administrative Hearings and Rules.

14 Pursuant to section 45 of the Administrative
15 Procedures Act, MCL 24.245, the public hearing is an
16 opportunity for the public to present data, views,
17 questions, and arguments regarding the proposed rules.

18 The Department will use the testimony and
19 documents presented at this hearing to determine if any
20 changes should be made to the proposed rules before they
21 are adopted.

22 If you have comments, please make sure that
23 they relate directly to the proposed rules.

24 If you have questions regarding the rules,
25 please submit your questions as part of your testimony

1 for the Department's review.

2 If you have suggested changes to the proposed
3 rules, please include the specific reasons why the
4 changes would be in the public interest.

5 If you wish to comment -- excuse me -- if you
6 wish to comment, please complete a white card, they're
7 available at the desk just outside the Forum Auditorium,
8 and submit your card to me. I'll be sitting here at the
9 front table. You can hand your card to me at any time.

10 Written statements can also be submitted
11 directly to me. The Department will accept written
12 statements emailed or postmarked until 5 o'clock p.m. on
13 Thursday, August 8, 2019. That's tomorrow.

14 Address information can be found in the Notice
15 of the Public Hearing which is also available at the
16 table out front.

17 If you would like to testify and have not
18 completed a card, please do so now. I'll mention that I
19 only have two cards currently. So if you haven't turned
20 in your card, please do so.

21 The department staff from the Bureau of
22 Community and Health Systems include me, Sharon Riebel --

23 Do you want to raise your hand Sharon?

24 -- who is the Child Care Program Consultant;
25 and Mark Jansen here who is the Director of the Child

1 Care Licensing Division.

2 Before we start public comments, I invite Mark
3 Jansen to the podium.

4 MR. JANSEN: Thank you, Karen. Thanks to
5 everybody for coming. I know it takes a lot of energy
6 and a lot of time out of your lives to come here today.
7 So we thank you for coming this afternoon.

8 My name is Mark Jansen. I am the Child Care
9 Licensing Division Director within the Bureau of
10 Community Health Systems within the Department of
11 Licensing and Regulatory Affairs, also known as LARA to
12 many of you.

13 Today's hearing on the proposed new ruleset is
14 for child care licensing in child care centers. This
15 project was initiated by the department about two years
16 ago. The purpose of the project is to identify the core
17 principles and the standards of child care licensing and
18 then conduct a comprehensive review and update of all the
19 child care center licensing rules.

20 The goal is to replace the current ruleset with
21 an updated ruleset for the child care licensing for the
22 centers that will accomplish the following seven
23 objectives:

24 Fulfill statutory requirements for
25 rulemaking.

1 Enable the department and child care
2 providers in the centers to focus on a core set of
3 principles and standards for child care licensing
4 and regulation.

5 Comport with the current practice
6 standards.

7 Harmonize the rules with federal law and
8 regulations.

9 Be uniform insofar as is reasonable.
10 That is, the rules should be consistent across
11 different types of child care providers, unless
12 differences are necessary to fulfill statutory,
13 medical, or structural requirements.

14 Be free of unnecessary repetition of
15 federal and state statutory and regulatory language.

16 And be free of obsolete and unnecessary
17 rules.

18 We think the proposed ruleset accomplishes
19 these objectives.

20 The project was designed to gather input from
21 internal and external stakeholders from the very
22 beginning of this process.

23 An ad hoc committee was formed based on Public
24 Act 116 of 1973. It included five representatives from
25 the Department of Licensing and Regulatory Affairs, one

1 from the Department of Education, two from the Department
2 of Health and Human Services, and one from the Michigan
3 Association for the Education of Young Children.

4 We also appreciated the expertise of six
5 representatives of child care centers from around the
6 state who also gave their time and energy away from their
7 businesses to help us review and revise the rules for the
8 child care centers.

9 The rules apply to child care centers,
10 approximately 4,400 child care centers providing care to
11 children in the state of Michigan.

12 In order to have input from these providers,
13 the department identified stakeholders, reviewed comments
14 submitted since 2014 by interested parties, and invited
15 them to participate in the project by contacting Child
16 Care Licensing, our Division.

17 The department held four meetings with the
18 providers and stakeholders.

19 Five versions of the draft rules were
20 circulated to stakeholders for review and comment. And
21 the proposed rules reflect that input.

22 We look forward to hearing from your comments
23 today. And we thank you again for your participation.

24 MS. KRZANOWSKI: We will now begin the public
25 comment time frame. If you are handing in written

1 comments, feel free to summarize them and add your own
2 comments. You do not need to read them aloud as they
3 will become a part of the official record in their
4 entirety.

5 Reminder that comments must pertain to the
6 proposed rules.

7 The first card I have is from Ajano Perry,
8 representing Schoolhouse Montessori Academy.

9 If you would come down to this microphone.

10 Did you want to turn that microphone on at this
11 time?

12 Just be sure you speak clearly in the
13 microphone. We are recording all of the testimony today.

14 MS. PERRY: Can I say, well, what I have, or
15 just what -- just --

16 MS. KRZANOWSKI: Whatever you're comfortable
17 with.

18 MS. PERRY: All right. My name is Ajano Perry.
19 I'm from Schoolhouse Montessori Academy. I have a couple
20 of questions and comments.

21 Rule 400.8122, the lead caregiver
22 qualifications and responsibilities. Sub Rule 6 and Sub
23 Rule 8, lead caregivers have two years from date of hire
24 to complete the 90 clock hours, or 90 hours for Michigan
25 registry. The Sub Rule 8, a substitute lead caregiver

1 shall have 90 days to meet the qualifications of the lead
2 caregiver.

3 As I read that rule, it looks like it's the sub
4 rules are contradicting each other. Because it says lead
5 caregivers have two years from date of hire. A
6 substitute lead teacher caregiver have 90 days to meet
7 the qualifications of the lead caregiver.

8 And another comment I want to make is about the
9 Rule 400.8131, professional development requirements.
10 Within 90 days of date of being hired, or the first day
11 as an unsupervised volunteer, all child care staff
12 members and nonsupervised volunteers should complete the
13 following trainings, which is the CPR, first aid, within
14 90 days of being hired. It's going to be a little
15 difficult for the new hire to get done. That's my
16 comment.

17 And the other one that I wanted to point out is
18 the 400.8170, the outdoor play area and the shock
19 absorbing surface material. My question will be is
20 certified black playground mulch/wood chips considered as
21 a loose fill type?

22 And Rule 400.8182, ratio and group size
23 requirements, Sub Rule 3c: Preschoolers, 37 to 48 months
24 of age. That's Sub Rule 3c. Sub Rule 4 says children
25 who have reached 33 months of age may, when

1 developmentally appropriate, be enrolled in a three-year-
2 old classroom with written parental permission. The
3 ratio listed in Sub Rules 3c applies.

4 The above rule is contradictory. Rule 3c says
5 37 months and Rule 4 says 36 months, or three years of
6 age.

7 And the other one that I would like to point
8 out is the -- this will be a question. Rule 400.8188,
9 sleeping, resting, and supervision. Rule -- Sub Rule 13
10 says for children under age -- school age who do not
11 sleep at rest time, quiet activities must be provided
12 such as reading books or putting puzzles together.

13 But my question will be, in our school we have
14 four-years-old children. Are they -- is that
15 considered -- the four-years-old also will be a part of
16 that if they do not sleep during that time?

17 So those are my comments.

18 MS. KRZANOWSKI: Did you want to turn in a copy
19 of your written comments as well?

20 MS. AJANO: Sure.

21 MS. KRZANOWSKI: Thank you.

22 The only other card that I have is a person who
23 said they might testify. They weren't sure. It's for
24 Amanda Moorehouse from LHCH.

25 Did you wish to testify?

1 MS. MOOREHOUSE: No.

2 MS. KRZANOWSKI: No? Okay.

3 Does anyone else wish to testify?

4 MS. WESTON: I should have stayed down here;
5 shouldn't I?

6 MS. KRZANOWSKI: Go ahead. Thank you. Go
7 ahead and speak up.

8 MS. WESTON: I'm Elizabeth Weston, Executive
9 Director of EC3, representing Educational Child Care
10 Center and Early LCC.

11 I echo several of the comments that my friend
12 from Montessori made.

13 The first is on Rule 400.8110, Section 6, about
14 detailing the accurate daily records of arrival times and
15 departure times for each child care staff member.

16 I think this needs to be clarified because
17 it -- as to whether the staff at the centers are clocking
18 in and clocking out, or are we looking for that
19 specificity of actual time worked? Or does it mean that
20 we, that centers, need to be able to provide a schedule
21 of when people were scheduled and then who was on?

22 So just some clarification on what exactly that
23 means would be helpful.

24 Next is on Rule 400.8122, Section 8. As my
25 colleague from Montessori stated, having a substitute

1 testify today?

2 MS. BECKETT: I'm trying. I didn't know I had
3 to have a rule number.

4 MS. KRZANOWSKI: You don't have to. Not
5 necessarily.

6 Did you fill out a white card?

7 MS. BECKETT: I was in the process.

8 MS. KRZANOWSKI: Okay. Yep. Take your time.
9 Take your time. Don't rush.

10 MS. BECKETT: Can I turn it in when I'm done?

11 MS. KRZANOWSKI: When you're done, that's fine.

12 MS. BECKETT: Okay. Hi. I'm Sue Beckett. I
13 own Heavens Elect in Midland, Michigan. I also agree
14 with some of the comments that there needs to be some
15 clarification on those.

16 I don't know how this forum works or do we --
17 is it a discussion or is it just you listen and we talk
18 and you do your thing.

19 Okay. I'll see how this goes.

20 So one of the questions we had is the ratio.
21 Say the child is 37 to 48 months, at what point does the
22 child become the next ratio? Is it at their birthday or
23 is it the following month? So we would like
24 clarification on that.

25 And then we have, under the school age program,

1 and I'm sorry I don't have numbers, but young five's
2 are -- we need to know whether a young five is considered
3 a public school student or are they -- do they still fall
4 under the day care rules for information and that kind of
5 thing?

6 Under the volunteer, we have an organization
7 which probably many of you just call ESA. And we have
8 therapists that come from ESA to our facility to do
9 therapy on children.

10 And it's our understanding that we are
11 responsible to get their fingerprints and clock them in,
12 clock them out.

13 And my question is, why is that my
14 responsibility, and do they not have those certifications
15 working for ESA since they're for children?

16 And if -- if the child is being clocked in and
17 clocked out to go with the therapists, do I have to have
18 a separate clock in/clock out, so to speak, for the
19 therapist that comes from ESA?

20 We have several of those. So I would like a
21 clarification on that, please.

22 Just on the bottle warmer for the babies. I'm
23 having a difficult time finding a universal bottle
24 warmer. And I have currently almost 20 babies and I do
25 not have 20 outlets to plug in 20 bottle warmers.

1 So that -- that's -- I'm not there yet, but it's becoming
2 a question mark whether that's even feasible.

3 I also agree with the 90 days of asking
4 somebody to pay all the money for CPR, first aid, et
5 cetera. One of my big concerns is the testing, or the
6 education provided by the state that has many questions
7 in there with, "What's your day care's policy on, blah,
8 blah, blah?" And it did not work for me, and they --
9 they don't know, and they don't know how to answer those
10 questions.

11 My next concern under the education, is that
12 going to be free? Is that going to continue to be free?
13 And then what are we to do when you have people who
14 cannot pass that test?

15 I have a lady whose worked for me forever and
16 she has dementia. And I'm her only thing that's holding
17 her together right now. And she does nothing for me but
18 wash dishes and fold laundry, but yet she's required to
19 pass that test, and she can't.

20 So am I -- do I fire her? Do I say she can't
21 work anymore? So that's a concern for me.

22 What else do we have? And on the testing
23 provided by the state, does that qualify us for our
24 bloodborne pathogen training, or do we still have to do
25 our additional bloodborne pathogen training?

1 Under the food storage. The question I have
2 for that is, if the food is in a container, like in big
3 cans of green beans and corn, can that set on a pallet on
4 the floor, or does everything have to be up on a shelf?
5 Because I've run out of storage room.

6 I think I'm done.

7 MS. KRZANOWSKI: Thank you.

8 MS. BECKETT: Uh-huh.

9 MS. KRZANOWSKI: Did you wish to turn in any
10 written comments or --

11 MS. BECKETT: I -- I may.

12 MS. KRZANOWSKI: You're welcome to.

13 MS. BECKETT: Thank you.

14 MS. KRZANOWSKI: Okay. Thank you.

15 Is there anyone else wishing to testify today?

16 Thank you.

17 MS. ESHENAUR: Thank you.

18 My name is Karen Eshenaur. I'm the Executive
19 Director of Lakeshore Little People's Place in Holland.
20 And I, like the others, just have some questions.

21 One is under Rule 400.8103. And that states
22 that the new toddler definition is 13 through 30 months.
23 Then on table 4, under the ratios, the toddler -- infants
24 and toddlers are described as birth to 30 months. So
25 there's a month discrepancy there.

1 And I would like the committee to definitely
2 consider the toddler room and the spaces available. If
3 we add another month where they have to stay in a toddler
4 room at that ratio, we're going to have a tremendous
5 backup of our kids with such limited space for that age
6 group already.

7 Then, let's see here, Rule 400.8112. It says
8 an individual may serve as a child care staff member
9 pending an eligibility determination by the department,
10 and shall be supervised at all times by the licensee, or
11 a child care staff member who has been determined
12 eligible.

13 That seems to contradict Rule 400.8125, which
14 says all staff members and volunteers shall receive a
15 public sex offender registry clearance before having any
16 contact with a child care -- with a child in care. A
17 copy of the clearance must be kept on file. That now is
18 all a part of the CCBC, the Child Care Background Check,
19 the system.

20 So all of that is done through the system now.
21 So when you go through that system and enter in and you
22 have to search the child care registry, is finding them
23 and saying no report found satisfy that rule, and, if so,
24 how can we print? There's nothing to print at that point
25 before eligibility is given. Does that make sense?

1 AMY WALTER: Just to let you know, those are
2 two actual separate things.

3 I'm sorry, Amy Walter.

4 Just to clarify for you, those are actually two
5 separate systems. And the public sex offender registry
6 is actually a free registry. Any person can get online
7 and actually go look it up.

8 MS. ESHENAUR: Right. So do they want us doing
9 it through both is the question?

10 MS. KRZANOWSKI: Just to clarify, we will not
11 be answering questions at this point. We're accepting
12 questions and we will be reviewing them.

13 And, Mark, did you want to make any comment?
14 Were you planning to respond to questions or --

15 MR. JANSEN: I'm not going to respond to
16 questions, but I love hearing them, because we will
17 respond to them. We'll just figure out the best way.
18 Probably the Listserv and we'll be doing things like
19 that. We're going to do trainings out in the field. So
20 a lot of your questions are going to get answered
21 face-to-face.

22 This is great, though. So this gets us
23 prepared for how we have to handle getting some of that
24 information and probably fixing a few things as well.

25 MS. KRZANOWSKI: Thank you.

1 MS. ESHENAUR: And I think others have covered
2 my other questions, so --

3 MS. KRZANOWSKI: Did you want to turn anything
4 in writing?

5 MS. ESHENAUR: No.

6 MS. KRZANOWSKI: No. Okay. Thank you.

7 That was our last speaker.

8 It's not quite 3:30. So I would propose that
9 we take a 15 minute break just to give others who maybe
10 are -- maybe are caught on the road, or trying to get
11 here, give them a little bit more time.

12 And then we'll reconvene. And if anyone wants
13 to testify then, we'll stay and until no one else is
14 wanting to testify.

15 So it's 3:30 now. We'll just adjourn until
16 3:45 and then come back.

17 You're welcome to come back or not. It's up to
18 you.

19 Okay. Thank you.

20 (Off the record at 3:30 p.m., back on the
21 record at 3:45 p.m.)

22 MS. KRZANOWSKI: Okay. It's 3:45, so we'll
23 reconvene for final remarks.

24 I would like to thank everyone for their
25 comments today. Each comment will be reviewed and

1 evaluated by the Bureau as well as the comments received
2 by mail or electronically during the open comment time,
3 which ends tomorrow at 5:00 p.m.

4 Seeing there are no other public comments, we
5 will adjourn.

6 Thank you.

7 (Proceedings concluded at 3:46 p.m.)

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CERTIFICATE OF REPORTER

(STATE OF MICHIGAN)

SS

(COUNTY OF EATON)

I hereby certify that on the date and at the place hereinbefore set forth, I reported stenographically the proceedings held in the matter hereinbefore set forth; and that the testimony so recorded was subsequently transcribed under my direction and supervision, and that the foregoing is a full, true and accurate transcript of my original stenotype notes.

Dated: August 15th, 2019

Timothy J. Boroski, RPR, CSR-2378
Notary Public in and for the County
of Eaton, Acting in the County of
Ingham

MY COMMISSION EXPIRES:
October 30, 2024

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AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

AFFIDAVIT OF PUBLICATION

For the County of **MARQUETTE**

In the matter of: Notice of Public Hearing
Department of Licensing and Regulatory Affairs
Licensing Child Care Centers
August 7, 2019

RECEIVED
LARA/BCHS
JUL 27 2019

Size: 2 x 7.5

State of **MICHIGAN**, County of Marquette ss.

ANN C. TROUTMAN

being duly sworn, says that she is

INTERIM PUBLISHER

of **THE MINING JOURNAL**

a newspaper published and circulated in
said county and otherwise qualified
according to Supreme Court Rule; that
annexed hereto is a printed copy of a
notice which was published in said
newspaper on the following date, or
dates, to-wit

July 23, 2019



ANN C. TROUTMAN

Subscribed and sworn to before me this 23rd day of July 2019.



HOLLY GASMAN

Notary Public for **MARQUETTE** County, Michigan
Acting in the County of Marquette
My commission expires: May 25, 2025

The Mining Journal

subjects climbing on ore when identified and located, dock, subjects did not enter 200 block South Fifth property, all clear, 2900 Street

249 W. Washington St., P.O.

D. Fax (906)228-3273.

Department of Licensing and Regulatory Affairs Bureau of Community and Health Systems **NOTICE OF PUBLIC HEARING**

**Wednesday, August 7, 2019
3:00 p.m.**

Location: Library of Michigan and Historical Museum-
Forum Auditorium 702 W. Kalamazoo St., Lansing,
Michigan 48915
The hearing is held to receive public comments on
the following administrative rules:

Licensing Child Care Centers (MOAHR # 2018-032 LR)
Authority: 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.
Overview: The proposed rule revisions are being promulgated as a result of recent amendments to the Child Care Licensing Act, 1973 PA 116, and new requirements of the federal Child Care and Development Block Grant. The current rules need to be updated to comport with current law and current best practices.

The rules will take effect 7 days after filing with the Secretary of State. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on August 8, 2019 at the following address or e-mail address:

Department of Licensing and Regulatory Affairs Bureau of Community and Health Systems
P.O. Box 30664 Lansing, MI 48909-8170
Attention: Tammy Bagby
Email: lara-bchs-training@michigan.gov
A copy of the proposed rules may be obtained by contacting (517) 335-4084 or at the email address noted above. Electronic copies also may be obtained at the following link: https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level_1=Bureau+of+Community+and+Health+Systems

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

T OF PUBLICATION

RECEIVED
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27 2019

For the County of MARQUETTE

In the matter of: Notice of Public Hearing
Department of Licensing and Regulatory Affairs
August 7, 2019

Size: 2 x 7.5

State of MICHIGAN, County of

ANN C. TROUTMAN

being duly sworn, says that she

INTERIM PUBLISHER

of THE MINING JOURNAL

a newspaper published and circulated in said county and otherwise qualified according to Supreme Court Rule 209.1, annexed hereto is a printed copy of said notice which was published in said newspaper on the following date, to-wit

July 23, 2019



ANN C. TROUTMAN

Subscribed and sworn to before me



HOLLY GASMAN
Notary Public for MARQUETTE County
Acting in the County of Marquette
My commission expires: May 25, 2025

STATE OF MICHIGAN)
County of Kent
and County of Ottawa

ss Maun Betty

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Being duly sworn deposes and say he/she is Principal Clerk of



THE GRAND RAPIDS PRESS

DAILY EDITION

a newspaper published and circulated in the County of Kent and the County of Ottawa and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s))

July 24 A.D. 20 19

Sworn to and subscribed before me this 24th day of July 20 19

Janice M. Degraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

NOTICE OF PUBLIC HEARING
Wednesday, August 7, 2019
3:00 p.m.

Location: Library of Michigan and Historical Museum- Forum Auditorium
702 W. Kalamazoo St., Lansing, Michigan 48915

The hearing is held to receive public comments on the following administrative rules:
Licensing Child Care Centers (MOAHR # 2018- 032 LR)

Authority: 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.

Overview: The proposed rule revisions are being promulgated as a result of recent amendments to the Child Care Licensing Act, 1973 PA 116, and new requirements of the federal Child Care and Development Block Grant. The current rules need to be updated to comport with current law and current best practices.

The rules will take effect 7 days after filing with the Secretary of State. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on August 8, 2019 at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
P.O. Box 30664
Lansing, MI 48909-8170
Attention: Tammy Bagby Email: lara-bchs-training@michigan.gov

A copy of the proposed rules may be obtained by contacting (517) 335-4084 or at the email address noted above. Electronic copies also may be obtained at the following link:
<https://dmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level=1=Bureau+of+Community+and+Health+Systems>

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

9251045-01

STATE OF MICHIGAN)
County of Jackson

ss Sharon Sutter

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Being duly sworn deposes and say he/she is Principal Clerk of

JUL 27 2019



JACKSON CITIZEN PATRIOT

DAILY EDITION

a newspaper published and circulated in the County of Jackson and otherwise qualified according to Supreme Court Rule; and that the annexed notice, taken from said paper, has been duly published in said paper on the following day(day(s)) _____

July 24 A.D. 20 19

Sworn to and subscribed before me this 24th day of July 2019

Janice M. DeGraaf
JANICE M. DEGRAAF
NOTARY PUBLIC, STATE OF MI
COUNTY OF KENT
MY COMMISSION EXPIRES Oct 3, 2020
ACTING IN COUNTY OF Kent

**Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems**

NOTICE OF PUBLIC HEARING
Wednesday, August 7, 2019
3:00 p.m.

Location: Library of Michigan and Historical Museum: Forum Auditorium
702 W. Kalamazoo St., Lansing, Michigan 48915

The hearing is held to receive public comments on the following administrative rules:

Licensing Child Care Centers (MOAHR # 2018-032 LR)

Authority: By authority conferred on the director of the department of licensing and regulatory affairs by section 2 of 1973 PA 116, MCL 222.112, 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.

Overview: The proposed rule revisions are being promulgated as a result of recent amendments to the Child Care Licensing Act, 1973 PA 116, and new requirements of the federal Child Care and Development Block Grant. The current rules need to be updated to comport with current law and current best practices.

The rules will take effect 7 days after filing with the Secretary of State. Comments on the proposed rules may be presented in person at the public hearing. Written comments will also be accepted until 5:00 p.m. on August 8, 2019 at the following address or e-mail address:

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
P.O. Box 30664
Lansing, MI 48909-8170
Attention: Tammy Bagby Email: lara-bchs-training@michigan.gov

A copy of the proposed rules may be obtained by contacting (517) 335-4084 or at the email address noted above. Electronic copies also may be obtained at the following link:
<https://dltmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=LR&Level=1=Bureau+of+Community+and+Health+Systems>

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations (such as materials in alternative format) in order to participate in the meeting should call (517) 241-7500.

9251045-02

Bagby, Tammy (LARA)

From: Zeiter, Robin (MDE)
Sent: Thursday, August 8, 2019 4:50 PM
To: LARA-BCHS-Training
Cc: Brewer-Walraven, Lisa (MDE); Lower, Richard (MDE); Riebel, Sharon (LARA); Jansen, Mark (LARA)
Subject: Child Care Licensing Rule Comments

Rule 400.8131

Please **add** the following language:

When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.

Rationale: As part of the Child Care Development Fund Block Grant (CCDBG) Act of 2014 states are required to have ongoing training requirements on the health and safety topics for caregivers, teachers, and directors. If states are found non-compliant, penalties may result.

Rule 400.8131

(2) Update language on topic title **prevention of sudden infant death syndrome (SIDS) and use of safe sleep practices**
(3) Add **and** to the training topic: Prevention of shaken baby syndrome, abusive head trauma **and** child maltreatment (The comma placement in the draft makes it seem like these are three separate trainings and they all fall under one required training topic area—ideally, all three would be covered in one training.)

Rationale: Required training topic language matches CCDBG federal language.

400.8122 Lead Caregiver qualifications; responsibilities

Table 3 (f) and (g)

For Lead caregivers, a person can get 6 semester hours/9 CEUs or 90 hours with a HS diploma and have 2 years to get to 180 hours/12 credits/or 18 CEUs. Request: Eliminate the straight hour option. 180 or 90 hours of just any training should not be an option and is a relatively low standard when compared to semester or CEU hours. The CEU requirement can be met with CEUs or SCECHs and therefore training hours in MiRegistry would qualify and allow for quality assurance through the trainer and training approval process.

400.8101 (l)(i and ii) Definitions

Child-related field means 1 of the following:

- (i) For an early education program director **or lead caregiver**, child related field **includes** elementary education, **special education**, child guidance, child counseling, child psychology, family studies, or social work.
- (ii) For a school-age program director, child related field **includes** early childhood education, elementary education, secondary education, **special education**, physical education and recreation, child development, child guidance, child counseling, child psychology, family studies, social work, human services, or youth development.

400.8113

Table 1 Early Childhood Program Director Qualifications

(e) The 18 hour semester hour requirement has been removed in the proposed rules. We suggest that the 18 semester hour requirement is critical and should remain as part of the qualification requirement for candidates holding a CDA.

Rationale: Alignment

Table 2 School Age Program Director Qualifications

(e) removes the 12 semester hour requirement with CDA; but, (d) keeps the 12 semester hour requirement; if you eliminate in (e), you definitely should eliminate in (d), as a holder of a school age youth credential is content rich and more highly qualified than a CDA holder working in the school age sector. We would prefer that the 12 credit requirement remain for both (d) and (e).

(14) Remove this item. Concern is that the person on site in charge is not required to have anything but a high school diploma; this standard is lower than the lowest qualifier for lead caregiver and this person has more responsibility.

Rationale:

This is contrary to our federally funded 21st Century Community Learning Center program requirements; MDE State Board Standards, and our baseline for entry into our Great Start to Quality standards.

Thank you.

Robin L. Zeiter

Professional Development Specialist

Office of Great Start

Child Development and Care

P.O. Box 30008

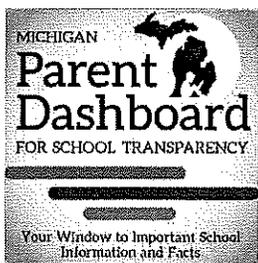
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Learn more at: <http://www.MISchoolData.org/ParentDashboard>



Bagby, Tammy (LARA)

From: Heaven's Elect <heavenselect@gmail.com>
Sent: Thursday, August 8, 2019 1:13 PM
To: LARA-BCHS-Training
Cc: Sue Beckett; Heaven's Elect
Subject: Comments on proposed rules for child care centers

August 8, 2019
Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
P.O. Box 30664
Lansing, MI 48909-8170

Attention: Tammy Bagby

This is a follow up email regarding the hearing that was held yesterday August 7, 2019, 3:00 p.m. in Lansing at the Historical Museum.

I'm looking for clarification on the following:

School-age child – Children that attend a public school in a young 5 program. Are they considered a "School-age child" meaning we are no longer responsible for physicals and shot records, just a school-age waiver?

Clarification of Infants, toddlers, and up - "through" meaning.....on the child's 1 birthday or the month after? An extra month puts a great deal of strain in classrooms.

Is an ESA therapist considered a volunteer? – Do we have to get fingerprints for such workers? Do we have to clock them in/out and keep track of their hours while on site?

Abusive head trauma, child maltreatment, blood borne pathogens recognition and reporting child abuse and neglect – Is this covered in the required State training?

CPR – within 90 days of hire – CPR within the first year of hire as long as the facility has 90% of the staff certified. This is a much better way to keep track of trainings.

Homeless children – does this include children that might be dropped off to a foster family and families from a shelter house?

Warmers for bottles – is there a universal bottle warmer?

Sleeping infants – What is the department's rule when infants fall asleep on a buggy walk?

Bulk food that is sealed/cans – can it be stored on a pallet?

How much is too much food? – What does the department say when a child eats too much? For instance, 6 hotdogs for a one year old? Would this be considered equally as bad as not feeding a child enough?

Thank you in advance for the clarification of the above rules. Please feel free to contact me at any time.

HEAVEN'S ELECT LITTLE PEOPLE

Sue Beckett
Owner
989-239-5184

--

Heaven's Elect Little People
Christian Learning Center
TEL: 989-837-1914
FAX: 989-837-7271
HeavensElect@gmail.com
HeavensElect.com



Wee Discover

Child Care & Enrichment Center
920 N Williams Lk Rd Waterford MI 48327

WeeDiscover.com 248-886-0011

License #: DC630080243

August 7, 2019

To whom it may concern;

I am unable to attend the public hearing to be held August 7, 2019 in regards to the proposed changes to the child daycare licensing rules. I would like to make comment for rule R 400.831 (10); requiring all child care staff members to maintain a valid first aid and CPR certificate.

While I absolutely agree that there should always be someone on premises with this certification, by requiring all staff to have this, it creates an additional burden monetarily for child care centers and/or their staff. Operating a quality child care program in the State of Michigan is getting to be extremely costly.

Sincerely,

Rhonda M Grubb
Program Director Owner
Wee Discover Child Care & Enrichment Center



Community Action Agency

PROMOTING SELF-SUFFICIENCY

July 26, 2019

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
P.O. Box 30664
Lansing, MI 48909-8170

Dear Ms. Bagby,

Our agency operates 34 Head Start and Great Start Readiness classrooms across the Jackson and Hillsdale counties serving over 687 children a year. The comments that are made are to help with clarity, quality, and consistency. Please accept the following written comments regarding the proposed Child Care Center Rules as public comment.

Page 4:

(m) Communicable Disease is defined but not limited to, all of the following...

This definition leaves a lot of vagueness on what is considered communicable. Recommendation would to add language "as defined by local health department". This would support communicable disease reporting requirements.

Page 6:

(e) "MiRegistry" definition

This definition is helpful to help staff understand what it is and the purpose behind it.

(k) Preschooler means an individual who is 31 months of age until eligible...

This definition conflicts with the age ranges defined in the table 4 on page 34.

Rule 103 (a) Sanitized means...

Thank you for providing a definition of sanitizing, this is very helpful on defining the expectation.

Page 19:

(3) Before caring for children, all child care staff members and unsupervised volunteers shall be trained on prevention of shaken baby syndrome, abusive head trauma...

Is this required for all child care staff? Only staff caring for infant and toddlers?

• Jackson
1214 Greenwood
Jackson, MI 49203
(517) 784-4800
(800) 491-0004
Fax: (517) 784-5188
www.caa|lh.org

• Lenawee
400 W. South St.
Adrian, MI 49221
(517) 263-7861
(800) 438-1845
Fax: (517) 263-6531
www.caa|lh.org

• Hillsdale
55 Barnard Street
Hillsdale, MI 49242
(517) 437-3346
(800) 750-9300
Fax: (517) 437-3480
www.caa|lh.org

TDD: (800) 649-3777



Page 20:

(5) Staff may wash children's hands with non-toxic disposable wipes...

This added detail is very helpful.

Page 23:

(10) A center that enrolls a homeless child pursuant to the Every Student Succeeds Act...

This added information is very helpful in putting a family's needs first and allowing getting the appropriate services aligned for the best interest of the child, while not jeopardizing compliance.

Page 27:

R400.8164 Rule 164 (1) An operable phone shall be available and accessible in the building during the hours the center is in operation.

The flexibility of this rule allows for cell phones to be utilized, which is convenient and much more economical.

Page 30:

(5) A center shall provide a minimum of 3 play spaces per child multiplied by the number of children the center is licensed to serve.

The way this reads now will put huge implications on classrooms equipment for children both with space/storage and financial feasibility of purchasing additional equipment/supplies.

Page 31:

(2) Heavy Objects, including but not limited to shelving and televisions, must not be above sleeping equipment.

How is sleeping equipment defined in this rule? In context, it makes sense for crib or porta-crib. Cots are typically placed around the room and placed in front of various classroom equipment such as filing cabinets, book shelves, etc. that are stationary on the floor. This rule reads in a way for individual interpretation.

Page 34:

Table 4 (b) and (c)

The proposed changes to defining ages as it relates to ratio conflicts with other areas within the rules. In addition, not allowing a 3 year old (36 months) to participate in a mixed age range group will cause serious enrollment struggles as programming for Head Start as it is defined by 3 year old. Further, Great Start Readiness Program defines program eligibility as a 4 year old, not a 49 month old.

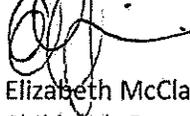
Page 59:

R 400.8760 Staff and volunteer-to-child ratio...

This rule conflicts with the changes outlined in Table 4 on page 34.

Please do not hesitate to contact me if you have any questions, or need further clarification on any of the items we have outlined.

Sincerely,



Elizabeth McClain
Children's Program Director
Community Action Agency

TO: lara-bchs-training@michigan.gov

To Whom It May Concern,

As a result of the proposed rule revisions and in response to the Public Hearing which I attended on Wednesday, August 7, 2019, I wish to make the following comments to be noted on the official record.

R 400.8134 Hand Washing

(5) Staff may wash children's hands with non-toxic disposable wipes in the following situations: (a) When the child is too heavy to hold for handwashing. (b) When the child cannot stand safely at the sink. (c) When the child is not developmentally ready to hold his or her head. (d) When the child has a special need, so the child is not able to wash his or her own hands.

I believe clarification may be needed for the type of non-toxic disposable wipes to be used. Will these be required to be anti-bacterial? Original/unscented baby wipes or water wipes which possess no cleaning agent would be acceptable for use as it reads. I also believe clarification will be required for who is making determinations on the developmental level of the child in care- will this be up to each individual teacher, a physician, the director, our licensing consultant? What constitutes a child being able to safely stand at the sink?

R 400.8143 Children's Records

(13) Parents shall be notified before each field trip.

I believe clarification will be required for the type of notification and the time period prior to field trips. Will notification be required to be written or posted? Can parents of Summer camp children (who attend regular field trips) be given a list of field trips at the beginning of summer, or must them be notified 24 hours prior?

R 400.8182 Ratio and Group Size Requirements

(3) In each room or well-defined space, the maximum group size and ratio of caregivers child care staff members to children, including children related to a staff member or the

licensee, shall must be the following as shown in Table 4:

TABLE 4 Child Care Staff Member to Child Ratios			
	Age	Caregiver Child Care Staff Member to Child Ratio	Maximum Group Size
(a)	Infants and Toddlers toddlers, birth until to 30 months of age	1 to 4	12
(b)	Preschoolers, 30 to 36 months of age until 3 years of age	1 to 8	16
(c)	Preschoolers, 3 years of age until 4 years 37 to 48 months of age	1 to 10	Not applicable
(d)	Preschoolers, 4 years 49 months of age until school-age	1 to 12	Not applicable
(e)	School-agers	1 to 18	Not applicable

I believe that Subrule (c) incorrectly states that children age 3 are 37months. This should state that children 36 months to 47 months would fall under the 1:10 ratio.

In the same respect I believe that subrule (d) incorrectly states that children age 4 are 49 months. This should state that children 48 months of age until school age would fall under the 1:12 ratio.

R 400.8330 Food Services and Nutrition Generally.

(13) If food, bottles, or beverage containers are warmed, then the warming shall must be done in a safe, appropriate manner.

(14) Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.

Current Technical Assistance requires that all crock pots be at a temperature below 120°F. This is below the scalding temperature, which would prevent burns to the children or staff members from hot water.

It is my belief that utilizing exclusively bottle warmers, which often rely solely on boiling or steaming water, presents a more direct danger to both children and staff members. Requiring the use of bottle warmers, which heat to extremely high temperatures far past the threshold of scalding, may result in an increase of incident and accident reports. These accident and incident reports would be a direct result of burns caused by staff or children touching bottles that have come out of a steam-heated warming device.

Bottle warmers vary in temperature according to brand and method of warming, and monitoring the temperature of the contents of a bottle would vary based upon starting temperature of the contents, the amount contained in the bottle, as well as temperature the bottle warmer reaches. This would make it increasingly difficult for the staff to ensure correct bottle temperature without the possibility of incurring burns to themselves.

Bottle warmers are also often brand specific, requiring bottles of a certain size or shape. Infant room group size requirements allow for 12 infants per day, which could potentially have 12 different bottle brands. Requiring centers to have a multitude of bottle warmers available to

accommodate different variations in bottle brands could cause undue financial burdens on the center, or potentially limit parents of children at the center as to which bottles would be able to be heated while their child is in the center's care.

Thank you in advance for your time and consideration of my comments regarding the proposed licensing rule changes.

Danielle Colombo
Director & Parent
IXL Learning Center, Howell
daniellec@ixlkids.com
(517) 546-2000