

## MiLEAP Public Hearing Comments (Centers)

**From:** Angelique Nichols <angelique@miafterschool.org>  
**Sent:** Wednesday, November 20, 2024 11:20 AM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Re: 2024 Child Care Center Licensing Rule Revisions Recommendations

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Greetings,

We would like to uplift one more recommendation for consideration.

Currently, the Michigan Youth Development Associate definition is written as "Michigan school age or youth development associate credential" means a certificate or credential issued by the Michigan Afterschool Association partnership in collaboration with or similar credential approved by the department."

We would like to recommend this correction: Michigan school age or youth development associate credential" means a credential issued by the Michigan Afterschool Association Partnership in collaboration with or similar credential approved by the department.

Although there are two pathways for a MiYDA, only one pathway (the credential) is what is used to

substantiate the necessary education requirements for licensed positions. To keep the definition as written, implies that the certificate is a substantiated method of rigor and training necessary for the roles and responsibilities of Program and Site Administrator and it is not. We ask that you consider the new definition to distinguish what is an appropriate and acceptable pathway for obtaining employment within a licensed facility.

Angelique Nichols  
Policy and Engagement Manager  
Michigan Afterschool Partnership  
[miafterschool.org](http://miafterschool.org)



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**From:** Angelique Nichols  
**Sent:** Monday, November 18, 2024 12:32 PM  
**To:** MiLEAP-CCLB-Help@michigan.gov <MiLEAP-CCLB-Help@michigan.gov>  
**Cc:** Erin Skene-Pratt <erin@miafterschool.org>; Meg Blinkiewicz <meg@miafterschool.org>  
**Subject:** 2024 Child Care Center Licensing Rule Revisions Recommendations

Greetings,

Attached is the Michigan Afterschool Partnership 2024 Child Care Center Licensing Rule Revisions recommendation letter for consideration.

Please feel free to contact Erin Skene-Pratt, Executive Director, Michigan Afterschool Partnership [Erin@miafterschool.org](mailto:Erin@miafterschool.org) or 517-402-2440 for questions.

Sincerely,

Angelique Nichols  
Policy and Engagement Manager  
Michigan Afterschool Partnership  
[miafterschool.org](http://miafterschool.org)



**From:** Angelique Nichols <angelique@miafterschool.org>  
**Sent:** Monday, November 18, 2024 12:32 PM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Cc:** Erin Skene-Pratt <erin@miafterschool.org>; Meg Blinkiewicz <meg@miafterschool.org>  
**Subject:** 2024 Child Care Center Licensing Rule Revisions Recommendations

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abuse@michigan.gov**

Greetings,

Attached is the Michigan Afterschool Partnership 2024 Child Care Center Licensing Rule Revisions recommendation letter for consideration.

Please feel free to contact Erin Skene-Pratt, Executive Director, Michigan Afterschool Partnership  
Erin@miafterschool.org or 517-402-2440 for questions.

Sincerely,

Angelique Nichols  
Policy and Engagement Manager

Michigan Afterschool Partnership

[miafterschool.org](http://miafterschool.org)



## Michigan Afterschool Partnership

November 18, 2024

On behalf of the Michigan Afterschool Partnership (MASP), I would like to express our appreciation for your continued collaboration with the Out-of-School Time (OST) sector and for incorporating our recent recommendations into the 2024 Child Care Center Licensing Rule Revisions. We are grateful for the opportunity to comment on the draft ruleset to support the health and safety of youth in our communities. Your willingness to listen and include our suggestions demonstrates a deep commitment to our partnership and ultimately to families across Michigan.

The draft ruleset supports the nuances of resources and services offered within the out-of-school time (OST) sector and clarifies unintentional barriers of previous drafts. We are confident that the rule revisions will continue to emphasize the importance of supporting the health and safety of youth in OST programs.

To further support the ongoing discussions, there are a couple recommendations we'd like to highlight for consideration. First, we recommend reducing the school-aged Program Administrator minimum age requirement to 18 years of age. The minimum age set at 21 currently causes barriers to staffing highly qualified candidates for these positions in OST organizations. The current draft rules outline three education pathways for gaining experience for the Program Administrator role, but these pathways do not align with the minimum age requirement. This creates a situation where the required experience becomes irrelevant if the individual must be 21 to fulfill the role. We recommend lowering the minimum age requirement to allow youth development professionals to achieve their professional goals in line with their credentials.

Equally, we would like to recommend adding the exemption of fire safety for commercial facilities, as previously added for OST organizations operating in public and nonpublic school buildings, to include churches. The fire safety exemption currently granted to public and non-public school buildings should also apply to commercial facilities, such as churches, since these buildings operate beyond afterschool hours. The existing safety ordinances and maintenance requirements already ensure the buildings are safe, making additional inspections redundant. We recommend offering an exemption to commercial buildings, provided they submit the necessary inspection documentation to the department. This would save time and resources for afterschool programs. If a program is held in a public, non-public, or commercial building, no additional inspections should be required.

Once again, thank you for your dedication to school age child centers, youth and families. We greatly appreciate the opportunity to provide feedback. Please feel free to contact me with any questions.

Sincerely,

Erin Skene-Pratt

Executive Director, Michigan Afterschool Partnership

[Erin@miafterschool.org](mailto:Erin@miafterschool.org) or 517-402-2440



**From:** Heaven's Elect <[heavenselect@gmail.com](mailto:heavenselect@gmail.com)>  
**Sent:** Wednesday, November 6, 2024 2:25 PM  
**To:** MiLEAP-CCLB-Help <[MiLEAP-CCLB-Help@michigan.gov](mailto:MiLEAP-CCLB-Help@michigan.gov)>  
**Subject:** Comments on these proposed rules (draft 2)

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## Childcare licensing updates/ Questions for Draft 2

*Heaven's Elect Little People, Kamali'I LLC*

*Licensee Designee: Stephanie Beckett*

*Program Director: Crystal Forsberg*

*License Number: DC560092962*

### **MOST PROBLEMATIC RULE UPDATE**

- **R 400.8274 Primary care for infants and toddlers (3), page 64**
  - "These four primary teachers shall remain with the children for the program year to promote continuity of care for the children."
    - This is IMPOSSIBLE TO FOLLOW and IMPOSSIBLE TO REGULATE
    - What if we hire someone for a baby room, and they can't keep up with the varied schedules, so we need to switch them to a preschool room for a better fit? I'd rather change caregivers than keep a caregiver in a classroom that cannot provide the best possible care for those children. Some teachers work better with other age groups.
    - What if someone quits? Ideally, any GOOD childcare program strives for consistency, but anyone working in the childcare field knows it's hard to find caregivers, and if you do find a good one, they don't stay. We cannot possibly guarantee a caregiver will stay for an entire year.
- **R 400.8280 Discipline (4), page 65**
  - Non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues.... I'm assuming this means they have to be diagnosed?
  - What if they aren't diagnosed, throwing chairs at the other children or trying to run outside? Would it not be developmentally appropriate to hold them in your lap if they are in danger of hurting themselves or others?
  - Normally, children aren't diagnosed with special behavioral needs until elementary school. I've been in the childcare field since 2007 and have dealt with at least 20 kids with several behavioral disorders that were either harmful to themselves or to others; only one of those children was medically diagnosed with something. Doctors don't want to label children until elementary school, and parents don't want to think there is anything wrong with their children. You are not protecting childcare workers with the update to this wording.
  - This updated wording to this rule is a lawsuit waiting to happen. It just means more of a liability for childcare workers to get in trouble for holding an out-of-control child. OR more childcare workers leave the field because they are NOT allowed to hold a child out of control, so the child stabs them with scissors. OR more children being kicked out of childcare sooner because staff are worried about how to handle the child in a safe manner without being sued or written up by licensing. Where are these children going to go??

### **OTHER QUESTIONS/ISSUES TO DISCUSS**

- **R 400.8222 Capacity, ratio and group size requirements (9a), page 55**
  - Can you clarify what "not performing duties other than supervision" means? Does this mean they cannot wash classroom toys if all the children are sleeping and there is only one caregiver?
- **R 400.8222 Capacity, ratio and group size requirements (11), page 55**
  - "Two or more groups of the same age may be combined for collective activities..." Does this mean I can't have our two-year-olds grouped together in a space and our four-year-olds grouped together in a space close by to watch a special guest (for example)

### OLD RULES THAT NEED TO BE ADDRESSED STILL

- **R 400.8216a Professional development requirements (1), pages 52-53**
  - ...16 hours of professional development in a “calendar year...” Is there a way to clarify this? What if we hire a new employee in December? Does that mean they need the full 16 hours of training before the end of the year?
- **R 400.8266 Incident, accident, injury, illness, death, fire reporting (3 c), page 59**
  - You should note that the exception to this rule is a scheduled/planned fire drill.
- **R 400.8271 Child development program plan (5), page 63**
  - How are childcare centers supposed to know what areas of development are not regularly provided for during the school day?
  - Why is that our responsibility when we only have the children for (maybe) an hour before school and an hour after school?
  - How do you prove that this rule is followed?
- **R 400.8274 Primary care for infants and toddlers (3), page 64**
  - Change the rule from 1 hour before and after the center to 2 hours before and after the center
  - When your center is open 6-6, most classroom caregivers work 8 hours with an hour lunch break. Suppose a caregiver opens the center in the morning, and the child's primary caregiver doesn't get in until 7:30. You've already had two caregivers for the day. If the primary caregiver leaves at 4:30, now you have to account for who took over from 4:30 to 5, making it three caregivers in a day. This does not accommodate if a staff member has to be off and we need to bring in a substitute caregiver. Yes, generally, we do not have children here from 6-6, but these things need to be taken into consideration for that one possible case that could need care from 6-6 (like a nurse who works three 12s).

### MISC. QUESTION

- What is the ratio rule when a childcare staff member needs to step out of the room for a minute or two?

I appreciate you taking the time to look this over!

**Crystal Forsberg**

Program Director

--

**Stephanie Beckett & Crystal Forsberg**

Heaven's Elect Christian Learning Center

TEL: 989-837-1914

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[HeavensElect@gmail.com](mailto:HeavensElect@gmail.com)

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**From:** Patricia Soutas Little <psoutaslittle@icloud.com>

**Sent:** Monday, November 18, 2024 6:45 PM

**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>

**Cc:** Schnider Gabe <gabe@northernstrategies360.com>; Mitchell Emily <emily@ndgworks.com>

**Subject:** Comments on the Department Of MILEAP's proposed changes to the Licensing Rules for Child Care Centers

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Attention MILEAP Department:

Please see the attached letter below addressed to Dr. Beverly Walker-Griffiea offering comments on the proposed changes to the Licensing Rules for child care Centers. The second document is addressed in the letter.

Thank you for the opportunity to submit comments for the Department's consideration.

Sincerely,

Patricia

Patricia Soutas-Little

Chair, Leelanau Early Childhood Development Commission

[psoutaslittle@icloud.com](mailto:psoutaslittle@icloud.com)

cell: 231-218-8496



**Leelanau Early Childhood  
Development Commission**



November 18, 2024

Dr. Beverly Walker-Griffa, Director  
Michigan Department of Lifelong Education, Advancement and Potential  
105 W. Allegan Street  
Lansing, MI 48933

Dear Director Walker-Griffa,

On behalf of the Leelanau Early Childhood Investment Commission we would like to provide comment on the Department's proposed changes to the Licensing Rules for Child Care Centers. Specifically we would like to make 4 suggestions on how the Small Capacity Center rules can be revised to better address the challenges that these types of facilities face in rural northern Michigan. Please see below.

In addition, although we applaud the general category of rules for Small Capacity Centers and think this will create new opportunities for child care providers throughout Michigan, we also think that the Department should consider an entirely new "third category" set of rules governing Micro-Centers which we are including for your consideration.

As you know, in the spring of 2022 the Bureau of Child Care Licensing approved a pilot model for Micro-Centers in Leelanau County which allowed small scale providers providing care for 12 or fewer children under 13 years of age to operate in facilities outside of private residences. This has allowed smaller providers to offer the scale and intimacy of home-based programs even if they are unable or unwilling to operate these programs within their own homes. The model has shown promise, and we think there is an opportunity to smooth future licensing and operation.

The approach taken to date has been to license Micro-Centers under center-based rules using variances applied for by Micro-Center owner/operators and approved by MiLEAP licensing staff. In addition to being time consuming for everyone involved, using the variance method has left in place many center-based rules that are costly and burdensome for Micro-Center owner/operators who do not have administrative staff and must therefore try to stay in compliance outside of regular care hours. The proposed Small Capacity Center rules provide some help but not enough. We think the enclosed recommended new set of Micro-Center rules are more appropriate.

In summary, while we are providing comment on the Child Care Center rule set today, we would still urge the Department to consider adopting this “third category” set of rules for Micro Centers in the future.

Specific to the proposed Licensing Rules for Child Care Centers, we would propose the following changes:

#### **R400.8112 Children’s Records**

Small capacity centers with two or less FTEs do not have ancillary staff to maintain compliance with the shifting timelines for the renewal of health documents at the frequency described in subrules 5-6 of this rule, as these timelines are based on the child's health record date, and renewals vary from child to child.

**Therefore, we would propose that the Department include a new subpart (17) that would state:**

*(17) Small capacity centers with two or less FTEs shall be exempt from subrules 5-6 of this rule, and families shall provide one of the following options attesting to their child’s health and any restrictions.*

*(a) A record of a physical evaluation of the child that notes any restrictions and is signed by a physician or the physician’s designee. An electronic record from a physician’s office will be accepted.*

*(b) A child in care statement or receipt using a form provided by Licensing and Regulatory Affairs and signed by the parent certifying all of the following and assumes responsibility for the child’s state of health while at the center:*

*i. Condition of child’s health.*

*ii. Any restrictions*

#### **R400.8204 Early childhood center, small capacity child care center, and outdoor nature-based child care center program administrator qualifications; responsibilities**

A small capacity center operating with two or less FTEs may have one or two staff carrying out the responsibilities of multiple positions as described in the regulations. At a minimum, there should be a responsible party who is at least 21 years of age and meets the qualifications outlined herein, superseding all other categorizations for additional positions.

**Therefore, we would propose that the Department include a new subpart (11)(d) that would state:**

*Rule 204 (11)(d) Small capacity centers with two or less FTEs shall have at a minimum one FTE that meets all of the following qualifications and may be considered the program administrator, site administrator and lead teacher:*

*(i) Be 21 years of age or older.*

*(ii) Have a high school diploma or general equivalency diploma (GED).*

*(iii) Have at least one of the following completed prior to license approval.*

- (A) 2 semester hours in child care administration.*
- (B) 3.0 CEUs in child care administration. A business plan management course from a certified Community Development Financial Institution (CDFI) may meet all or a portion of the CEU requirement for this subrule up to the total number of hours required for the course. To determine the portion of CEUs met by completing an approved CDFI course use the typical hours to CEU conversion of 1 CEU equals one-tenth of an hour. With this calculation, a single-hour course will equal 0.1 CEU. Subtract this total from 3.0 CEUs to determine the remaining number of CEUs needed in child care administration to meet this requirement.*
- (iv) Have a minimum of 6 months experience working or volunteering in the field of early childhood.*
- (v) One of the following:*
  - (A) Within 1 year of licensure, complete 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours of coursework in child care administration, early childhood education, child development, or a child-related field.*
  - (B) A valid child development associate credential (CDA), Montessori credential, Michigan Youth Development Associate Certificate/Credential, Infant Family Associate Credential, or associate degree or higher in a child-related field of study.*
- (vi) Proof of certification in both of the following:*
  - (A) Infant, child, and adult cardiopulmonary resuscitation (CPR).*
  - (B) First aid.*
- (vii) Have documentation of completed training in both of the following:*
  - (A) Recognition and reporting of child abuse and neglect.*
  - (B) Prevention and control of infectious disease, including immunizations.*
- (vii) Participate in Great Start to Quality.*

**R400.8207 Early childhood center, small capacity child care center, and outdoor nature-based child care center site administrator; qualifications**

A small capacity center operating with two or less FTEs may have one or two staff carrying out the responsibilities of multiple positions as described in the regulations. At a minimum, there should be a responsible party who is at least 21 years of age and meets the qualifications outlined herein, superseding all other categorizations for additional positions.

**Therefore, we would propose that the Department add a new subpart (8) that would state:**

*Rule 207 (8) Small capacity centers with two or less FTEs are exempt from subrules 4 and 5 of this rule in accordance with R 400.8204 (11)(d).*

**R400.8210 Lead Teacher; qualifications; responsibilities**

A small capacity center operating with two or less FTEs may have one or two staff carrying out the responsibilities of multiple positions as described in the regulations. At a



minimum, there should be a responsible party who is at least 21 years of age and meets the qualifications outlined herein, superseding all other categorizations for additional positions.

**Therefore, we would propose that the Department add a new subsection to subpart (8) that would state:**

*Rule 210 (8)(c) Small capacity centers with two or less FTEs that have met the responsibilities and qualifications of subrule R400.8204 (11)(d).*

#### **R400.8216a Professional Development Requirements**

Small capacity centers with two or less FTEs do not have ancillary staff to cover absences for additional clock hours of professional development during regular work hours.

**Therefore, we would propose that the Department add a new subsection to subpart (2) that would state:**

*Rule 216a (2)(a) Small capacity centers with two or less FTEs shall complete professional development in a calendar year on topics relevant to job responsibilities that include, but are not limited to, any of the topics in subrule (1) of this rule at the following frequency.*

- i. The program administrator, site administrator or lead teacher shall complete 10 clock hours in a calendar year.*
- ii. All other child care staff members and substitutes shall complete 5 clock hours in a calendar year.*

#### **R400.8271 Child Development Tummy Time**

While the American Academy of Pediatrics recommends tummy time to help prepare babies for sliding on their belly and crawling, the mandate must allow for decision-making and recognize that child care staff members can only implement this when it is possible to ensure safety parameters are met in a multi-age group setting. This is most safely done for brief periods of time when an adult can interact, play and directly supervise one-on-one with the child. A setting with one adult and six children must have flexibility to determine how and when they can manage the safety of the infant along with the other children in their care.

**Therefore, we would propose that the Department make changes to subpart (8) to read as follows, while keeping subsections a-d the same:**

*(8) Tummy time shall be made available daily for all infants under 12 months of age when staffing permits adequate supervision and the following safety parameters can be met:*

Thank you for the opportunity to provide comment on these rules. As we have stated, making the above proposed changes would greatly enhance the viability of small capacity

centers in rural northern Michigan. Further, as the Department looks to expand access to childcare statewide, we continue to advocate for a full rule-set focused on home-based micro centers, as we have drafted and proposed.

If you have any questions or if we can be of any assistance with the Department, please don't hesitate to reach out.

Sincerely,



Patricia Soutas-Little, Chairperson  
Leelanau Early Childhood Development Commission

*7401 E. Duck Lake Road, Ste 200  
Lake Leelanau, MI 49653  
231-218-8406 cell*

**From:** Anne Creek <acreek@kzooyymca.org>  
**Sent:** Monday, November 11, 2024 12:05 PM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Rule recommendation

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abuse@michigan.gov**

Dear MiLEAP,

Following the release of the draft rules I, on behalf of my organization, YMCA, and the School-Age Licensing Workgroup convened by the Michigan Afterschool Partnership, would like to share additional recommendations.

I would like to see a sliding ratio for school age programs. With larger groups comes with a higher demand of staff. Some examples are parent drop off/pick up, bathroom breaks, injuries, behavior management, activity set up and clean up. Some programs have to open the door to the locked schools to let parents in at drop off/pick up. These demands pull staff from the group.

2:30  
3:36  
4:43  
5:50  
6:60  
7:70

We appreciate your continued commitment,

Sincerely

Anne Creek

**Portage OST Coordinator**

YMCA of Greater Kalamazoo

1001 W. Maple St.

Kalamazoo MI 49008

269-345-9622 ext. 643

[acreek@kzooyymca.org](mailto:acreek@kzooyymca.org)



**From:** Megan <megankf4@gmail.com>  
**Sent:** Thursday, November 21, 2024 4:32 PM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Childcare licensing draft - comments

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Hi!

I'd like to express support for the addition of an "outdoor nature based child care center" with or without a building.

I myself am looking to start a forest school of some sort where the kids are able to spend most of their time outside and this licensing designation would be very beneficial.

Please keep this in the final document. It will provide many positive opportunities for a lot of kids in Michigan!

Thank you,  
Megan

**From:** noreply-migov@mail.michigan.gov <noreply-migov@mail.michigan.gov>

**Sent:** Thursday, November 14, 2024 9:15 PM

**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>

**Subject:** Online Rule Change Suggestion Form

Rule Number: Not sure

Subrule Number: Not sure

Suggested Change: Notify parents of a serious incident report (SIR) within 5 business days... The licensing books are not helpful because parents are not going to constantly look at it or search online for updates. Seems like the state should be ensuring parents are aware of issues as part of the inspections / corrective actions. Also a recent incident the teachers were not even aware of it. The director is not informing teachers either.

Print Name Optional:

Address Number Street Optional:

City State Zip Optional: Ann Arbor, 48103

**From:** Pam Bailey <pambailey@flintymca.org>  
**Sent:** Thursday, November 14, 2024 9:53 AM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Public comment on proposed licensing regulation change

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abuse@michigan.gov**

Dear MiLEAP,

Following the release of the draft rules I, on behalf of my organization, YMCA of Greater Flint, and the School-Age Licensing Workgroup convened by the Michigan Afterschool Partnership, would like to share additional recommendations:

- Eliminate the maximum group size for school age children and allow the maximum to simply be whatever the space is licensed for and whatever they have staff for
- School age programs located in commercial buildings or churches who are already subject to fire inspections, should be exempt from needing to get additional fire inspections currently required by child care licensing
- For school age programs, the minimum age for a site director should be 18

We appreciate your continued commitment,



**Pam Bailey, CFRE, MA (she/her)**  
Senior Director, Fundraising and Public Relations  
YMCA of Greater Flint, Flint MI  
O. 810-232-9622 D. 810-213-8275  
FlintYMCA.org  
Click here to [donate!](#)

How about coffee sometime?  
Join me every Wednesday at  
Café Rhema, 8:30 – 10 am  
for Coffee and Conversation!





**From:** Marci McCoy <marci@ymcaofbarrycounty.org>  
**Sent:** Friday, November 22, 2024 11:23 AM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** School-Age Draft Rule Recommendations

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Dear MiLEAP,

Following the release of the draft rules I, on behalf of my organization, YMCA Of Barry County, and the School-Age Licensing Workgroup convened by the Michigan Afterschool Partnership, would like to share additional recommendations.

Added recs	Not added
Transportation - passenger capacity	Group maximum - remains 54 - no group maximum recommended
Fire safety exemptions for centers located in public and non-public school buildings	Fire safety exemptions for centers located in commercial or church facilities recommended
Square footage requirement for outdoor play	Program and Site administrator age minimum requirements - minimum of age 18 recommended
Clarification of school-aged youth & center	

The original list here <https://docs.google.com/document/d/16BbRrKtWvFY172WZ1x5GjkkBHeYjyG7dY0YwZd5jIxE/edit?usp=sharing>. Draft rules can be found [here](#).

We appreciate your continued commitment,

Sincerely,

## **Draft Administrative School-age Rule Recommendations**

### **School Age Licensing Group Convened by the Michigan Afterschool Partnership (MASP)**

**July 25, 2024** as a method for the out-of-school time (OST) sector to provide comprehensive feedback to the Draft Administrative School-age Rule Recommendations. This document presents the feedback from this group, as of July 18, 2024. The group indicated they would like a separate section for school-age programs for clarity and ease of use.

#### **R 400.8182 Capacity, ratio and group size requirements**

Recommendation: Remove group maximum of 54. OST programs use different size spaces and serve larger numbers of youth; for example, they may program in a large gym with 10 staff. This ratio means they could serve over 100 youth in that space.

#### **R 400.8110 Applicant; licensee; licensee designee; requirements.**

A licensee or licensee designee with a center in a multiple occupancy building shall comply with section 118e of the act, MCL 722.118e.

Recommendation: Include language of statute 118e for quick reference.

#### **R 400.8112 Comprehensive background check; fingerprinting. Rule 112. 2**

(b) Maintain on file at the center, a copy of the completed and signed form or forms for everyone entered into the childcare background check system under the license.

Recommendation: Change “on file at the center” to “on file at a central office” because staff work at multiple sites so moving their files daily is not feasible.

F. “Immediate disconnect” from the system.

Recommendation: For seasonal/summer staff, provide a window of two weeks to remove them because programs do not have the support staff to remove staff on the day they leave employment.

#### **R 400.8104 Rule variances.**

Recommendation: Define statutory and administration rules to know what rule variances could be applied or requested.

#### **R 400.8112b Eligibility determination; individual who resided out of the United States; self-certifying statement.**

Recommendation: Eliminate the five-year requirement. The five-year requirement hinders clearances for out-of-state as well as out-of-country staff from receiving clearances in a timely manner.

#### **R 400.8113 Program administrator qualifications; responsibilities. Rule 113.**

Recommendation: Remove the minimum age of 21 and make the minimum age of Program Administrator 18 years of age to be consistent with 18 as the minimum age for all positions and to help address worker shortage issues in the sector.

## **Draft Administrative School-age Rule Recommendations**

### **School Age Licensing Group Convened by the Michigan Afterschool Partnership (MASP)**

**July 25, 2024** as a method for the out-of-school time (OST) sector to provide comprehensive feedback to the Draft Administrative School-age Rule Recommendations. This document presents the feedback from this group, as of July 18, 2024. The group indicated they would like a separate section for school-age programs for clarity and ease of use.

#### **R 400.8119 Site administrator; qualifications; responsibilities. Rule 119 (4a).**

Recommendation: Remove the minimum age of 19 and make the minimum age of Site Administrator 18 years of age to help address worker shortage issues in the sector.

#### **R 400.8113 Program administrator qualifications; responsibilities. Rule 113 (8).**

Recommendation: Include “if applicable” to training unrelated to school-age service providers to ensure these providers can attend relevant training.

#### **R 400.8119 Site administrator; qualifications; responsibilities. Rule 119.**

Recommendation: Include “if applicable” to training unrelated to school-age service providers to ensure school age programs can attend relevant training.

#### **R 400.8167 Indoor space. Rule 167.**

Recommendation: Add “school-based exemption.” If out-of-school time space is utilizing a school building, the determinations of square footage of space for school day should also be allowed during OST programming.

#### **R 400.8170 Outdoor play area. Rule 170.**

Recommendations:

- Reduce the continuous hour threshold required for outdoor play to 2 continuous hours from 3. OST programs “should” provide outdoor play if operating for 2 continuous hours because OST programs do not program for long enough to accommodate this requirement.
- Clarify outdoor play exemption for single purpose programs.
- Clarify the square footage requirement of 1200 sq ft. This minimum is not reasonable for all OST programs.
- Define when protection is required instead of listing “when necessary” and define what qualifies as a “hazard”.
- Clarify what a “use zone” is.
- Include the use of school-day playground exemption, required inspections can be supported with letters from the superintendent.

## **Draft Administrative School-age Rule Recommendations**

### **School Age Licensing Group Convened by the Michigan Afterschool Partnership (MASP)**

**July 25, 2024** as a method for the out-of-school time (OST) sector to provide comprehensive feedback to the Draft Administrative School-age Rule Recommendations. This document presents the feedback from this group, as of July 18, 2024. The group indicated they would like a separate section for school-age programs for clarity and ease of use.

- Add “when applicable” to all rules listed for school-age participants regarding outdoor play areas.

#### **R 400.8510 Plans and specifications; submission in n; approval; inspections. Rule 8010.**

Recommendation: Provide specific protocols for when a fire occurs so programs can meet the requirement.

Recommendation: Clarify the required level of insurance all “centers” should have to ensure programs do not have to guess.

### **Transportation**

#### **R 400.8720 All motor vehicles.**

Recommendation: Remove capacity of 11 or more, 15-passenger vans should not be prohibited because OST programs frequently use this size van and prohibiting their use will devastate enrollment. Recent research indicates that, given the stronger safety standards in the automotive industry, 14 passenger vans are much safer than when these regulations were written. The research used to create the existing licensing regulation is over 15 years old.

Recommendation: Modernize the title and definition of “truck.” Is it a pick-up truck?

#### **R 400.8750 Motor vehicle operator.**

Recommendation: Clarify if it’s the program or staff person that must have proof of valid automobile insurance and registration.

#### **R 400.8173 Equipment.**

##### Recommendations:

- R 400.8179 Equipment: remove minimum number of play spaces entirely because it does not apply to school age youth.
- R 400.8179 Equipment: remove specific developmental categories, include “... a variety of activities” or clarify this requirement is for childcare or school-age care centers only
- R 400.8179 Equipment: replace “play space” with “activities” - clarifies the importance of health and safety

## **Draft Administrative School-age Rule Recommendations**

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- R 400.8179 Equipment: specify the categories a consultant must look for, also is this necessary for renewals?
- R 400.8179 Equipment: specify what should be included in the first-aid kit to eliminate ambiguities.
- R 400.8176 Sleeping equipment. Rule 176: include references to Technical Assistance Manual in case school-age programs include nighttime care/naps; no specific rule is required for all school-age programs.
- R 400.8110 Applicant; licensee; licensee designee; requirements. Rule 110. Recommendation: include brief synopsis of the statute, as they're referenced, "section 118e of the act, MCL 722.118e
- R 400.8179 Equipment. - Add AED

### **Definitions.**

#### Recommendations:

- R 400.8102 Definitions; J through R. Rule 102. (1c) - Michigan Afterschool Association is not the Michigan Youth Development Associate credential issuer, Michigan Afterschool Partnership (MASP) in partnership with MiLEAP is the issuer.
- R 400.8101 Definitions; A through I. Rule 101. (1h) - affirm language around conversion of CEUs to clock hours and semester hours for school-age providers
- R 400.8103 Definitions; S through Z. Rule 103. - clarify definition of "school-ager"
- R 400.8103 Definitions; S through Z. Rule 103. (1c) - "school-age child care center" should mean center providing care to school-age and child care age
- R 400.8101 Definitions; A through I. Rule 101. (1n) - define "vector"
- R 400.8101 Definitions; A through I. Rule 101. (1q) - relocate to (1h) as a subsection to define CEU
- R 400.8101 Definitions; A through I. Rule 101. (1bb) - clarify in what circumstance would a parent/guardian be present but not the program administrator?
- R 400.8104 Rule variances Rule 104. (4) - define statutory and administrative rules, how would a licensee know what rule variance request is acceptable?
  
- R 400.8164 Telephone service. Rule 164. (1) - add the reference as being immediately available where youth are; outside, playground, field trip... Does mobile/cell phone meet the requirement? Does it need to be "in the building"?
- R 400.8385 Poisonous or toxic materials. Rule 385. (1) redefine "out of reach" as "not accessible."
- R 400.8101 Definitions; A through I. Rule 101. (1r) - MiLEAP...include acronym

## **Draft Administrative School-age Rule Recommendations**

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- R 400.8102 Definitions; J through R. Rule 102. (1) - add definition of Licensee and Licensee Designee, Program Director, Site Supervisor, Site Administrator, School age Program Administrator, Small capacity center Program Administrator and organize all staff titles, roles, etc... together in one section to make it easier to differentiate

### **R 400.8143 Children's Records**

Recommendation: Remove term homeless, use "unhoused" as the latter is what is currently used in the OST.

Recommendation: Include parental consent for school-age youth to leave upon dismissal without parent/guardian presence as they can walk home from OST programs.

Recommendation: Clarify notice before each field trip, license consultants interpret notice differently, is notice a signature, an announcement, etc?

### **R 400.8810, 8820, 8840 Swimming; childcare staff member-to-child ratio.**

Recommendation: include definition of "non-swimmer".

Recommendation: include language stating these rules are for providers/programs, not meant to replace the swimming facility's requirements, safety protocols, etc.

Recommendation: clarify if day camp ratios and swimming rules are applicable as opposed to modifying childcare ratios?

Recommendation: include a training (aquatic observer) requirement for staff.

Recommendation: include definition of signaling device.

Recommendation: include definition of wading pool.

Recommendation: include clarification of life jackets; does wearing life jackets impact any of the rules and ratios of swimmers and non-swimmers?

Recommendation: add "buddy check" from day camp licensing language. "The periodic accounting for the whereabouts of each camper by a member of the aquatic staff. Aquatic staff shall conduct checks/accounts for campers at least once every 10 minutes."

### **R 400.8161 Emergency Preparedness, Incident Reports**

Recommendation: clarify the following rules:

## **Draft Administrative School-age Rule Recommendations**

**School Age Licensing Group Convened by the Michigan Afterschool Partnership (MASP) July 25, 2024** as a method for the out-of-school time (OST) sector to provide comprehensive feedback to the Draft Administrative School-age Rule Recommendations. This document presents the feedback from this group, as of July 18, 2024. The group indicated they would like a separate section for school-age programs for clarity and ease of use.

- R 400.8161 Emergency preparedness and response planning procedures. Rule 161. (12) - what does notice mean?
- R 400.8155 Child accidents and incidents; child and staff illness. Rule 155. (1c) - define “too ill” to attend.
- R 400.8158 Incident, accident, injury, illness, death, fire reporting. Rule 158. (1b) - specify the department we are reporting to, fire, MiLEAP, etc.
- R 400.8158 Incident, accident, injury, illness, death, fire reporting. Rule 158. (7) - does the copy need to be physically present, can it be a digital copy?

### **R 400.8179 Child development program plan. Rule 179.**

Recommendation: Add “only applicable to childcare and school-age childcare centers”

### **R 400.8164 Telephone service. Rule 164:**

Recommendation: Add “mental health” hotline The direct numbers are (866)903-3787 - Michigan Mental Health Hotline. Call or text 988 for suicide and crisis help statewide

### **R 400.8146 Information provided to parents.**

Recommendation: Remove the following requirements for school age programs since they are not applicable to school age children.

- Information provided to parents:
  - (3) For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:
  - (a) Food intake time, type of food, and amount eaten.
  - (b) Sleeping patterns indicating when and how long the child slept.
  - (c) Elimination patterns, including bowel movements, consistency, and frequency.
  - (d) Developmental milestones.
  - (e) Changes in the child’s usual behaviors.

### **R 400.8161 Emergency preparedness and response planning procedures.**

Recommendation: Clarify that if a fire alarm system is not monitored BY A 911 SYSTEM, 911 must be contacted immediately upon notice.

## **Draft Administrative School-age Rule Recommendations**

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Recommendation: Add “not applicable to school age: “If cribs are used in emergency evacuations, then all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.”

#### **R 400.8179 Program.**

Recommendation: Add “Not applicable to school age” when referencing infants, equipment, tummy time as it does not apply to school age programs.

Recommendation: Define enrichment experiences so programs have clarity.

Recommendations: Clarify the following as it relates to school age programs.

- Reference to E-readers. We would not limit a child’s exposure to a physical book, so why an E-reader?
- This is vague - A school-age program must supplement the areas of development not regularly provided for during the school day.
- “Areas of development”

#### **R 400.8140 Discipline.**

Recommendation: Clarify the expectation for a written policy of discipline.

Recommendation: Replace reference to “discipline” with “behavior management” as the latter is the term used in the out-of-school sector.

#### **R 400.8176 Sleeping equipment.**

Recommendation: Remove the entire section because it does not apply to school age youth.

## **PART 2. ENVIRONMENTAL HEALTH**

### **R 400.8301 Definitions**

Recommendations:  
Add the following



## **Draft Administrative School-age Rule Recommendations**

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1. Sites located in schools that provide the meals should be able to have the superintendent or food service manager sign off that the requirements have been met since food is being served to students during the day.
2. One single inspection for the structure/building/site that all users can submit to licensing to streamline the process.

Clarify the following:

1. Plan review D, is this a food program provided by us or by a 3rd party? If the program is in a school, can you use the inspection report done by the school or do we need a separate one?
2. What does “unless the kitchen is currently licensed to provide food service” mean? We currently need to have an environmental inspection done even though the school kitchens are licensed.
3. At one of our sites, the school administers the food, not us. Do we still need an inspection?
4. Is a building/site inspected/approved for all users?
5. Would it be possible to avoid duplicating efforts to be able to use inspections for buildings or environmental health requirements provided to buildings we are in.

### **Fire Safety**

Recommendation: Remove these requirements for school age programs since they do not apply for this age group:

- For infants and toddlers, travel shall be 50 feet or less from the door of the occupied room to the exit.
- For preschoolers and school-agers, travel shall be 100 feet or less from the door of the occupied room to the exit.
- All electrical outlets in child use areas for children who are not yet school age shall be made inaccessible to children.

### **R 400.8510 Plans and specifications; submission; approval; inspections. Rule 8010. (3)**

Recommendation: Add “Reinspection for fire safety approval for room change in an existing licensed building is not required”

## **Draft Administrative School-age Rule Recommendations**

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### **R 400.8535 Fire alarm**

Recommendation: Fire alarm equipment requirements should be the same requirements for centers operating within already licensed school buildings.

### **Food Services and Nutrition**

#### **R 400.8330 Food services and nutrition generally**

Recommendation: 8330 (6) add “safe” to drinking water.

Recommendation: 8330 (23) clarify the exception of water bottles for school-aged youth

#### **R 400.8340 Food services and nutrition; provided by parents.**

Recommendation: 8340 (2-3, 6) add “if applicable” for food requirements, all requirements for infant and toddler age youth are not applicable to school-age children and providers

#### **R 400.8335 Food services and nutrition; provided by the center.**

Recommendation: Clarify the term “served” within the rule; 335 (18)

#### **R 400.8320 Food preparation**

Recommendation: Clarify the rule that is referred to in 320 (11), add the specific rule and rule explanation to (11)

Recommendation: Add language for sanitization of hands for school-agers helping serve food and consuming food

Recommendation: Define potentially hazardous foods within the section, since it’s referenced numerous times

#### **R 400.8310 Food preparation areas.**

Recommendation: Add language related to outdoor spaces when used for food prep or eating space

## **Draft Administrative School-age Rule Recommendations**

### **School Age Licensing Group Convened by the Michigan Afterschool Partnership (MASP)**

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Recommendation: Clarify 8310 (3-4) how are residential and commercial defined?

Recommendation: Clarify 8310 (7) - Is there an exemption for service animals? What about eating in classrooms/spaces where they have "classroom pets".

### **R 400.8315 Food and equipment storage**

Recommendation: Clarify in 315 (1) the need for a free-standing thermometer in the bulk of the fridge not the door

## **Signatures**

Lisa Trucks - Coordinator of Plymouth Canton Schools Extended Day Program

Gabriella Holland - Childcare and Mental Health Director at the Monroe Family YMCA

Lee Anna Massey- Director of Out of School Time for the State Alliance of Michigan YMCAs

Kiesha Jackson - Founder and Chief Executive Officer at Caleb's Kids

Sandy Ehlers - Program Director, EcoSchool Division of Seeds Ecology and Education Centers

Ryan Waalkes - Executive Director, Bridge Street Ministries

Jill Deitsch - Out of School Time Director, The ROCK Center for Youth Development

Sarah Pilot - Out of School Time Assistant Manager, The ROCK Center for Youth Development

Brook Blanchard - Executive Director Youth Development Company/PAL

Scott Bloem - Executive Director - The Other Way Ministries

Alexander Childs - Youth Program Coordinator - The Other Way Ministries

Tiffany Young- Association School Age Director-YMCA of Greater Grand Rapids

Daymiris Gell - National Program Officer - New City Kids

Rebecca Idzikowski - Grants Director - Clare-Gladwin Regional Education Service District

Julie Anne Jennings - City of East Lansing - School Age Program Coordinator

Kristen Osterhouse - Early Childhood Coach, Great Start to Quality Central Resource Center

**From:** Jennifer Wilson <ScribblesAndGigglesDayCareCenter@outlook.com>  
**Sent:** Friday, November 22, 2024 11:22 AM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** ratio

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Ratio for Centers is something that I wish we could update. It would be beneficial for the children and the staff if the rules were changed for 0-2.5 years. I understand the 0-12 months being 1:4 but it should tier more as they get older. One suggestion is 12-24 month 1:5. 24-30 1:6. Than 1:8 at 2.5 years. The abrupt change we have no from 1:4 to 1:8 is such a shock on the children and the behaviors become more frequent.

Thank you so much for your time and consideration.

Jennifer Wilson

*Scribbles and Giggles Day Care Center, LLC*

*Jennifer Wilson -Director/owner  
1880 Hamilton Road*

*Alpena, MI 49707*

*(989)340-0006 (989) 255-0366*

*Hours 6am-7pm M-F*

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**From:** Becky Gorinac <Gorinac.Beky@sccresa.org>  
**Sent:** Friday, November 22, 2024 10:45 AM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** ECAN's Comments on Proposed Childcare Licensing Rules

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Please see the most up-to-date comments from ECAN (Early Childhood Administrators Network) regarding the proposed childcare licensing rules. See attached.

Becky Gorinac, ECAN Executive Board  
Prek for All Committee Chair



Early  
Childhood  
Administrators  
Network

## ECAN Feedback for Child Care Licensing Rule Revisions

**Respectfully Submitted November 22, 2024**

The Early Childhood Administrators Network is comprised of early childhood leaders, representing each of the 56 ISDs across the State of Michigan. In the 2022-23 program year, GSRP funding was awarded to 53 grantees consisting of 51 intermediate school districts (ISDs) and two consortia representing a total of four ISDs. The ISDs oversaw 1,352 sites and 2,555 classrooms. GSRP classrooms were available in 470 Michigan school districts. Of the 38,467 children served, 90% came from low-income families. These numbers have increased significantly over the past two years with more licensed classrooms being GSRP than reported in the 2022-23 school year.

In addition, ECAN leaders oversee the Early Childhood Advisory Committees in each of these areas and partner extensively with Head Start providers and CBOs (Community-based Organizations) to ensure each ISD has a strong understanding of the successes and barriers of the childcare landscape in these communities.

The following recommendations are made on behalf of ECAN's Prek for All/High-Quality Preschool Committee.

Recommendations for PreK for All (GSRP/HS) Programs Operating in a School Building			
Rule	Barrier	Potential Language	Rationale
R.400.8103 definitions (ee)	The requirement for independent service providers within a school setting to be supervised given that some provide "pull out" services per the IEP.	Exempt ISD and district therapeutic professionals (OT, PT, Speech, Social Worker).	Provides clarity from previous technical assistance about the roles and requirements of providers and their need for child care background checks, MiRegistry, and ongoing PD requirements.
NEED Definition: PreK for All Programs	Without defining these classrooms, it will be more difficult to separate those classrooms within the rules.	Consider the definition: <b><i>"For the purpose of these rules, PreK for All Programs are GSRP or Head Start programs located within a school building."</i></b> Programs may or may not be operated by the local school district. When a program serves more than just PreK for All, all other licensing rules would apply.	This will allow some provisions for those programs operating within a school building to utilize common inspections, access some exemptions for duplicative/overlapping rules and documentation, etc.

Rule	Barrier	Potential Language	Rationale
Definition: "School"	This definition describes what a school building is but may be too constricting based on the expanded services schools now provide (ex: preschool)	Consider expanding the definition to also include buildings that are operated by a school district and house programs funded by a State or Federal agency (ex: GSRP/PreK for All, Head Start)	Could this help provide clarity and provisions for things like, inspections, substitutes, etc.?
8121 Indoor Space	PreK for All classrooms are unable to access "unlicensed" spaces within the school building because they are not part of the child care license.	PreK for All Programs may utilize unlicensed spaces within the school building as long as the school remains up to date on all inspections and safety procedures.	This allows the provision in PreK for All for children to participate in specials while not adding unnecessary burden on the school itself
8125 Outdoor Play Area	Elementary School playgrounds have their own inspection and approval process; this is a duplication of inspection for school age equipment; in addition, Young Five and Early Childhood Special Education programming does not require a specialized playground inspection.	PreK for All Programs may utilize the playground inspection reports from the school in which they operate to ensure playground safety.  PreK for All Programs shall obtain a copy of the inspection and ensure staff understanding of approved use space for the age groups served.	This allows programs operated in a school building (GSRP, PreK for All, HS) to utilize the inspections obtained by the school district.  Small capacity centers have their own set of subrules to this component.
8140 Water supply; plumbing	Programs located in school buildings often do not have control or responsibility for these items	PreK for All Programs may utilize the water inspection reports from the school in which they operate for the purposes of this section of the child care licensing rules.	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings
8146 Sewage Disposal	Requiring multiple programs to obtain the same inspections for components that are already a part of a regular school building is redundant and cost-prohibitive.	PreK for All Programs may utilize the sewage disposal reports from the school in which they operate for the purposes of this section of the child care licensing rules.	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings



Rule	Barrier	Potential Language	Rationale
8152 Heating; temperature	Requiring multiple programs to obtain the same inspections for components that are already a part of a regular school building is redundant and cost-prohibitive.	PreK for All Programs will adhere to the heating and temperature processes from the school in which they operate for the purposes of this section of the childcare licensing rules.	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings
8155 Light, ventilation and screening	Requiring multiple programs to obtain the same inspections for components that are already a part of a regular school building is redundant and cost-prohibitive.	PreK for All Programs will adhere to the light, ventilation, and screening procedures from the school in which they operate for the purposes of this section of the child care licensing rules.	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings
8161 Maintenance of Premises (8) Lead-based paint inspection	Requiring multiple programs to obtain the same inspections for components that are already a part of a regular school building is redundant and cost-prohibitive.	<p>PreK for All Programs may utilize the lead inspection from the school or other licensed programs within the building in which they operate for the purposes of this section of the child care licensing rules.</p> <p>If a new classroom or use space is added to a license that has not previously been inspected for lead, the new space may require inspection.</p> <p>If a space has been inspected under another childcare licensing in the building, that report may be utilized for the purpose of opening a new license. Only those spaces not previously inspected will require a new inspection.</p>	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings

Rule	Barrier	Potential Language	Rationale
Part 8 Fire Safety	Is there a place within licensing (or where is it?) that specifically calls out the differentiation for fire inspections in school buildings??	PreK for All Programs may utilize the fire safety reports from the school in which they operate for this section of the child care licensing rules.	This creates alignment not only with GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings
8213a MiRegistry (1), (2), (3)	Substitute teachers for GSRP/PreK for All may or may not be employed through the program itself and may be employed through a third party (ex: EduStaff) who works to ensure all appropriate licensing requirements are met (including professional development); having these staff who may only be in a PreK room occasionally create an account and update with PD, etc. is time-consuming and will further deter potential subs from working with early childhood	Consider adding the language, "substitute teachers employed through the child care center"  "Substitutes working with GSRP/PreK for All in a school-based setting must complete all professional learning requirements and documentation must be made available if requested"	This eases the undo burden of working with staff who are willing to substitute but may only do so from time to time from completing multiple, duplicative steps to work with these programs
8269 (13) Emergency Preparedness and Response Planning Allowance in School Buildings	<b>This language is great and might be considered for ALL inspections, etc. throughout the licensing rules</b>	<b>"child care centers located in a school building may use the school's emergency preparedness plan and/or drills if it meets all of the requirements"</b>	This creates alignment not only of GSRP/PreK for All, HS programs but also with school-age centers around the use of school buildings
R400.8280 (4)	The language in child care licensing doesn't align completely with school requirements.	Align childcare licensing definitions and procedures for restraint with the state law for schools: <a href="https://www.michigan.gov/mde/services/health-safety/topics/emergency-use-of-seclusion-and-physical-restraint-1">https://www.michigan.gov/mde/services/health-safety/topics/emergency-use-of-seclusion-and-physical-restraint-1</a>	

**From:** Jessica Anderson <andersonje@tcaps.net>  
**Sent:** Friday, November 22, 2024 4:35 PM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Michigan Child Care Center rule set - comment

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Good Afternoon Erika and Chanti,

Thank you for the time you spent with all of us with the rules revision ad hoc committee. Upon review of the most recent publication of the rules dated October 21, 2024 I had two questions / comments.

**R 400.8305 (from draft rules)**

I currently do not see the rules regarding Environmental Health Inspections in the new rule set. Is this an oversight on my end? I was specifically looking to reference this rule to see what was decided for programs located in a school building. During our Ad Hoc Committee we discussed removing the requirement for schools after initial licensure as they are routinely inspected by the health department for food service purposes and deemed safe for all ages. I attempted to review the current proposed language and cannot find it. Do you have any insight on this? Is the EH inspection eliminated for all?

**Part 9. Transportation**

R400.8701 (ii) - I feel this still needs some clarification. (ii) states that transportation is not a component of the child care program if the center is operated by an intermediate school district however R400.8710 (2) state that if public transportation or school transportation is used then R400.8760 (ratio and supervision), 400.8770 (time limitation on transit), and 400.8780 (parent permission) apply.

I would like to propose that the rule is revised as follows:

400.8710 (1) strike from rules (duplication)

400.8710 (2) If public transportation or school transportation is used (other than to and from school) only R 400.8760, 400.8770, and 400.8780 apply.

The clarification of "to and from school" or "during program hours" could clarify the uncertainty around this rule in this section. (as well as the attached chart)

As a child care center located within a school, transportation to and from school is available via our school bus routes. If we were to need to limit our number of preschool per bus and transportation time this could significantly reduce our ability to provide preschool transportation. If a parent knows the route, agrees to the route, and registers their student it should not fall under child care licensing regulations. The responsibility of that child should fall on the school that is agreeing to provide the transportation. Districts are continuing to have a hard time recruiting drivers therefore making routing difficult enough as it is.

We would fully expect transportation rules to apply during field trips / outings during program hours.

Thank you again for your time. I greatly appreciate it

--

**Jessica Anderson**

**Traverse City Area Public Schools**

Licensed Child Care Director

**Office:** 231.933.1781 | **Fax:** 231.933.1791

# Transportation Requirements for Child Care Centers at a Glance

## Start Here

All of the following rules\* apply:

- Ratio and supervision requirements. [R 400.8760]
- One hour time limit on child transit. [R 400.8770]
- Parental permission must be obtained annually for routine transportation and before each trip for non-routine transportation. [R 400.8149]
- All motor vehicles must be in safe operating condition. [R 400.8720]
- Motor vehicle seats used by children, staff and volunteers must not face sideways. [R 400.8720]
- A truck must not be used to transport children, except in the cab. [R 400.8720]
- There must be no loose or heavy objects in the passenger compartment of any motor vehicle. [R 400.8720]
- All motor vehicles, except MFSABs and school buses inspected by the Michigan State Police (MSP), must be inspected annually by a licensed mechanic. A copy of the inspection must be kept on file. This does not apply to volunteer vehicles. [R 400.8720]
- For MFSABs and school buses, the center must contact MSP to determine if MSP will conduct an annual inspection under the Pupil Transportation Act (1990 PA 187). If not done by MSP, obtain an annual inspection by a licensed mechanic. A copy of the inspection must be kept on file. [R 400.8720]
- A statement verifying that the motor vehicle is in compliance with the Michigan vehicle code safety equipment requirements must be kept on file in the center. See R 400.8720(4).

\* Driver, safety equipment and restraint device requirements are not listed here. See R 400.8730, 400.8740 and 400.8750

Does the parent provide transportation or make a private arrangement?

Yes

Licensing rules do not apply.

No

Does the center make arrangements for children to ride on public transportation or make arrangements, directly with a public or private school, for children to use school transportation\*?

Yes

All of the following rules apply:

- Ratio and supervision requirements. [R400.8760]
- One hour time limit on child transit. [R 400.8770]
- Parental permission must be obtained annually for routine transportation and before each trip for non-routine transportation [R 400.8149]

No

Does the center make arrangements for children to ride with other parents?

Yes

No

Does the center transport children on a school bus or a multifunction school activity bus (MFSAB)?

Yes

An approved MFSAB:

- Seats eleven passengers or more, including the driver.
- Is built to school bus specifications defined in the Federal Motor Vehicle Safety Standards.
- Does not have overhead yellow/red flasher and stop arm.
- Does not have to be yellow and black.
- Is certified by the manufacturer as a MFSAB.

A MFSAB cannot be used for transporting children directly between home, school bus stops, and school.

No

Does the center transport children in center-owned, staff, or volunteers passenger vehicles?

Yes

No

Licensing rules do not apply.

\*Some centers contract transportation services with a private entity, such as a charter bus company. If you are making arrangements with a private entity, contact your licensing consultant regarding the rules that apply when making this type of arrangement.

**Note:** The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, is prohibited. Removing one or more bench seats, or a row of seats, does not change the manufacturer's rated seating capacity of a vehicle. It is still illegal to transport children in 11-15 passenger vans, regardless

LARA is an equal opportunity employer/program.

**From:** Michael Latvis <latvism@resa.net>

**Sent:** Friday, November 22, 2024 3:37 PM

**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>

**Subject:** Comment on Proposed Rule Changes to Licensing Child Care Centers

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Wayne RESA would like to submit the following comment and concern pertaining to the proposed rule change within MiLeap's Child Licensing Bureau and Licensing Child Care Centers.

Under the proposed rule, specifically within R 400.8222, changes within Rule 222 subrule (14) would exempt small capacity centers from subrules (2) through (11). This would mean that small capacity centers would then not be required to follow some safety-centered rules, such as subrules (2) and (4), which require a child care staff member to be present at all times, dependent on the allowed ratios laid out in Table 1 within the rule.

While the department has highlighted that the rule changes would protect health and safety, we are extremely concerned that these changes would actually do the opposite. Not requiring a small capacity center to ensure that a staff member is present at all times is dangerous. We would suggest an amendment within subrule (15) that would require a small center child care staff member to be able to see all children at all times.

Please let me know if there are any questions or required follow-up to ensure that this

comment is submitted.

Mike

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Mike Latvis  
Senior Executive Director of Legislative Affairs  
Wayne RESA  
33500 Van Born Rd.  
Wayne, MI 48184  
C: 248-379-5897  
O: 734-334-1820

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**From:** kirsty@littleredcaraba.com <kirsty@littleredcaraba.com>

**Sent:** Friday, November 22, 2024 2:50 PM

**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>

**Subject:** Comments on proposed changes to the Licensing Rules for Child Care Center rule set

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To Whom It May Concern:

Firstly, I wanted to share my excitement about the inclusion of outdoor nature-based centers in the new proposed licensing rules. As an educator with a mission to provide high quality, inclusive, nature-based education to preschoolers and school aged children, these additions really open the door to opportunities and allow for us to build on the best practice of educators in other parts of the country, and around the world when it comes to getting children out into nature, and teaching the whole child. Reading through the proposed rule changes I have a couple of questions and suggestions. Please see below.

**R 400.8143a 2:** This says that children should have access to bathrooms in a public park or nature-center. My proposed setting for an outdoor nature-based center is neither a park nor a nature-center, but is a non-profit property with farm and woodland. I am thinking that the “public park or nature-center” may be too restrictive to cover all circumstances. Could this language be broadened to allow for a wider range of appropriate settings?

**R 400.8269b:** What are the requirements of an emergency shelter for an outdoor nature-based child care center? It would be useful to have additional guidance on this so that we can be on the



same page as the licensing consultant.

**R 400.8101 (1) (v):** What is the significance of the term “Early childhood center” as separate from a child an outdoor nature-based child care center, or a small capacity child care center? I was unable to discern this from the document. Is the idea that the rules for nature-based and small capacity child care centers may be different? I am wondering how this might relate to the eligibility of centers to participate in GSRP.

**R 400.8102 ii:** What are the requirements of “an approved building” for an outdoor nature-based child care center during inclement weather? How might one get such a building approved? The rules should take into account that not all outdoor nature-based child care centers will operate in a public park or nature center. Would a mobile classroom or a yurt such as this [https://www.union-bulletin.com/news/local/education/walla-walla-ymca-opens-outdoor-nature-based-preschool-program/article\\_693d5e76-ae7c-11ee-8faf-f73149e2a8f2.html](https://www.union-bulletin.com/news/local/education/walla-walla-ymca-opens-outdoor-nature-based-preschool-program/article_693d5e76-ae7c-11ee-8faf-f73149e2a8f2.html) potentially qualify?

Thank you for consideration of these questions and comments. I am hopeful that the move to include outdoor, nature-based centers will be supported. I am eager to see the final rules so that I can start planning the opening of my program!

Kirsty MacIver, MS., M. Ed., BCBA, LBA  
The Connection Station

**From:** Brian Gutman <brian.gutman@learningcaregroup.com>  
**Sent:** Friday, November 22, 2024 3:27 PM  
**To:** Cole, Chanti (MiLEAP) <ColeC5@michigan.gov>; MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** Learning Care Group comment on 2024-11 LP

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Good afternoon,

Attached, please find a comment from Learning Care Group regarding Request for Rulemaking:  
Licensing Rules for Child Care Centers, R 400.8101 – R 400.8840 (ARD 2024-11 LP).

Thank you for your consideration,  
Brian Gutman

**Brian Gutman**

Vice President, Public Policy & Government Relations | Learning Care Group

o: 313.751.6740 | c: 248.763.1248

[brian.gutman@learningcaregroup.com](mailto:brian.gutman@learningcaregroup.com)

21333 Haggerty Road, Suite 300, Novi, MI 48375

## Our Community of Learning Care Group Schools





November 22, 2024

Office of Early Childhood Education  
Michigan Department of Lifelong Education, Advancement, and Potential  
105 W. Allegan Street  
Lansing, MI 48933

**Re: Request for Rulemaking: Licensing Rules for Child Care Centers, R 400.8101 – R 400.8840 (ARD 2024-11 LP)**

To Whom it May Concern:

On behalf of Learning Care Group, I am pleased to submit comments on the Michigan Department of Lifelong Education, Advancement, and Potential (MiLEAP) *Request for Rulemaking on Licensing Rules of Child Care Centers*.

Learning Care Group (LCG) is the largest early care and education provider in Michigan, with 70 locations across the state through our AppleTree, Childtime, Everbrook Academy, Gilden Woods, and Tutor Time locations. Together, these locations have the capacity to serve more than 10,000 children per day and employ more than 2,000 educators and school staff. Headquartered in Novi, LCG is proud to be the largest non-public provider of the Great Start Readiness Program (GSRP), and serve children in Michigan through a range of programs to help families afford high-quality child care and preschool, including the Child Development and Care Program (CDC), MI Tri-Share, off-base child care for enlisted members of the military, national guard, and Department of Defense civilian employees, and through partnerships with Michigan employers.

As a national leader in providing high-quality early childhood education programs, LCG has capacity to serve nearly 165,000 children daily through our 1,100 locations across 40 states and the District of Columbia. Nearly 25,000 school staff provide care to children ages six weeks to 12 years, with approximately 40 percent of the children in our care attending with financial support, such as the Child Care and Development Block Grant, to help afford high-quality child care and preschool services. LCG also plays a critical role for ensuring food security for vulnerable children, serving nearly 22 million meals and snacks annually to children in our care through the Child and Adult Care Food Program. LCG is known through its 11 family brands: AppleTree & Gilden Woods Early Care and Preschool, The Children's Courtyard, Childtime Learning Centers, Creative Kids Learning Center, Everbrook Academy, La Petite Academy, Montessori Unlimited, Pathways Learning Academy, Tutor Time Learning Centers, U-GRO Learning Centres, and the Young School.

LCG appreciates the work of MiLEAP to ensure that Michigan's children attend licensed child care centers where the health, safety, and well-being of the child is prioritized and ensured, and submits the following comments on the proposed rule:

**Reflecting recent legislative changes in regulatory framework**

We appreciate the Department's attention to ensuring that changes to child care licensing made through the legislative process, executive orders, and federal rulemaking are reflected in this revision to ensure clarity and ease of compliance by child care operators. This includes modernization of record keeping requirements where internet is available at a center (R 400.8110), emergency procedures, and drinking water management plans, sampling, testing, and filtration (R 400.8341).



## New requirements to obtain or renew a license

Proposed changes to R 400.8107 Sections 4-6 would add new requirements that an applicant must meet to obtain an original license or renew an existing license. Notably, section 5 requires submission of a certificate of occupancy and section 6 exempts school-based programs from these requirements in certain circumstances.

Certificates of occupancy are issued by local building departments at the conclusion of original construction and certain renovations, once all applicable laws and ordinances have been satisfied. Although required prior to use and occupancy, there is not currently a requirement for building occupants to retain a certificate of occupancy following issuance or transfer a certificate of occupancy upon the sale or transfer of a building.

Although local building departments may retain records of certificates of occupancy and other documents that they issue, it is unclear whether an original applicant, or in the event of the sale of a child care center, a successor occupant, would have a right to obtain such a record. It is also unclear whether a copy of a certificate of occupancy would satisfy the proposed requirements of R 400.8107. In the event that a local building department required the current and lawful occupant to apply for a new certificate of occupancy, an existing child care center would likely be required to spend considerable time and resources to meet current laws, regulations, and building codes, despite operating lawfully under the building code at the time of construction, major alteration, and issuance of the original certificate of occupancy.

Therefore, we recommend the following changes to the proposed rule:

*4) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall comply with all applicable laws and rules.*

*(5) Before issuance of the original license, ~~and before the renewal of a license~~, an applicant ~~or licensee~~ shall submit the certificate of occupancy or a copy of the certificate of occupancy.*

*(6) Before the renewal of a license, a licensee shall submit the certificate of occupancy, a copy of the certificate of occupancy, or in the absence of a certificate of occupancy or a copy of the certificate of occupancy, evidence of the previous capacity of the child care center under a prior issued license.*

*~~(6)~~(7) If the school-age center is established and operated by an intermediate school board, the board of a local school district, by the board or governing body of a state-approved nonpublic school, or by a person or entity with whom a school contracts for services and is located in a school building that is approved by the state fire marshal or other similar authority for school purposes, an applicant or licensee is not required to submit a certificate of occupancy at original licensure or before the renewal of a license.*

*~~(7)~~(8) Outdoor nature-based child care centers are exempt from subrule (5) of this rule, but the applicant or licensee shall provide both of the following before issuance of the original license, and before the renewal of a license:*

*(a) A location map including the location of the emergency shelter.*

*(b) Outdoor benefit-risk assessment.*

Additionally, although the certificate of occupancy requirements may be waived for school-age programs operated by or in a school setting, the ratio, group size, and space requirements should clearly remain to ensure competent supervision and appropriate facilities, regardless of where a program is offered or what entity provides care.

Thank you for the opportunity to provide formal comment on this proposed rule and for your ongoing partnership.

Respectfully submitted,

Brian Gutman

Vice President, Public Policy & Government Relations  
Learning Care Group



**From:** Ryan Waalkes <[ryan@bsmgr.org](mailto:ryan@bsmgr.org)>  
**Sent:** Monday, November 11, 2024 3:17 PM  
**To:** MiLEAP-CCLB-Help <[MiLEAP-CCLB-Help@michigan.gov](mailto:MiLEAP-CCLB-Help@michigan.gov)>  
**Subject:** School-Age Draft Rule Recommendations

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Dear MiLEAP Licensing Rule Revision Committee,

Following the release of the draft rules I, on behalf of my organization, Bridge Street Ministries, and the School-Age Licensing Workgroup convened by the Michigan Afterschool Partnership, would like to share additional recommendations.

Regarding the Part 8 - Fire Safety of the revised draft rule, please consider an exemption to this rule for *school age afterschool programs that operate in commercial spaces or churches that already have a current and valid occupancy permit issued by their local fire safety authority*. Similar exemptions are already granted to programs that exist in schools under Part 8 - R [400.8565](#) of the draft revisions. Such exemptions are granted, presumably, because a school building will have already undergone rigorous inspections and certification by the fire safety authority and requiring additional inspections would be redundant and unnecessarily costly and time consuming. Similarly, any commercial space or church building that has obtained a current and valid occupancy permit will have already undergone rigorous fire safety inspections to certify the building for safe usage for mass gatherings, events, or youth center purposes. Requiring additional inspections will be redundant and cause the program undue expense both in time and finances.

Related to this exemption, please add commercial buildings and churches that have a current and valid occupancy permit issued by the local fire safety authority to the exemption table in Part 7 - Table 2, Row (d)

As afterschool program providers we are committed to the safety of our kids and would not do anything to jeopardize or undermine their safety. Granting the above exemption would uphold the intent of the Fire Safety part of the rule, while also creating a more efficient and equitable path toward licensure for organizations that have limited time and resources, yet are providing critical afterschool programs for our communities most important resource.

We appreciate your consideration continued commitment,

**Ryan Waalkes**  
**Executive Director, BSM**  
ph: 616-340-6156  
email: [ryan@bsmgr.org](mailto:ryan@bsmgr.org)

**From:** Lee Anna Massey <[lmasey@michiganymca.org](mailto:lmasey@michiganymca.org)>  
**Sent:** Tuesday, November 12, 2024 2:36 PM  
**To:** MiLEAP-CCLB-Help <[MiLEAP-CCLB-Help@michigan.gov](mailto:MiLEAP-CCLB-Help@michigan.gov)>  
**Subject:** School-Age Draft Rule Recommendations

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[abuse@michigan.gov](mailto:abuse@michigan.gov)

Dear MiLEAP,

Following the release of the draft rules I, on behalf of my organization, the State Alliance of Michigan YMCAs, and the School-Age Licensing Workgroup



convened by the Michigan Afterschool Partnership, would like to share additional recommendations:

- Eliminate the maximum group size for school age children and allow the maximum to simply be whatever the space is licensed for and whatever they have staff for
- School age programs located in commercial buildings or churches who are already subject to fire inspections, should be exempt from needing to get additional fire inspections currently required by child care licensing
- For school age programs, the minimum age for a site director should be 18

We appreciate your continued commitment,

**Lee Anna Massey** (she/her/hers)  
Senior Director of Programs & Curriculum  
State Alliance of Michigan YMCAs  
734.210.0232 | [lmassage@michiganymca.org](mailto:lmassage@michiganymca.org)  
[michiganymca.org](http://michiganymca.org)

Schedule a meeting with Lee Anna by clicking [here](#)

**The Y: We're for youth development, healthy living and social responsibility.**

From: Bryan McCormick <bgreenville@gmail.com>  
Sent: Friday, November 1, 2024 2:37:56 PM (UTC-05:00) Eastern Time (US & Canada)  
To: MOAHR-Rules  
Subject: Teethers

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As an early childhood educator working primarily with toddlers I urge you to reconsider banning teething necklaces with the breakaway straps. They are vital in curbing biting incidents and teething pain. Being able to give them the independence of using when they need it and given them the choice is also vital to their growth.

Thank

Bryan McCormick

Sent from my iPhone

**From:** Amanda Klein <Amanda.Klein@heart.org>  
**Sent:** Friday, November 22, 2024 3:17 PM  
**To:** MiLEAP-CCLB-Help <MiLEAP-CCLB-Help@michigan.gov>  
**Subject:** AHA- Support of Childcare licensing Updates

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abuse@michigan.gov**

Good afternoon,

Please see attached a letter of support for the proposed licensing rules for childcare centers-  
2024-11 LP.

Please let me know if you have any questions.

Thank you,

**Amanda Klein**  
MI State Government Relations Director  
**American Heart Association**



Mobile: 517-303-0358



November 22, 2024

To whom it may concern,

On behalf of the American Heart Association, I am writing to express our strong support for the proposed updates to the childcare licensing rules. We recognize the vital role that quality childcare plays in the development and well-being of children, and I believe these updated regulations will have a positive impact on children and families as well as the childcare workforce.

The proposed changes align with the growing understanding of best practices in early childhood development and reflect the evolving needs. By improving standards related to water safety and the learning environment, these rules help ensure that all children receive the attention, nurturing, and educational foundation they deserve during their critical formative years.

Moreover, the updated rules demonstrate a commitment to ensuring that childcare providers are adequately supported and equipped to meet the needs of children in their care. The proposed changes will also streamline the child care licensing rules and reduce barriers for early educators, so they can focus on caring for Michigan's children.

We believe these updates will not only help create a safer and more enriching environment for children but also contribute to the long-term success and well-being of families. A strong, supportive childcare system is essential for a thriving community, and these updates represent an important step in making that a reality.

We strongly encourage you to adopt these updated childcare licensing rules and look forward to seeing the positive impact they will have.

Thank you,

Amanda Klein  
State Government Relations Director