

Legislative Analysis



BEFORE- AND AFTER-SCHOOL CARE AT FAMILY AND GROUP CHILD CARE HOMES

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<http://www.house.mi.gov/hfa>

House Bill 5976 (H-2) as reported from committee
Sponsor: Rep. Pauline Wendzel
1st Committee: Families, Children and Seniors
2nd Committee: Ways and Means
Complete to 11-5-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5976 would amend 1973 PA 116, the child care licensing act, to increase the number of children that in-home child care providers could receive into care under certain circumstances.

Currently under the act, a family child care home is defined as a private home where, for compensation, up to six children are taken care of and supervised for less than 24 hours at a time, and a group child care home is a private home where seven to 12 children are provided that supervision and care.

Under the bill, with written approval from the Department of Licensing and Regulatory Affairs (LARA), the operator of a family child care home or group child care home could submit a written request to LARA to care for additional unrelated school-age children during **before- or after-school care** hours. The operator would have to have a regular license with no pending disciplinary action such as a provisional license, refusal to renew, or revocation or increased monitoring due to a violation of a rule or law.

Before- or after-school care would mean child care from 5 a.m. to 9 a.m. and 2:30 p.m. to 6 p.m. on school days. It would not apply to a school break from regularly scheduled classes (such as spring, summer, or winter break), when school is closed to observe a state or federal holiday, or to a snow day.

Upon approval from LARA, a family child care home or group child care home could care for two additional unrelated school-age children during before- or after-school care hours. The existing square footage requirement would have to be met to obtain departmental approval.

LARA would have to rescind its approval if a recommendation for disciplinary action were made, including increased monitoring of the licensee due to a substantial or willful violation of a rule or law.

Ratio of personnel to children

While providing before- or after-school care, an operator of a family or group child care home approved as described above would be exempt from counting the additional children in the ratio of **child care personnel** to children as allowed in the administrative rules. (Under Rule 10 of the licensing rules for family and group child care homes,¹ the ratio of staff to children at

¹ https://www.michigan.gov/documents/lara/lara_BCAL_PUB-724_0715_494800_7.pdf

any given time must be at least one staff member to six children. The ratio has to include all children in care who are not related to any personnel as well as children under six years old who are children of the licensee or a staff member or are related to a member of the household.)

Child care personnel would mean an individual who is at least 14 years old to whom one or more of the following apply:

- He or she is employed by a family child care home or group child care home for compensation. This would include a contract employee or self-employed individual.
- His or her activities involve the unsupervised care or supervision of children for a family child care home or group child care home.
- He or she has unsupervised access to children who are cared for or supervised by a family child care home or group child care home.
- He or she acts in the role of a licensee designee.

Proposed MCL 722.114c

FISCAL IMPACT:

House Bill 5976 would be unlikely to have a significant fiscal impact on any unit of state or local government. The bill would create new administrative responsibilities for the Department of Licensing and Regulatory Affairs, but these responsibilities would likely be sufficiently absorbed by existing departmental personnel and appropriations.

POSITIONS:

The following entities testified in support of the bill (9-10-20):

Northern Michigan Chamber Alliance
Fletcher Home Childcare
Talent 2025

The following entities indicated support for the bill:

Little House (9-10-20)
Ms. Heather's Friends (9-10-20)
Bunny Patch Day Care (9-10-20)
Traverse Connect/Traverse City Chamber of Commerce (11-5-20)

The State Alliance of Michigan YMCAs indicated a neutral position on the bill. (9-15-20)

Representatives of the Department of Licensing and Regulatory Affairs testified in opposition to the H-1 substitute for the bill. (11-5-20)

The Michigan League for Public Policy indicated opposition to the bill. (11-5-20)

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