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House Bill 5975 (Substitute H-1 as passed by the House)  
House Bill 5976 (Substitute H-2 as passed by the House)  
House Bill 5977 (as passed by the House)

Sponsor: Representative Jack O'Malley (H.B. 5975)  
Representative Pauline Wendzel (H.B. 5976)  
Representative Gregory Markkanen (H.B. 5977)

House Committee: Families, Children and Seniors  
Ways and Means

Senate Committee: Families, Seniors and Veterans

Date Completed: 12-9-20

### **CONTENT**

**House Bill 5975 (H-1) would amend Public Act 116 of 1973, the child care licensing Act, to do the following:**

- **Beginning on the bill's effective date, require a family child care home or group child care home to maintain a ratio of not less than one child care personnel to six minor children present at any one time.**
- **Specify that, for each child care personnel, not more than four minor children could be under the age of 30 months, with not more than two of the four minor children under the age of 18 months.**
- **Allow the operator of a family child care home or group child care home who had at least three years of experience and had a regular license without certain disciplinary action to submit a written request to the Department of Licensing and Regulatory Affairs (LARA) to maintain a ratio of not less than one child care personnel to seven children.**
- **Require LARA to rescind written approval of the request if a recommendation was made for disciplinary action, including increased monitoring of that license because of substantial or willful violation of a rule or law.**
- **Modify the definitions of "family child care home" and "group child care home" to reflect the bill's provisions.**

**House Bill 5976 (H-2) would amend Public Act 116 of 1973, the child care licensing Act, to do the following:**

- **Allow an operator of a family child care home or group child care home who had a regular license without certain disciplinary action to submit a written request to LARA to care for additional unrelated school-age children during before-or-after-school hours.**
- **Allow 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 upon approval from LARA.**

- **Require LARA to rescind the written approval of two additional school-age children for an operator of a family child care home or group child care home if a recommendation were made for disciplinary action,**

**House Bill 5977 would amend Public Act 116 of 1973, the child care licensing Act, to specify that a child care center, group child care home, or family child care home that was controlled by a rule promulgated under the Act would have at least 90 days after a rule was promulgated to become compliant with the rule.**

### **House Bill 5975 (H-1)**

#### Child Care Personnel to Minor Child Ratio

Under Public Act 116 of 1973, "family child care home" means a private home in which one but fewer than seven minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. "Group child care home" means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household by blood, marriage, or adoption. The bill would retain these definitions, except as provided below.

Under the bill, beginning on its effective date and except as otherwise provided below, the ratio of child care personnel to minor children present in the family child care home or group child care home at any one time could not be less than one child care personnel to six minor children. The ratio would have to include all minor children in care who were not related to a child care personnel and any of the following minor children who were less than six years of age:

- A minor child of the licensee.
- A minor child of a child care staff personnel.
- A minor child related to a member of the household by blood, marriage, or adoption.

The bill also specifies that for each child care personnel, not more than four minor children could be under the age of 30 months, with not more than two of the four minor children under the age of 18 months.

The bill would define "child care personnel" as an individual who is fourteen years of age or older to whom one or more of the following apply:

- The individual is employed by a group child care home or family child care home for compensation, including a contract employee or a self-employed individual.
- An individual whose activities involve the unsupervised care or supervision of children for a group child care home or family child care home.
- An individual who has unsupervised access to children who are cared for or supervised by a group child care home or family child care home.
- An individual who acts in the role of a licensee designee.

#### Written Request to Maintain Ratio

Beginning on the bill's effective date, with the written approval of LARA, an operator of a family child care home who had at least three years of experience and had a regular license with no pending disciplinary action, including a provisional license, refusal to renew, or revocation or increased monitoring because of a rule or law violation, could submit a written

request to LARA to maintain a ratio of not less than one child care personnel to seven children. Upon LARA's approval, a family child care home could care for one additional unrelated minor child. The existing square footage requirement would have to be met to obtain LARA's approval.

The bill would require LARA to rescind the written approval of one additional unrelated minor child for the operator of a family child care home if a recommendation were made for disciplinary action, including increased monitoring of that license because of substantial or willful violation of a rule or law.

In addition, beginning on the bill's effective date, with the written approval of LARA, an operator of a group child care home who had at least three years of experience and had a regular license with no pending disciplinary action, including a provisional license, refusal to renew, or revocation or increased monitoring because of a rule or law violation, could submit a written request to LARA to maintain a ratio of not less than one child care personnel to seven children. Upon LARA's approval, a group child care home could care for two additional unrelated, minor children. The existing square footage requirement would have to be met to obtain departmental approval.

The bill would require LARA to rescind the written approval of two additional unrelated minor children for the operator of a group child care home if a recommendation was made for disciplinary action, including, but not limited to, increased monitoring of that license due to substantial or willful violation of a rule or law.

#### **House Bill 5976 (H-2)**

Under the bill, with the written approval from LARA, an operator of a family child care home or group child care home who had a regular license with no pending disciplinary action, including a provisional license, refusal to renew, or revocation or increased monitoring because of a violation of a rule or law, could submit a written request to LARA to care for additional unrelated school-age children during before-or-after-school hours. 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 bill would require the existing square footage requirement to be met to obtain LARA's approval.

The bill would require LARA to rescind the written approval of two additional school-age children for an operator of a family child care home or group child care home if a recommendation were made for disciplinary action, including increased monitoring of that license because of a substantial or willful violation of a rule or law. In addition, the bill specifies that while providing before-or-after-school care, an operator of a family child care home or group child care home would be exempt from counting up to two additional unrelated school-age children in the ratio of child care personnel to children as allowed in administrative rules.

("Child care personnel" would be defined as that term would be defined in House Bill 5975 (H-1). The bill would define "before-or-after-school care" as child care during the hours of 5 a.m. to 9 AM and 2:30 PM to 6 PM on school days. The term would not apply to a school break from regularly scheduled classes, including spring, summer, and winter break, or when school was closed for observing a State or Federal holiday or snow day.)

#### **House Bill 5977**

Under the Act, the Department of Health and Human Services (DHHS) and LARA are responsible for developing rules covered by the Act and for promulgating the rules. The Act requires the DHHS and LARA to establish an ad hoc committee for each type of child care

organization as defined in the Act when formulating or amending rules. The Act restricts rules to certain activities, including the operation and conduct of child care organizations and the responsibility they assume for child care and the character, suitability, health, training, and qualifications of applicants and other persons directly responsible for the care and welfare of children served, among other things. Under the bill, a child care center, group child care home, or family child care home that was controlled by a rule promulgated under the Act would have at least 90 days after a rule's promulgation to become compliant with the rule.

MCL 722.111 et al. (H.B. 5975)  
Proposed MCL 722.114c (H.B. 5976)  
MCL 722.112 (H.B. 5977)

Legislative Analyst: Tyler VanHuyse

## **FISCAL IMPACT**

### **House Bill 5975 (H-1)**

The bill would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs and would have no fiscal impact on local units of government. It would create minor administrative costs related to processing requests from licensees, but these activities likely would be adequately funded by existing appropriations.

### **House Bill 5976 (H-2)**

The bill would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs and would have no fiscal impact on local units of government. It would create minor administrative costs related to processing requests from licensees, but these activities likely would be adequately funded by existing appropriations.

### **House Bill 5977**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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