

Mich. Admin. Code R. 400.5101

R 400.5101 Definitions.

Rule 101. As used in these rules:

(a) "Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. department of education.

(b) "Ages" means all of the following:

(i) "Infant" - birth to 11 months of age.

(ii) "Young toddler" - 12 to 29 months of age.

(iii) "Older toddler" - 30 to 35 months of age.

(iv) "School age" means attending kindergarten or a higher grade but less than 13 years of age.

(c) "Caregiver" means an adult who provides direct care, supervision, and guidance of children. A 17-year-old shall qualify as a caregiver if he or she meets 1 of the following:

(i) Has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department of labor and economic growth. (ii) Has completed 1 year of apprenticeship in a recognized child care apprenticeship program sponsored by the U.S. department of labor.

(d) "Center" means a child care center or day care center which is a facility other than a private residence, which receives 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, prekindergarten, play group, or drop-in center. "Center" does not include any of the following:

(i) A Sunday school, a vacation Bible school, or a religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, or a facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.

(ii) A special education program or service conducted under the authority of article 3 of 1976 PA 451, MCL 380.1701 to 380.1766.

(iii) A kindergarten, elementary, or secondary school program operated by a local or intermediate school

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district under the authority of 1976 PA 451, MCL 380.1 et seq.

However, this exemption shall not apply to a prekindergarten program or to a child care center program for school-age children operated by a local or intermediate school district.

(iv) An elementary or secondary school program operated by a nonpublic school. However, this exemption shall not apply to a prekindergarten program or a child care center program for school-age children operated by a nonpublic school.

(v) A kindergarten operated as part of a nonpublic elementary school. However, this exemption shall not apply to a nonpublic kindergarten operated as part of a child care center.

(vi) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.

(vii) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

(e) "CEU" means a continuing education unit awarded by a state board of education or an accredited college/university sponsor of continuing education units.

(f) "Critical height" means the height of the highest designated play surface on a piece of playground equipment.

(g) "Department" means the department of human services.

(h) "Developmentally appropriate" means age appropriate as well as appropriate to the individual child.

(i) "Field trip" means children and caregivers leaving the child care center premises for an excursion, trip, or program activity.

(j) "Group size" means the specified number of children assigned to a caregiver or team of caregivers occupying an individual classroom or well-defined space for each group within a larger room. Two or more groups may be combined for collective activities as long as appropriate child/staff ratios are maintained in the room or area.

(k) "Parent" or "parental" means a child's natural parent, guardian, or another legally responsible person.

(l) "Playspace" means a piece or pieces of equipment that 1 child can use independently for 15 minutes.

(m) "Recommended dietary allowances" means the amount of food which meet the allowances recommended by the national research council and contained in the appendix of the publication entitled "Recommended Dietary Allowances," 10th edition, 1989. This publication is hereby adopted by reference. Copies of the adopted matter may

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be obtained from the National Academy of Sciences, 500 Fifth St. N.W., Washington, D.C. 20001 at a cost as of the effective date of this rule of \$24.95.

(n) "School" means a building or part of a building which is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by 1976 PA 451, MCL 380.1561 which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.

(o) "Sleeping equipment" means a crib, bed, porta-crib, cot, or mat used by children in care for sleeping and resting.

(p) "Staff" means caregivers, drivers, kitchen personnel, maintenance personnel, and other personnel of the center as well as the program director.

(q) "Well-defined space" means space designed and used exclusively for a specific group of children.

Mich. Admin. Code R. 400.5102

R 400.5102 Licensee.

Rule 102. (1) The licensee shall do all of the following:

(a) Demonstrate to the department that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47, and is suitable to meet the needs of children.

(b) Comply with 1973 PA 116, MCL 722.115c requirements for a Michigan department of state police criminal history record check, a criminal records check through the federal bureau of investigation, and a department of human services check for a history of substantiated abuse and neglect.

(c) Be responsible for compliance with 1973 PA 116, MCL 722.111 and the rules promulgated under the act.

(2) The licensee shall have the following administrative responsibilities regarding staff:

(a) Notify and submit credentials to the department for approval within 30 days of hiring a new program director.

(b) Perform a criminal history check using the Michigan department of state police's internet criminal history access tool (ICHAT) before making an offer of employment to a person.

(c) Develop and implement a written screening policy for all staff and volunteers, including parents, who have contact with children.

(d) Develop and implement a written plan to assure compliance with the provisions of 1975 PA 238, MCL 722.621 and known as the child protection law.

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(e) Have a written statement signed and dated by staff at the time of hiring indicating all of the following information:

(i) The individual is aware that abuse and neglect of children is against the law.

(ii) The individual has been informed of the center's policies on child abuse and neglect.

(iii) The individual knows that caregivers are required by law to immediately report suspected abuse and neglect to children's protective services.

(3) The licensee shall provide for the development and implementation of a written, on-going staff training plan that includes the following:

(a) The minimum training requirements as established in these rules.

(b) Topics including child development, curriculum, child discipline, health/safety, nutrition, working with parents, and licensing rules for child care centers.

(4) The licensee shall post the following in a place visible to parents:

(a) The current license.

(b) A copy of the current regulations.

(c) A notice stating whether the child care center requires a criminal history check on its employees or volunteers.

(5) The licensee shall assure that the actual number and ages of children in care at any 1 time never exceeds the number and ages of children for which a center is licensed.

(6) The licensee shall assure that a child is released only to persons authorized by the parent. Both of the following shall apply:

(a) A child shall be released to either parent unless a court order prohibits release to a particular parent.

(b) A copy of the order specified in subdivision (a) of this subrule is to be kept on file at the center.

(7) The licensee shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include both of the following:

(a) The licensee shall provide access to all records, materials, and staff.

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(b) Information provided by the licensee to the department shall be accurate and truthful.

(8) The licensee shall retain the name, address, and telephone number for each child enrolled and each employee for at least 4 years after they have left the center.

(9) The licensee shall assure that smoking does not occur in or during either of the following:

(a) In the child care center or on real property that is under the control of the child care center and upon which the child care center is located.

(b) On field trips and in vehicles when children are present.

Mich. Admin. Code R. 400.5102a

R 400.5102a Staff training requirements.

Rule 102a. (1) At least 1 caregiver with current certification in infant, child, and adult CPR and current first aid certification shall be on duty in the center at all times.

(2) The licensee shall assure that within 1 year of the effective date of these rules current caregivers have completed blood-borne pathogen training.

(3) The licensee shall assure that within 6 months of initial hire each caregiver completes blood-borne pathogen training.

(4) All caregivers shall complete 12 clock hours of annual training on topics referenced in R 400.5102(3)(b), not including CPR, first aid, and blood borne pathogen training.

(5) Annual training hours may include participation in any of the following:

(a) In-service trainings.

(b) Sessions offered by community groups, faith-based organizations, and child care provider associations.

(c) Workshops and courses offered by local or intermediate school districts or colleges.

(d) Trainings, workshops, seminars, and conferences on early childhood, child development or child care administration and practices offered by early childhood organizations.

(e) On-line trainings.

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(6) The licensee shall assure that caregivers for infants and toddlers have training that includes information about safe sleep and shaken baby syndrome prior to caring for infants and toddlers.

(7) The center shall keep on file verification of all professional development education or training, as required by this rule.

Mich. Admin. Code R. 400.5103

R 400.5103 Program director qualifications; responsibilities.

Rule 103. For purposes of this rule:

(a) "Child-related fields" means elementary education, child guidance/counseling, child psychology, family studies, and social work.

(b) "Child care administration" means child care administration, education administration, or business administration.

(c) A "Child Development Associate Credential" (CDA) means a credential awarded by the council for professional recognition or similar credential approved by the department.

(d) A "Montessori credential" means a credential issued by the association Montessori internationale (AMI), American Montessori society (AMS), or any Montessori teaching training institution recognized by the Montessori accreditation council for teacher education (MACTE) that meets or exceeds 270 hours of academic training.

(e) Degrees and semester hours shall be from an accredited college or university.

(1) A program director shall be present at the following:

(a) Full time for programs operating less than 6 continuous hours, when children are present.

(b) At least 50% of the time children are in care, but not less than a total of 6 hours for programs operating 6 or more continuous hours.

(2) A program director shall have the following qualifications:

(a) Be at least 21 years of age.

(b) Have earned a high school diploma or ged.

(c) Have current certification in infant, child, and adult cardiopulmonary resuscitation (cpr) and first aid.

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(d) Complete 12 clock hours of annual training on topics referenced in R 400.5102(3)(b), in addition to cpr, first aid, and blood borne pathogen training.

(e) Develop, implement, and evaluate center policies and program.

(f) Administer day-to-day operations including being available to address parent, child, and staff issues.

(g) Monitor and evaluate staff.

(3) The center shall ensure that the qualifications of the program director meet 1 of the following:

Education Semester hours in early childhood education or Hours of Experience in child development

(a) Bachelor's degree or higher in early childhood education or child development

(b) Bachelor's degree or higher in a child-related field with > 18 semester hours with > 480 hours

(c) Associate's degree in early childhood education or child development with > 18 semester hours with > 480 hours

(d) Montessori credential with > 18 semester hours with > 960 hours

(e) Child development associate credential with > 18 semester hours with > 960 hours

(f) 60 semester hours with > 18 semester hours with > 1920 hours

(4) A program director shall have at least 2 semester hours in child care administration from an accredited college or university, or a minimum of 3.0 ceus in child care administration.

(5) A program director, currently employed as a program director before the effective date of these rules, with a minimum of 2 years experience as a program director, shall be exempt from the requirements in subrules (3) and (4) of this rule.

(6) Program directors, currently employed as a program director before the effective date of these rules, with less than 2 years experience as a program director, shall have 2 calendar years to complete the requirements in subrules (3) and (4) of this rule.

(7) Program directors hired within 1 year after the effective date of these rules who have the minimum of 1 of the following requirements shall have 1 year to complete the requirements in subrules (3) and (4) of this rule.

(a) Sixty semester hours of credit at an accredited college or university with not less than 12 semester hours in child development, child psychology, or early childhood education.

(b) The child development associate credential awarded by the council for professional recognition or similar credential approved by the department with not less than 12 semester hours in child development, child psychology, or early childhood education at an accredited college or university.

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(c) A Montessori credential awarded by a Montessori teacher training institution recognized by the Montessori accreditation council for teacher education (MACTE).

(8) A program director shall appoint a substitute for a lead caregiver who has an absence that exceeds 30 consecutive workdays until return or replacement of the lead caregiver. A substitute shall meet the qualifications of the lead caregiver or be currently enrolled in relevant training.

(9) The center shall keep on file verification of the educational qualifications of the program director and the credential qualifications, as applicable.

Mich. Admin. Code R. 400.5103a

R 400.5103a Lead caregiver qualifications; responsibilities.

Rule 103a. (1) For purposes of this rule, lead caregiver applies only to groups of children who are less than school-age. As used in this rule:

(a) "Child-related fields" means elementary education, child guidance/counseling, child psychology, family studies, and social work.

(b) "Child care administration" means child care administration, education administration, or business administration.

(c) A "Child Development Associate Credential" (CDA) means a credential awarded by the council for professional recognition or similar credential approved by the department.

(d) A "Montessori credential" means a credential issued by the association Montessori internationale (AMI), American Montessori society (AMS), or any Montessori teaching training institution recognized by the Montessori accreditation council for teacher education (MACTE) that meets or exceeds 270 hours of academic training.

(e) Degrees and semester hours shall be from an accredited college or university.

(f) "CEU" means a continuing education unit awarded by a state board of education or an accredited college or university sponsor of continuing education units.

(g) "Hours of experience" means that the experience shall be in a licensed or registered facility serving the ages and developmental abilities of the children the caregiver will care for.

(2) The lead caregiver shall be responsible for both of the following:

(a) Oversee the planning, implementation, and evaluation of the classroom program and child assessment.

(b) Oversee caregiving staff for a specific group of children and overall care and supervision of children.

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(3) At least 1 lead caregiver shall be assigned to each group of children in self-contained or well-defined space and shall be present and providing care in the assigned group in the following manner:

- (a) Full time for programs operating less than 6 continuous hours.
- (b) At least 6 hours per day for programs operating 6 or more continuous hours.

(4) The lead caregiver shall have the following qualifications:

- (a) Be at least 19 years of age.
- (b) Have a high school diploma or GED.
- (c) Have current certification in infant, child, and adult cardiopulmonary resuscitation (CPR) and first aid.

(5) The center shall ensure that the qualifications of the lead caregiver meet 1 of the following:

Education	Semester Hours/CEUS in a child-related field	Hours of Experience
(a) Bachelor's degree or higher in early childhood education, child development, or a child-related field		
(b) Associate's degree or higher in early childhood education or child development		
(c) Montessori credential with →		480 hours
(d) Child development associate credential with →		480 hours
(e) High school diploma/GED with →	12 semester hours with →	960 hours
(f) High school diploma/GED with →	Combination of: 12 semester hours and/or 18 ceus to equal 180 clock hours with →	1920 hours

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(g) High school diploma/GED with → Combination of: 3840 hours

6 semester hours and/or 9 ceus to
equal 90 clock hours with →

(6) A lead caregiver for infants and toddlers shall have 3 semester hours in infant/toddler development and care practices, from an accredited college or university, or 4.5 CEUs in infant/toddler development and care practices. These hours or CEUs may satisfy a portion of the requirements of subrule (5) of this rule.

(7) Within 2 years from the effective date of these rules, the center shall comply with subrule (5) of this rule and, if applicable, subrule (6) of this rule.

(8) The center shall keep on file verification of the education, credential, and experience qualifications of each lead caregiver, as applicable.

Mich. Admin. Code R. 400.5104

R 400.5104 Staff.

Rule 104. (1) All staff shall be of responsible character and suitable to meet the needs of children.

(2) A staff member shall not be present in a child care center if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of hire.

(3) A staff member shall provide the child care center with documentation from the department of human services that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect before having contact with a child in care.

Mich. Admin. Code R. 400.5104a

R 400.5104a Volunteers.

Rule 104a. (1) A volunteer shall not have unsupervised contact with children in care if he or she has been convicted of either of the following:

(a) Child abuse or child neglect.

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(b) A felony involving harm or threatened harm to an individual within the 10 years immediately preceding the date of offering to volunteer at the child care center.

(2) A volunteer shall provide the child care center with documentation from the department of human services that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect before having unsupervised contact with a child in care.

(3) Each child care center shall establish and maintain a written policy regarding supervision of volunteers, including volunteers who are parents of a child in care.

Mich. Admin. Code R. 400.5104b

R 400.5104b Health of staff and volunteers; report.

Rule 104b. (1) The center shall have on file a report, signed by a licensed physician, for each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member or volunteer to perform the duties required. The report shall be signed not more than 6 months before, or 30 days after, the start of employment.

(2) The center shall have on file evidence that each staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 1 year before employment.

Mich. Admin. Code R. 400.5105

R 400.5105 Supervision and ratio requirements.

Rule 105. (1) The center shall provide appropriate care and supervision of children at all times.

(2) A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at all times when 7 or more children over 3 years of age are present.

(3) The ratio of caregivers to children present at all times shall be based upon all of the following provisions:

(a) For children 3 years of age, there shall be 1 caregiver for 10 children or each fraction of 10, including children who are related to the staff and the licensee.

(b) For children 4 years of age, there shall be 1 caregiver for 12 children or each fraction of 12, including children who are related to the staff and the licensee.

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(c) If there are children of mixed ages in the same room or in a well-defined space, then the ratio shall be determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child/staff ratios for each age group are maintained.

(4) An exception to the requirements of subrule (2) of this rule may be made when the center is transporting children and is in compliance with R 400.5611(2), (3), and (4).

(5) For infants, young toddlers, and older toddlers, there shall be a ratio of caregivers to children as required in R 400.5201a.

(6) For school-age children, there shall be a ratio of caregivers to children as required in R 400.5303a.

Mich. Admin. Code R. 400.5105a, Rescinded

R 400.5105a Rescinded

Mich. Admin. Code R. 400.5105b, Rescinded

R 400.5105b Rescinded

Mich. Admin. Code R. 400.5106

R 400.5106 Program.

Blue, Gray,
& Green

Rule 106. (1) A developmentally appropriate program shall be implemented that includes all of the following areas:

- (a) Physical development.
- (b) Social development.
- (c) Emotional development.
- (d) Intellectual development.

(2) The following types of activities shall be provided daily:

(a) Quiet and active.

(b) Individual, small groups, and large groups.

(c) Large and small muscle.

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- (d) Child initiated and staff initiated.
 - (e) Developmentally appropriate language and literacy experiences throughout the day accumulating for not less than 30 minutes.
 - (f) Early math and science experiences.
- (3) Daily activities shall be planned so that each child may do the following:
- (a) Have opportunities to feel successful and feel good about himself or herself and develop independence.
 - (b) Use materials and take part in activities which encourage creativity.
 - (c) Learn new ideas and skills.
 - (d) Participate in imaginative play.
- (4) Television, video tapes, movies, electronic devices and computers shall be designed for children's education and/or enjoyment, and shall be suitable to the age of the child in terms of content and length of use.
- (a) Programs or movies with violent or adult content shall not be permitted while children are in care.
 - (b) Other activities shall be available to children during television/movie viewing.
- (5) A daily activity guide relating to the curriculum and each age group shall be prepared and posted in a place visible to parents or otherwise made available to them.
- (6) The center shall provide daily outdoor play when children are in attendance for 5 or more continuous hours per day, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.
- (7) The center shall provide a naptime or quiet time when children under school-age are in attendance 5 or more continuous hours per day.
- (8) The center shall provide opportunities to rest for children less than 3 years of age regardless of the number of hours in care.
- (9) The center shall permit infants to eat and sleep on demand.
- (10) The licensee shall, for children with special needs, work with the parents, medical personnel and/or other relevant professionals to provide care according to the child's identified needs.

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(11) The center shall permit parents to visit the program for the purpose of observing their children during hours of operation.

Mich. Admin. Code R. 400.5107

R 400.5107 Discipline.

Rule 107. (1) The staff shall use positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation.

(2) The following means of punishment shall be prohibited:

- (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
- (b) Restricting a child's movement by binding or tying him or her.
- (c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
- (d) Depriving a child of meals, snacks,** rest, or necessary toilet use.
- (e) Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.

(3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.

(4) A policy shall be developed and implemented regarding the discipline of children. It shall be:

- (a) In written form.
- (b) Age appropriate.
- (c) Provided to staff and parents.

Mich. Admin. Code R. 400.5108

R 400.5108 Equipment.

Rule 108. (1) The center shall provide an adequate and varied supply of play equipment, materials, and furniture, which meet the following criteria:

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- (a) Appropriate to the developmental needs and interests of children.
 - (b) Safe, clean, and in good repair.
 - (c) Child-sized or appropriately adapted for a child's use.
 - (d) Easily accessible to the children.
- (2) The center shall have sufficient materials and equipment to provide a minimum of 3 playspaces per child in the licensed capacity.
- (3) A minimum of 2 playspaces shall be available and accessible per child in attendance on any given day during child-initiated activity time.

(4) Children shall have access to equipment and materials in the following areas on a daily basis:

(a) Large and small muscle activity

- (b) Sensory exploration.
- (c) Social interaction and dramatic play.
- (d) Discovery and exploration.
- (e) Early math and science experiences.
- (f) Creative experiences through art, music, and literature.

- (5) The center shall provide a complete equipment inventory to the department before initial licensure and update it at each renewal.

Mich. Admin. Code R. 400.5109

R 400.5109 Sleeping equipment.

Rule 109. (1) The center shall provide a cot or a mat constructed of a fabric or plastic which is easily cleanable in either of the following circumstances:

- (a) For any child who is less than school-age enrolled for 5 or more continuous hours.

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- (b) Upon a parent's request for any child in attendance.
- (2) Each cot and mat shall be cleaned and sanitized between use by different children and at least once a week regardless of use by different children.
- (3) Each child shall be provided with a sheet or blanket of appropriate size that shall be the following:
 - (a) For the exclusive use of 1 child between launderings.
 - (b) Washed at least weekly or more often if soiled.
 - (c) Stored so that it does not make contact with other bedding.
- (4) All occupied cots and mats shall be spaced at least 18 inches apart and in a manner that provides a free and direct means of egress.

Mich. Admin. Code R. 400.5109a

R 400.5109a Nighttime care.

Rule 109a. If a child is in care between the hours of 11 p.m. and 6 a.m., then the following shall be required:

- (a) A separate area away from sleeping children where the child can engage in quiet activities.
- (b) A bed and mattress, with a waterproof covering, of a size appropriate to the age of each child.

Mich. Admin. Code R. 400.5110

R 400.5110 Food services and nutrition.

Rule 110. (1) Snacks and meals shall be provided by the center, except when 1 of the following circumstances occurs:

(a) A majority of the children are in attendance less than 4 hours.

(b) Food is provided by a parent.

(2) Food provided by the center shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child and adult care food program as administered by the Michigan department of education based on 7 C.F.R. Part 226, 1-1-05 edition, of the U. S. department of agriculture, food and nutrition services, child and adult care food program and is hereby adopted by reference. A copy can be obtained at no charge on the internet at www.fns.usda.gov/cnd/Care/CACFP/cacfhome.htm, or from

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the department of human services, P.O. Box 30650, Lansing, Michigan, 48909.

(3) A child shall be served meals and snacks in accordance with the following schedule:

(a) Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.

(b) Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks, or 2 meals and 1 snack.

(c) Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.

(4) The center shall assure that a child is not deprived of a snack or meal if the child is in attendance at the time when the snack or meal is served.

(5) Menus shall be planned in advance, shall be dated, and shall be posted in a place visible to parents. Food substitutions shall be noted on the menus.

(6) The center shall assure that a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or a licensed physician.

(7) Adequate staff shall be provided so that food service activities do not detract from direct care and supervision of children.

Mich. Admin. Code R. 400.5111

R 400.5111 Children's records.

Rule 111. (1) At the time of the child's initial attendance, a child information card, using a form provided by the department or a comparable substitute, filled out by the parent, including written permission, signed by the parent, to seek emergency medical care shall be obtained and kept on file and accessible in the center.

(2) Child information cards shall be updated annually or when changes occur.

(3) At the time of initial attendance, 1 of the following shall be obtained and kept on file and accessible in the center:

(a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of community health.

(b) A copy of a waiver addressed to the department of community health and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

(4) When a child has been in attendance for 4 months, an updated certificate showing completion of all additional

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immunization requirements as specified by the department of community health shall be on file unless there is a signed statement by a licensed physician or his or her designee stating immunizations are in progress.

(5) Within 30 days of initial attendance, 1 of the following shall be obtained and kept on file and accessible in the center:

(a) For infants and young toddlers: A physical evaluation performed within the preceding 3 months signed by a licensed physician or his or her designee. Restrictions shall be noted.

(b) For older toddlers and pre-school age: A physical evaluation performed within the preceding year signed by a licensed physician or his or her designee. Any restrictions shall be noted.

(6) Physical evaluations shall be updated as follows:

(a) Yearly for infants and young toddlers.

(b) Every 2 years for older toddlers and pre-school age.

(7) The center shall assure that if a parent objects to a physical examination or medical treatment on religious grounds, then the parent provides a signed statement annually that the child is in good health and that the parent assumes responsibility for the child's state of health while at the center.

(8) The center shall maintain an accurate record of daily attendance at the center that includes each child's first and last name, and each child's arrival and departure time.

(9) Parent's written permission for the child's participation in field trips shall be obtained at the time of enrollment or before each field trip and kept on file in the center.

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

Mich. Admin. Code R. 400.5111a

R 400.5111a Accident, injury, illness, death reporting.

Rule 111a. (1) The center shall make a verbal report to the department within 24 hours of a serious injury, or accident, or a serious illness or medical condition occurring while a child is in care that results in emergency medical treatment at a health facility or hospitalization, or death.

(2) The center shall submit a written report in a format provided by the department within 72 hours of a serious injury or accident, or a serious or medical condition which results in emergency medical treatment at a health facility or hospitalization, or death. A copy of the report shall be kept on file at the center.

Mich. Admin. Code R. 400.5111b

R 400.5111b Health care policies and resources.

Rule 111b. A written health care plan shall be implemented that includes the following:

(a) Health practices and policies including procedures for the following:

- (i) Children and staff hand washing.
- (ii) Handling children's bodily fluids.
- (iii) Cleaning and sanitizing of all equipment, toys and other surfaces.
- (iv) Controlling infection, including universal precautions.

(b) Health-related resources.

Mich. Admin. Code R. 400.5112, Rescinded

R 400.5112 Rescinded

Mich. Admin. Code R. 400.5113, Rescinded

R 400.5113 Rescinded

Mich. Admin. Code R. 400.5113a

R 400.5113a Emergency procedures.

Rule 113a. (1) The center shall have written procedures for the care of children and staff for each of the following emergencies:

- (a) Fire.
- (b) Tornado.
- (c) Serious accident, illness, or injury.
- (d) Crisis management, including, but not limited to intruders and bomb threats.

(2) The center shall inform each member of the staff of his or her duties and responsibilities if an emergency occurs. Emergency procedures shall be reviewed with staff at least twice a year.

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- (3) The center shall establish and implement a fire drill program for staff and children consisting of at least 1 fire drill quarterly to assure prompt evacuation of the building in case of emergency.
- (4) The center shall establish and implement a tornado drill program consisting of at least 2 tornado drills during the months of April to October to assure prompt emergency procedures in the case of a tornado.
- (5) The center shall post emergency procedures and evacuation plans in a place visible to staff and parents.
- (6) A written log indicating the date and time of fire and tornado drills shall be on file at the center.
- (7) If cribs are used in emergency evacuations, then all doors within the means of egress shall be wide enough to readily accommodate the crib evacuation.

Mich. Admin. Code R. 400.5113b

R 400.5113b Medication; administrative procedures.

- Rule 113b. (1) Medication, prescription or nonprescription, shall be given to a child by an adult caregiver only.
- (2) Medication, prescription or nonprescription, shall be given or applied only with prior written permission from a parent.
 - (3) All medication shall be its original container, stored according to instructions, and clearly labeled for a named child.
 - (4) Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given according to those instructions.
 - (5) All medication shall be kept out of the reach of children and shall be returned to the child's parent or destroyed when the parent determines it is no longer needed or it has expired.
 - (6) A caregiver shall give or apply any prescription or nonprescription medication according to the directions on the original container unless authorized by a written order of the child's physician.
 - (7) Topical nonprescription medication, including, but not limited to sunscreen and insect repellent, requires written parental authorization annually.
 - (8) The center shall maintain a record as to the time and the amount of medication given or applied, with the exception of subrule (7) of this rule, on a form provided by the department or a comparable substitute approved by the department. The signature of the caregiver administering the medication shall be included.

Mich. Admin. Code R. 400.5113c

R 400.5113c Child illness.

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Rule 113c. (1) Parents shall be notified when the center observes changes in the child's health, a child experiences accidents or injuries, or when a child is too ill to remain in the group.

(2) The center shall assure that a child too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives.

(3) Items and facilities, including sleep equipment, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by any other person until thoroughly cleaned and sanitized.

(4) If the center becomes aware that a child in care has contracted a communicable disease, then the center shall notify parents of the following:

(a) The name of the communicable disease.

(b) The child may have been exposed.

(c) The symptoms of the disease.

Mich. Admin. Code R. 400.5114

R 400.5114 Information provided to parents.

Rule 114. (1) A licensee shall develop a written information packet to be provided to each parent enrolling a child that includes, but is not limited to the following:

(a) Criteria for admission and withdrawal.

(b) Schedule of operation, denoting hours, days, and holidays during which the center is open and services are provided.

(c) Fee policy.

(d) Discipline of children.

(e) Nutrition and food service program.

(f) Program philosophy and typical daily schedule.

(g) Health care plan.

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Mich. Admin. Code R. 400.5115

R 400.5115 Telephone service.

Rule 115. (1) A land-line telephone, excluding pay phones, cell phones, and cordless phones, shall be available, operable, and accessible in the building during the hours that the center is in operation. An operable land-line telephone does not require electricity in the center to operate.

(2) During the hours the center is in operation, the center shall provide a telephone number known to the public and available to parents to provide immediate access to the center.

(3) Emergency telephone numbers, including 911, fire, police, poison control center, and emergency medical services, shall be conspicuously posted immediately adjacent to the telephone.

Mich. Admin. Code R. 400.5116

R 400.5116 Indoor space.

Rule 116. (1) Indoor activity space shall be used by and accessible to each child.

(2) The required square footage of space per child shall be at least the following:

(a) Fifty square feet for infants and young toddlers.

(b) Thirty-five square feet for older toddlers to school-age.

(3) The following indoor space is excluded from the required square footage:

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and cloakrooms.

(f) Areas used exclusively for resting, sleeping, or eating, except for infants and young toddlers.

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(4) The center shall provide a floor plan of all child use areas to the department. Only space that has received prior approval for child use by the department may be used for child care. Structural changes and unapproved areas shall be reviewed and approved by the department before use.

Mich. Admin. Code R. 400.5117

R 400.5117 Outdoor play area.

Blue &
Pale Yellow

Rule 117. (1) The outdoor play area shall be considered an outdoor classroom and an extension of the learning environment.

(2) Children shall only use age-appropriate equipment.

(3) A center operating with children in attendance for 5 or more continuous hours a day shall have an outdoor play area that has at least 1,200 square feet. More than 1,200 square feet of outdoor play area may be required when the minimum amount is not adequate for the safe and accessible use by the number of children to be cared for by the center.

(4) If outdoor space is not available adjacent to the center, then a park or other outdoor facility may be used. The following shall apply:

(a) The area shall be easily accessible by a safe walking route.

(b) The play area shall be inspected before each use to ensure that no hazards are present.

(c) The location of the alternative outdoor play area shall be specified in writing to the department.

(5) An outdoor play area located on the center's premises and all outdoor play equipment shall be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

(6) The outdoor play area shall be in a safe location. It shall be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.

(7) The equipment in the outdoor play area shall comply with the guidelines of the 1997 edition of the Handbook for Public Playground Safety, PUB No. 325, and is adopted by reference. Copies may be obtained, at no cost, from the Consumer Product Safety Commission (CPSC), Washington, D.C. 20207 (www.cpsc.gov) or from the department of human services, P.O. Box 30650, Lansing, Michigan 48909. Documentation of compliance shall be provided to the department upon request, and kept on file in the center. Centers licensed before the promulgation of these rules shall have 2 years from the effective date of these rules to meet the requirements of this rule.

(8) The surface materials and use zones in the outdoor play area shall comply with the guidelines of the Handbook for Public Playground Safety, PUB No. 325, referenced in subrule (7) of this rule. In addition, the following shall apply:

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(a) Protective surfaces such as wood mulch, double shredded bark mulch, uniform wood chips, fine or coarse sand, pea gravel, rubber or rubber over foam mats or tiles, poured in place urethane and rubber compositions shall be provided in areas where climbing, sliding, swinging, or other equipment from which a child might fall is located.

(b) Loose-fill surfacing material shall not be installed over concrete.

(c) If children's wheeled vehicles and pull toys are used, then a suitable surface shall be provided for their use.

(9) The compressed depth of the surface material that is required shall be based on the critical fall height of the equipment. All of the following applies to surfacing material:

(a) Six inches of approved surfacing material is required for equipment with a critical fall height of up to 7 feet.

(b) Nine inches of approved surfacing material is required for equipment with a critical fall height of 7 feet to 10 feet.

(c) When sand is used as a surfacing material, 12 inches of sand is required for equipment with a critical fall height of 5 to 10 feet.

(10) The depth of the loose-fill surface material shall be restored to its required depth when it has moved or become packed.

(11) Trampolines shall not be used by children in care.

(12) There shall be a shaded area in the summer to protect children from excessive sun exposure.

(13) Centers licensed before the promulgation of these rules shall have 1 year from the effective date of these rules to comply with subrules (8) and (9) of this rule.

(14) School-age child care centers operating in school buildings approved by the Michigan department of education shall be exempt from subrules (7), (8), and (9) of this rule, provided the licensee informs parents, in writing at the time of enrollment, if the center plans to use a public school's outdoor play area and equipment that does not comply with this rule.

Mich. Admin. Code R. 400.5118

R 400.5118 Rule variances.

Rule 118. (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

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(2) The decision of the department, including the conditions under which the variance was granted, shall be kept on file with the applicant or licensee.

(3) The granted variance may remain in effect for as long as the licensee continues to comply with the conditions of the variance or may be time-limited.