



Addendum:

Recommended Micro-Center Policies

“I love working with children and want to own a child care business, but I am unable to care for children in my own home—a micro-center is perfect for me.”

—LEELANAU COUNTY PROVIDER

Introduction



“These proposed administrative policies are...the first step in addressing the evolution of micro-centers as a useful tool for expanding recruitment of providers and increasing child care capacity for families.”

Recommended Micro-Center 3rd Category Licensing Policies

The supplemental funding awarded to the Regional Child Care Planning Coalition project was to create proposed policies that would govern operation of “micro-centers.” Micro-centers were approved by the Michigan Child Care Licensing Bureau as a pilot program in Leelanau County that allowed “home-scaled” child care programs to operate in approved facilities outside the home. Micro-centers currently are allowed in Leelanau County only as an innovative program model through variances to center rules issued by MiLEAP.

The proposed administrative policies attached herein, are an interim deliverable and the first step in addressing the evolution of micro-centers as a useful tool for expanding recruitment of providers and increasing child care capacity for families.

This work involved comparing and contrasting the current Family and Group Child Care and Child Care Center licensing rules, review of the proposed new administrative rules for centers, discussion with providers regarding their requested variances, and the Leelanau experience thus far identifying policies that were challenging to implement.

Based on the Leelanau experience the third set of rules being proposed prioritizes the safety and health of children in the micro-center program operated with only one or two full-time equivalent (FTE) staff members to meet the requirements.

The general principal followed in creating this third set of policies was that the rules should adapt so that micro-center owners meet the home-based standards and program operation requirements based on the number of children served. While the micro-center facilities meet center-based rules that govern operating in a facility outside a private residence.

Next Steps Include:

- Finalization of the attached interim policy draft to further refine the rules, identifying any remaining overlaps between the various existing and proposed administrative policies to ensure appropriate oversight for this hybrid micro-center model
- Creation of a supporting document that outlines a rationale for the rule changes
- Provision of the final combined draft of the attached policies with rationale for state agency directors, policy makers, providers and others for their review, comment and suggestions.

For individuals who may not be as familiar with the micro-center project, the following page adds some historical background supporting this request.

“Micro-centers are the size of home-based programs but can operate outside the home in facilities such as schools and churches, creating flexibility, operating efficiency and new partnership opportunities.”

“Micro-centers...can be easier and more attainable for new providers to start and operate than a center-based program at larger scale in a facility.”

Brief History Behind the Micro-Centers

While there are several other states that operate micro-centers they are in a “Hub” or “Pod” arrangement where some or all business services are performed by the hub while individual providers focus strictly on providing care.

The Leelanau micro-center model is a stand-alone arrangement where single child care businesses operate away from the license holder’s home and are responsible for full business operation of the program and care.

The Leelanau Early Childhood Development Commission’s Infant Toddler Child Care Start Up (ITCS) program requested approval from the Bureau in order to create “micro-centers.” Micro-centers are the size of home-based programs but can operate outside the home in facilities such as schools and churches, creating flexibility, operating efficiency and new partnership opportunities.

The Early Childhood Investment Corporation (ECIC) innovation grant awarded to the ITCS program provided funds to expand home-based child care opportunities in Leelanau County. It turns out the existing home-based child care model doesn’t always work for aspiring child care providers, even those who would otherwise like to operate smaller child cares.

Under current Michigan rules, a licensed Family Child Care Home or Group Child Care Home must be operated at the provider’s personal residence rather than a location outside the home. However, many people are not able to provide child care in their private residences, often due to factors beyond their immediate control causing the ITCS to find an alternative that still remains “home-based” child care in nature.

While many parents and caregivers may favor a bigger, center-based program for their children, other parents prefer home-based programs which have fewer children. This is why home-based programs are an essential option (among others) within Michigan’s mixed-delivery child care system.

The solution developed by the Infant Toddler Child Care Start Up (ITCS) program was to match the person who wishes to operate a smaller scale child care with a location outside of their home that is suitable for child care and offered the characteristics of the home-based model and home-like feel that some parents seek. Because micro-centers are the size of home-based programs, they can be easier and more attainable for new providers to start and operate than a center-based program at larger scale in a facility.

The initial micro-centers were licensed starting with center-based rules using variances to modify specific rules regarding credentials, ratios and requirements. These center-based rules would otherwise have been difficult for small capacity micro-centers with one or two full-time equivalent (FTE) staff members to meet.

Recent funding through the Michigan Department of Labor and Economic Opportunity (LEO) was awarded to the Leelanau Early Childhood Development Commission to expand micro-centers into Grand Traverse and Benzie Counties where needed and appropriate.

Micro-Centers

Recommended 3rd-Category Licensing Rules, Updated November 18, 2024

“Licensing rules are important for ensuring kids are kept safe and thriving. I want licensing rules specific for micro-centers that keep kids safe, but allow me to spend my time working with the kids rather than doing additional paperwork and tasks required of larger centers who care for more than 12 children.”—LEELANAU COUNTY PROVIDER

A Note to the Reader:

In the policy document that follows, you might be expecting easy-to-skim pages in which you would find familiar text with a few highlighted changes. We couldn't approach it that way, because there isn't one set of rules on which to make changes, there are two.

What will be familiar in the document are current *Statutes* (state and federal laws) that *govern* the care of children in the absence of their parents. The policies implementing those statutes are here and are unchanged.

This document then takes pieces of text from two categories of *Rules* (based on state policies for licensing) that *regulate* the practice of child care in either a home or a facility.

Today, a child care provider must decide to be either a “home-based” or a “center-based” operation, before applying for a license.

What follows are recommendations for a 3rd-Category of licensing rules that would legally allow a child care operator to have both, a home-like, home-scaled program in a facility other than their private residence—**a Micro-Center**.

TABLE OF CONTENTS

INTRODUCTION	2
Micro-Centers, a Note to the reader.....	4
PART 1. DEFINITIONS, LICENSING PROCESS, PROCEDURES, AND RECORDS	7
Definitions; A through I.	7
Definitions; J through R.....	9
Definitions; S through Z.....	10
Rule variances	11
Applicant qualifications; license application; fees.....	11
Children's records.	12
Micro-center records.	13
Comprehensive background check; fingerprinting.....	14
Department; information; eligibility determination.....	15
Eligibility determination; individual who resided out of the United States; self-certifying statement.....	15
Information provided to parents.....	15
PART 2. SPACE AND EQUIPMENT.....	16
Indoor space.	16
Outdoor play area.....	17
Equipment.	17
Sleeping equipment.....	18
Telephone service.	19
Water supply; plumbing.	19
Toilets; hand washing sinks.	20
Sewage disposal.....	20
Garbage and refuse.	20
Heating; temperature.	20
Ventilation and screening.	20
Premises.....	21
Maintenance of premises.	21
Poisonous or toxic materials.	22
Conducive to the welfare of children.....	22
Smoking or vaping.	22
PART 3. STAFFING	22
Applicant; licensee; responsibilities and requirements.....	22
Child care staff member; employment requirements.....	24
Child care assistant; requirements.	24
Staff; volunteer; requirements.	24
MiRegistry	25
Professional development requirements.....	25
Sleeping, resting, and supervision.	27
Capacity, ratio and group size requirements.	27

PART 4. GENERAL HEALTH AND SAFETY	28
Hand washing.....	28
Diapering and Toileting	28
Biocontaminants	29
Medication; administrative procedures.	29
Child accidents and incidents; child and staff illness.....	30
Department notification required; incidents; injury; accident, illness, death, or fire.	30
Emergency preparedness and response planning procedures.....	31
Food allergy plan.....	32
PART 5. PROGRAM AND CARE.....	32
Care; supervision; children.	32
Daily activity program.....	32
Primary care for infants and toddlers.	33
Nighttime care.....	34
Discipline.....	34
PART 6 FIRE SAFETY	34
National Fire Protection Association standards; adoption by reference.....	34
Definitions.....	35
Plans and specifications; submission; approval; inspections.....	37
Construction.....	37
Interior finishes.....	38
Exits.....	39
Hazard Areas.....	40
Fire alarm.....	42
Smoke detectors; carbon monoxide detectors.....	42
Fire extinguishers.....	42
Electrical service.....	42
Open-flame devices; candles.....	43
Fire safety; exemptions for public and nonpublic school buildings.....	43
PART 7. FOOD SERVICES AND NUTRITION.....	43
Definitions.....	43
Plan review; approval; inspections.....	44
Food preparation areas.....	44
Food and equipment storage.....	45
Food preparation.....	45
Dishwashing.....	46
Food services and nutrition generally.....	46
Food services and nutrition; provided by micro-center.....	48
Food services and nutrition; provided by parents.....	49
Drinking water management plan; water sampling, testing, and remediation; filtered water; records.....	50
PART 8. TRANSPORTATION.....	50
Definitions.....	50

Transportation.	51
All motor vehicles.....	51
Safety equipment in motor vehicles.	51
Manufacturer’s rated seating capacity; restraint devices; safety belts.....	52
Motor vehicle operator.....	52
Program staff and unsupervised volunteer-to-child ratio and supervision in transit.	53
Time limitation on child transit.	53
Parent permission for transportation.....	53
PART 9 SWIMMING	54
Swimming; child care staff member-to-child ratio.....	54
Swimming activity supervision.	54
Instructional swim.....	54
Swimming activity area.....	55

PART 1. DEFINITIONS, LICENSING PROCESS, PROCEDURES, AND RECORDS

Definitions; A through I.

(1) 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 United States Department of Education.
- (b) “Act” means 1973 PA 116, MCL 722.111 to 722.128, regarding child care organizations.
- (c) “Adult” means a person 18 years of age or older.
- (d) “Ages” means all of the following:
 - (i) “Infant” – a child from birth until 1 year of age.
 - (ii) “Toddler” – a child who is 1 year of age until 30 months of age.
 - (iii) “Preschooler” – a child who is 30 months of age until eligible to attend a grade of kindergarten or higher.
 - (iv) “School-ager” – a child who is eligible to attend a grade of kindergarten or higher, but less than 13 years of age. A child is considered a school-ager on the first day of the school year in which he or she is eligible.
- (e) “Applicant” means an individual who applies for a license to operate a micro-center.
- (f) “Biocontaminant” means bodily fluids such as urine, feces, saliva, blood, nasal discharge, eye discharge, and injury or tissue discharge.
- (g) “Certified playground safety inspector” means an individual certified by the National Playground Safety Institute or the National Program for Playground Safety to conduct playground safety inspections.
- (h) “CEU” means a continuing education unit awarded by an accredited college or university sponsor of continuing education units or State Continuing Education Clock Hour (SCECH) awarded by the state board of education. As an example, 1.5 CEUs or 15 SCECHs could equal 1 semester hour or 15 clock hours.
- (i) “Child care administration” means educational courses in child care administration, education administration, or business administration.
- (j) “Child care background check system” means the database maintained by the department to document a comprehensive background check and eligibility determination pursuant to section 5n of the act, MCL 722.115n.

- (k) "Child development associate credential" or "CDA" means a credential awarded by the Council for Professional Recognition or a similar credential approved by the department.
- (l) "Child-related field" means the following:
- (i) Academic courses in early childhood education, elementary education, secondary education, special education, physical education and recreation, child development, youth development, child guidance, child counseling, child psychology, family studies, environmental or outdoor education, social work, human services or special education.
- (m) "Clean" means removing dirt, food, soil, and other types of debris by scrubbing and washing with a detergent solution and rinsing with water.
- (n) "Communicable disease" means an infectious disease that is transmissible from person to person by direct contact with an infected individual or the individual's discharges, or by indirect means through a vector. Communicable disease includes, but is not limited to, all of the following:
- (i) Chicken pox.
 - (ii) Hand, foot and mouth disease.
 - (iii) Influenza.
 - (iv) Measles.
 - (v) Mumps.
 - (vi) Pertussis, which is also referred to as whooping cough.
 - (vii) Rubella.
 - (viii) Tuberculosis.
- (o) "Comprehensive background check" means a department review of an individual as required in sections 5n and 5q of the act, MCL 722.115n and 722.115q.
- (p) "Continuously employed child care staff member" means an individual who has not been disconnected from the child care background check system for a period of more than 180 days and has continuously resided in Michigan as referenced in section 5n(15) and (16) of the act, MCL 722.115n(15) and (16).
- (q) "Degrees and semester hours" means only those degrees and hours from an accredited college or university.
- (r) "Department" means the Michigan department of lifelong education, advancement, and potential.
- (s) "Developmentally appropriate" means age appropriate as well as appropriate to the individual child.
- (t) "Disinfect" means destroying any remaining germs on surfaces after cleaning using a stronger bleach solution or an EPA-registered disinfecting product as described on the label.
- (v) "Easily cleanable" means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (w) "Experience" means paid and unpaid experience serving the ages and developmental abilities of children for which the micro-center is licensed.
- (x) "Field trip" means children, program staff and/or volunteers leaving the micro-center premises for an excursion, trip, or program activity.
- (y) "First aid kit" means a kit containing, at a minimum, all of the following: sterile gauze pads, assorted sizes, a roll of gauze, adhesive bandages, assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8152.
- (z) "Group size" means the specified number of children assigned to a child care staff member or team of child care staff members occupying an individual area or well defined space for each group within a larger room.
- (aa) "Hand washing" means to cleanse the hands with soap and warm running water for at least 20 seconds.

(bb) "Immediately available" means an applicant, licensee, parent or guardian remains onsite at the address of the micro-center.

(cc) "Independent service provider" means individuals who are not child care staff members, but who render professional, therapeutic, or enrichment services within a micro-center. Independent service providers include, but are not limited to, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals, intermediate school district staff, local school district staff, departmental staff other than those responsible for inspecting centers, non-center affiliated bus drivers, cafeteria and maintenance personnel, electricians, plumbers and photographers, and other outside service providers. They are not considered contract employees or self-employed as described in the act as long as they are supervised at all times while at the child care center when children are present, by an eligible child care staff member.

(2) A term defined in the act has the same meaning when used in these rules.

[Reference R400. 8101]

Definitions; J through R.

(1) As used in these rules:

(a) "Mandated reporter" means a licensee, licensee designee, staff, or volunteer who are required to immediately report child abuse or neglect or suspected child abuse and neglect as required by R 400.8125(1)(c).

(b) "Michigan youth development associate credential" means a certificate or credential issued by the Michigan Afterschool Association or similar credential approved by the department.

(c) "Micro-center" describes a model for home-based child care in a facility outside of a private residence providing care for 12 or fewer children under 13 years of age.

(d) "MiRegistry" is the electronic data system for child care providers that is maintained by the department of education to verify and track employment, training, and educational accomplishments.

(e) "MiRegistry-approved training" means training that has been submitted to MiRegistry by a MiRegistry approved trainer or MiRegistry training sponsor organization that meets the qualification for approval.

(f) "Montessori credential" means a credential issued by the Association Montessori Internationale (AMI), American Montessori Society (AMS), or any Montessori teaching or training institution recognized by the Montessori Accreditation Council for Teacher Education (MACTE) that meets or exceeds 270 hours of academic training.

(g) "Multiple occupancy" means a building or structure in which two or more classes of occupancy exist as defined by the National Fire Protection Association (NFPA), NFPA 101® Life Safety Code®, 2024 Edition. Classes of occupancy include but are not limited to day-care occupancy, residential occupancy, or health care occupancy,

(h) "Natural playground" means an outdoor play area that blends natural materials, features, and vegetation which can include tree logs, tree stumps, boulders, and plants.

(i) "Nighttime care" means care between the hours of midnight and 5 a.m.

(j) "On file" means accessible at the micro-center via hard copy/paper or electronically unless otherwise stipulated in the rule.

(k) "Parent" or "parental" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.

(l) "Portable crib" means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh, fabric, or non-rigid sides, such as a bassinet or play yard, are not considered portable cribs.

(m) "Present at the micro-center" means being physically at the micro-center at any point when children are present."

(n) "Program components" means the different services offered by a micro-center. They include, but are not limited to, infant and toddler, preschool, and school-age care and education; nighttime care; food service; swimming; and transportation.

(o) "Program staff" means a applicant, licensee, child care staff member, child care assistant, or other compensated employee of the micro-center that has direct contact with children and can be counted in child care staff member to child ratios. It does not include volunteers, therapeutic professionals, and independent service providers.

(p) "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.

(2) A term defined in the act has the same meaning when used in these rules.

[Reference R400.8102]

Definitions; S through Z.

(1) As used in these rules:

(a) "Sanitized" means reducing the number of germs on surfaces after cleaning the item by using heat, sanitizing sprays as directed on the label, or a weakened bleach solution.

(b) "School" means a building or part of a building that 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 the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, 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.

(c) "Serious injury" means an injury that occurred while the child was in care that resulted in a child receiving medical attention by a health care provider.

(d) "Session" means 8 hours within a 24-hour day from 12:00 am-11:59 pm for micro-centers operating 8 hours or more per day or 50% of the time open for micro-centers operating less than 8 hours per day.

(e) "Staff" means any compensated employee of a micro-center that perform services for the micro-center and has direct or indirect contact with children at the micro-center. Staff includes the applicant, licensee, child care staff member, child care assistant, and any other paid employees at the micro-center. It does not include volunteers, therapeutic professionals, and independent service providers.

(f) "Standard precautions" means the use of barriers to handle potential exposure to biocontaminants, the process to clean and disinfect contaminated surfaces, and the process to dispose of biocontaminants.

(g) "Supervised volunteer" means a person 16 years of age or older, who provides service for a micro-center that is not compensated, and who is supervised at all times when children are in care. A supervised volunteer cannot be counted in child staff member to child ratios.

(h) "Therapeutic professionals" means an independent service provider who provides therapeutic services in a child care micro-center, including but not limited to speech therapists, nutritionists, early interventionists, nurses and other licensed health care professionals who are employed by an intermediate school district or local school district to provide services in a child care micro-center to a child with a disability that has an active individualized education program (IEP) or individualized family service plan (IFSP).

(i) "Unsupervised volunteer" means a child care staff member who is 16 years of age or older, who provides service for a micro-center that is not compensated, and who has been determined eligible by the department to be unsupervised with children and can be counted in child care staff member to child ratios.

(j) "Volunteer" means a supervised volunteer and an unsupervised volunteer.

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

(2) A term defined in the act has the same meaning when used in these rules.

[Reference R400.8103]

Rule variances

(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.

(2) The decision of the department, including the conditions under which the variance was granted, must be kept on file at the micro-center.

(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.

(4) Variances must not be granted from statutory requirements.

[Reference R400.1963 & R400.8104]

Applicant qualifications; license application; fees.

(1) An applicant shall meet all of the following qualifications:

(a) Be 21 years of age or older.

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

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

(i) 2 semester hours in child care administration.

(ii) 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.

(d) Have a minimum of 6 months experience working or volunteering in the field of early childhood.

(e) One of the following:

(i) 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.

(ii) 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.

(f) Proof of certification in both of the following:

(i) Infant, child, and adult cardiopulmonary resuscitation (CPR).

(ii) First aid.

(g) Have documentation of completed training in both of the following:

(i) Recognition and reporting of child abuse and neglect.

(ii) Prevention and control of infectious disease, including immunizations.

(h) Participate in Great Start to Quality.

(2) An applicant and licensee shall meet all of the following:

(a) Be able to meet the needs of children and provide for their care, supervision, and protection.

(b) Be able to ensure that the proposed services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

- (d) Demonstrate a willingness and ability to comply with the act and these rules.
 - (3) An applicant for a license to operate a micro-center shall complete, sign, and submit the department's child care application, along with the applicable fee listed under section 5m of the act, MCL 722.115m in the manner prescribed by the department.
 - (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 administrative rules.
 - (5) The applicant and licensee shall submit all required information and reports using the specified forms, which are available on the child care licensing division's website.
 - (6) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall submit the certificate of occupancy.
- [Reference R400.1902, R400.8107 & R400.8113]*

Children's records.

- (1) At the time of a child's initial attendance, a micro-center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed, signed and dated by the child's parent and updated as changes occur. The micro-center shall keep current hard-copies of the child information cards at the micro-center.
- (2) Prior to a child's initial attendance, a licensee shall obtain the following documents:
 - (a) A child in care statement or receipt using a form provided by the department and signed by the parent certifying all of the following:
 - (i) Receipt of a written disciplinary policy.
 - (ii) Condition of the child's health.
 - (iii) Acknowledgement that the parent has been offered either a copy of the licensing rules for a micro-center or has been given the website for an electronic copy of these rules.
 - (iv) Agreement as to who will provide food for the child.
 - (b) For children under school-age, at the time of a child's initial attendance, a micro-center shall document one of the following, accessed through the Michigan Care Improvement Registry (MCIR) or in a paper format if the parent/guardian chooses to provide to the micro-center in that manner:
 - (i) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the Michigan department of health and human services (MDHHS).
 - (ii) A medical contraindication form signed by a medical doctor (MD) or doctor of osteopathic medicine (DO) stating why the child cannot receive immunizations.
 - (iii) A copy of a non-medical waiver on the official form prescribed by MDHHS and documented in the Michigan Care Improvement Registry (MCIR) and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.
 - (iv) A paper copy of a non-medical waiver on the official form prescribed by MDHHS signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.
- (3) Records in subrule (1) of this rule, must be reviewed and updated annually or when information changes.
- (4) A micro-center will provide parents with the following when enrolling children.
 - (a) Contact information for their local MDHHS agency
 - (b) Vaccines Required for Child Care in Michigan
- (5) Upon request by the local health department, the licensee shall report to MDHHS, using the method established, immunizations for all children enrolled, under section 9211(2) of the public health code, 1978 PA 368, MCL 333.9211(2).
- (6) Families will 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, signed by the parent, indicating the condition of the child's health, noting any restrictions, and certifying that the

parent assumes responsibility for the child's state of health while at the micro-center.

- (7) A micro-center that enrolls a homeless child pursuant to the section 722 of the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the Every Student Succeeds Act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable to produce health and immunization records. The licensee shall keep on file at the micro-center any documentation of referring a child to the local educational agency liaison for homeless children and youths.
- (8) A micro-center shall keep on file at the facility an accurate record of daily attendance at the micro-center that includes each child's first and last name and each child's arrival and departure time. Electronic records may be used, if they can be made available to the department at the time of the inspection.
- (9) A child shall be released to either parent or the child's guardian unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be kept on file at the micro-center.
- (10) A parent's written permission for routine transportation must be obtained annually and kept on file at the micro-center.
- (11) A parent's written permission for the child's participation in field trips must be obtained at the time of enrollment or before each field trip and kept on file at the micro-center, including field trips that do not involve a vehicle such as walking to a park or in the neighborhood.
- (12) Children's records required by the department must be immediately accessible and stored in a location known to all personnel.
- (13) The records in this rule must be retained for a minimum of 4 years from the date a child is no longer being cared for at the micro-center.

[Reference R400.1907 & R400.8143]

Micro-center records.

- (1) The micro-center shall maintain accurate records detailing daily arrival and departure times for each staff member, volunteers, therapeutic professionals, and independent service providers.
- (2) The micro-center shall designate and keep current, in the manner prescribed by the department, the title designations of a child care staff member, child care assistant, unsupervised volunteer, supervised volunteer, or other staff member for each person working at the micro-center.
- (3) A file for the applicant or licensee, each child care staff member, each child care assistant, and volunteers that is available to the department and includes all of the following:
 - (a) The name, address, and telephone number for each child enrolled and each staff member and unsupervised volunteer including date of hire.
 - (b) A statement signed by a licensed physician or his or her designee that attests to the individual's mental and physical health., and which must be updated as follows:
 - (i) For an applicant or licensee, within 1 year before issuance of the initial license and at the time of subsequent renewals.
 - (ii) For a child care staff member and a child care assistant, within 1 year prior to caring for children and at the time of subsequent renewals of the micro-center's license.
 - (c) The documents listed in subrule (3b) of this rule must be retained by the licensee for a minimum of 4 years from the date the individual no longer cares for children in the micro-center.
 - (d) Staff and volunteer documentation of qualifications.
 - (i) Verification of the qualifications of all staff shall be kept on file at the micro-center two years from the effective date of this rule book, after which qualifications must be reflected as verified in MiRegistry.
 - (e) Training records, which may also be viewed online at MiRegistry during an onsite inspection.
 - (f) A completed and signed Michigan Child Care Background Check Consent and Disclosure form.
 - (g) The licensee shall obtain a public sex offender registry clearance on file at the micro-center for all supervised volunteers using the Michigan State Police Sex Offender Registry (PSOR) or the Dru Sjodin National Sex Offender Public Website (NSOPW) before supervised volunteers have any contact with a

child in care. A copy of this clearance must be kept on file at the micro-center.

(h) A written statement, signed and dated by child care staff members, child care assistant, and volunteers at the time of hiring or before volunteering that indicates all of the following:

- (i) The individual is aware that abuse and neglect of children is unlawful.
- (ii) The individual knows that he or she is mandated by law to report child abuse and neglect.
- (iii) The individual has received a copy of the licensee's discipline policy.

(4) The records in this rule must be retained for the duration of the individual's employment and a minimum of 4 years after the individual has left the employment of the licensee.

(5) The licensing notebook referred to in rule Applicant; licensee; responsibilities and requirements (11) must be maintained and retained until the license is closed.

[Reference R400.1906, R400.1919, & R400.8143a]

Comprehensive background check; fingerprinting.

(1) Pursuant to sections 5n and 5q of the act, MCL 722.115n and 722.115q, before an individual has unsupervised contact with children, the department shall determine the individual's eligibility to be any of the following:

- (a) A licensee.
- (b) A licensee designee.
- (c) A child care staff member.
- (d) An unsupervised volunteer.

(2) An applicant or licensee shall do all of the following:

- (a) Ensure that each individual who requires an eligibility determination completes, signs, and submits all of the information listed in subrule (5) of this rule, if applicable, on a form prescribed by the department.
- (b) Maintain on file at the micro-center, a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.
- (c) Provide to the department, upon request, a copy of the individual's completed and signed form or forms.
- (d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.
- (e) Complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license within the department's child care background check system.
- (f) Disconnect immediately, each individual within the department's child care background check system once he or she is no longer a licensee, licensee designee, child care staff member, or an unsupervised volunteer under the license.

(3) An individual may serve as a child care staff member pending an eligibility determination by the department under sections 5n(8) and 5q of the act, MCL 722.115n and 722.115q, and shall be always supervised by the licensee or an eligible child care staff member.

(4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:

- (a) Prohibit the individual from being on the premises of the micro-center.
- (b) Prohibit the individual from having any contact with children in care.
- (c) Disconnect the individual from the child care background check system.

(5) An individual who requires a comprehensive background check under sections 5n and 5q of the act, MCL 722.115n and 722.115q, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:

- (a) Full legal name.
- (b) All other names used in the past, including any maiden name or alias, the approximate date the other

name was used, and the reason for the name change.

(c) Suffix, if applicable.

(d) Social Security number.

(e) Date of birth.

(f) Place of birth.

(g) Country of citizenship.

(h) Height.

(i) Weight.

(j) Hair color.

(k) Eye color.

(l) Gender.

(m) Race.

(n) Current address.

(o) If the individual resided outside this state during the last 5 years, then provide each of those addresses.

(p) Driver's license identification number and state issuing the license or a state identification number and state issuing it, if available.

(q) Phone number.

(r) Email address, if available.

(s) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.

[Reference R400.1925 & R400.8112]

6

Department; information; eligibility determination.

(1) The department may request information from an applicant, licensee, licensee designee, child care staff member, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction in which the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual should be deemed ineligible under the statutory requirements.

[Reference R400.8112a]

Eligibility determination; individual who resided out of the United States; self-certifying statement.

(1) An individual who requires an eligibility determination under section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, under section 5n(2) of the act, MCL 722.115n(2), complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.

[Reference R400.8112b]

Information provided to parents.

(1) A micro-center shall provide access to a handbook electronically if available, or a hard copy at the center, for parents enrolling a child that includes at least all of 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 policy.
 - (e) Food service policy.
 - (f) Program philosophy or mission statement.
 - (g) Typical daily routine.
 - (h) Parent notification plan for accidents, injuries, incidents, and illnesses.
 - (i) Transportation policy, if applicable.
 - (j) Medication policy.
 - (k) Exclusion policy for child illnesses.
 - (l) Notice of the availability of the micro-center's licensing notebook and that it contains the items described in rule **Applicant; licensee; responsibilities and requirements (11)**.
- (2) Documentation that the parent received the handbook, as required by subrule (1) of this rule, must be kept on file at the micro-center.
- (3) For infants and toddlers, a micro-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.
- (4) Parents of children with special needs may request a written daily record that includes at least the information required by subrule (3) of this rule.
- [Reference R400.8146]*

PART 2. SPACE AND EQUIPMENT

Indoor space.

- (1) The required square footage of indoor space per child must be at least the following:
- (a) Thirty-five square feet, regardless of age.
- (2) The following indoor space is excluded from the required square footage:
- (c) Hallways.
 - (d) Bathrooms.
 - (e) Reception and office areas.
 - (f) Kitchens.
 - (g) Storage areas and closets.
 - (h) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.
- (3) A micro-center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.
- [Reference R400.1915 & R400.8167]*

Outdoor play area.

- (1) The outdoor play area is considered an extension of the learning environment.
- (2) A micro-center operating with children in attendance for 3 or more continuous hours per day shall provide daily outdoor play, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.
- (3) If outdoor space is not available adjacent to the center, then a center may use a park or other outdoor facility. The outdoor space must meet all of the following requirements:
 - (a) The area must be easily accessible by a safe walking route.
 - (b) The outdoor play area must be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.
 - (c) The location of the alternative outdoor play area must be specified in writing to the department.
- (4) There must be a shaded area to protect children from excessive sun exposure, when necessary.
- (5) Children in care will not be permitted to ride all-terrain vehicles, motor bikes, go-carts, recreational, or other motorized vehicles.
- (6) Micro-centers shall abide by all of the following:
 - (a) Provide a clean, safe, and hazard-free outdoor play area, on the premises or within a reasonable walking distance of the center.
 - (b) Inspect any outdoor play area used by children before use to ensure that no hazards are present.
 - (c) The play area size will be 1 of the following:
 - (i) Not less than 400 square feet for a micro-center with maximum capacity of 1-6 children.
 - (ii) Not less than 600 square feet for a micro-center with maximum capacity of 7-12 children.
 - (d) Provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that meets all of the following requirements:
 - (i) Appropriate to the developmental needs and interests of children.
 - (ii) Appropriate to the number of children.
 - (iii) Safe and in good repair.
 - (e) The outdoor play area and equipment must be organized to meet all of the following requirements:
 - (i) To separate active and quiet activities.
 - (ii) For a clear and unobstructed view of the whole play area.
 - (iii) To ensure that there are safe distances between equipment.
 - (f) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they must meet all of the following requirements:
 - (i) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.
 - (ii) Be safe, in good repair, and age appropriate. Children shall only use age-appropriate equipment.
 - (iii) Be placed at least 6 feet from the perimeter of other play structures or obstacles.

[Reference R400.1920 & R400.8170]

Equipment.

- (1) A micro-center shall not use equipment, toys, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission (CPSC) as being hazardous. This information is available free of charge at the CPSC website, www.cpsc.gov.
- (2) The current list of unsafe children's products must be conspicuously posted in the micro-center as an actual hard copy or electronic access to the CPSC or its successor's list of recalled children's products, as required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065.
- (3) Materials that have a warning label indicating they are toxic for children, or to keep out of reach of children, must not be used by children.

- (4) Play equipment, materials, and furniture, must be all of the following:
- (a) Appropriate to the developmental needs and interests of children as required by the rule drafted within **Child development program plan**.
 - (b) Safe, free from hazards, clean, and in good repair.
 - (i) Toys and other play equipment soiled by secretion or excretion must be cleaned with soap and water, rinsed, and sanitized before being used by a child.
 - (ii) All children shall be protected from materials that could be swallowed or present a choking hazard. Toys or objects with removable parts less than 1 ¼ inches in diameter and less than 2 ¼ inches in length, as well as balls smaller than 1 ¾ inches in diameter are prohibited for children under 3 years of age.
 - (c) Child-sized or appropriately adapted for a child's use.
 - (d) Easily accessible to the children.
- (5) The licensee will ensure a variety of easily accessible activity choices are available to a child that are safe and appropriate for a child at his or her stage of development. The number of choices will be based on the number of children who are permitted to attend the licensed micro-center.
- (6) 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, including blocks and accessories.
 - (d) Discovery and exploration.
 - (e) Early math and science experiences, including manipulative toys.
 - (f) Creative experiences through art, music, and books or literature.
- (7) A current and accurate equipment inventory must be provided to the department before issuance of the original license and updated and made available at each renewal.
- (8) A first aid kit must be readily accessible to staff and securely stored in the micro-center.
- (9) A rocking chair or other comfortable, adult-sized seating must be provided for program staff on duty who are providing infant and toddler care.
- (10) Trampolines, bounce houses, residential climbing equipment, and teething necklaces, bracelets or beads must not be used by children in care at the micro-center.

[Reference R400.1915 & R400.8173]

Sleeping equipment.

- (1) All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.
- (2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.
- (3) A crib or portable crib must be provided for all infants in care.
- (4) A crib, portable crib, cot, or mat, and a sheet or blanket of appropriate size must be provided for all toddlers and preschoolers under 3 years of age in care.
- (5) A cot or a mat and a sheet or blanket of appropriate size must be provided as follows:
 - (a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.
 - (b) For any child in care who regularly naps.
 - (c) Upon a parent's request for any child in care.
- (6) Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.
- (7) Documentation from the child's licensed health care provider is required if a child has a health issue or

special need that requires the child to sleep in something other than a crib or portable crib for infants or toddlers, or cot or mat for toddlers. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(8) Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to 2 months of age. If a child has a health issue or special need that requires the child use a swaddle attachment or swaddle wrap after the child is 2 months of age, documentation from the child's licensed health care provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner, including an end date.

(9) A micro-center shall not use stacking cribs.

(10) Cribs and portable cribs must comply with the federal product safety standards issued by the United States Consumer Product Safety Commission.

(11) A crib or portable crib must have a firm, tight-fitting waterproof mattress.

(12) A tightly fitted bottom sheet must cover the crib or porta-crib mattress with no additional padding placed between the sheet and mattress.

(13) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could smother a child must not be placed in, or within reach of, a crib or portable crib with a resting or sleeping infant.

(14) Blankets must not be draped over cribs or portable cribs when in use.

(15) Cots and mats must be constructed of a fabric or plastic that is easily cleanable.

(16) All sleeping equipment and bedding must be cleaned and sanitized when soiled, between uses by different children, and at least once a week regardless of use by different children.

(17) When sleeping equipment and bedding are stored, both of the following apply:

(a) Sleeping surfaces shall not come in contact with other sleeping surfaces.

(b) Bedding must not come in contact with other bedding.

(18) All occupied cribs, portable cribs, cots, and mats must be placed in such a manner that there is a free and direct means of egress and must be spaced as follows:

(a) Cribs and portable cribs must be at least 2 feet apart. Cribs or portable cribs with solid-panel ends may be placed end-to-end.

(b) Cots and mats must be at least 18 inches apart.

[Reference R400.1916 & R400.8176]

Telephone service.

(1) An operable phone must be available and accessible in the building during the hours the micro-center is in operation.

(2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the micro-center must be provided.

(3) Emergency phone numbers, including 911, fire, police, and the poison control center, and the facility's physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff.

[Reference R400.1917 & R400.8164]

Water supply; plumbing.

(1) The water system must comply with the requirements of the local health department, the Clean Drinking Water Access Act, 2023 PA 154, and amendments to the Child Care Organizations Act, 1973 PA 116.

(2) Plumbing must be designed, constructed, installed, and maintained to prevent cross connection with the water system.

(3) Sinks, lavatories, drinking fountains, and other water outlets must be supplied with safe water sufficient in quantity and pressure to meet conditions of peak demand.

- (4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good working condition.
 - (5) Each water heater must be equipped with a thermostatic temperature control and a pressure relief valve, both of which must be in good working condition.
- [Reference R400.1933 & R400.8345]*

Toilets; hand washing sinks.

- (1) A micro-center shall provide at least 1 toilet and 1 hand washing sink.
- (2) Any micro-center with an infant and toddler component shall have a diapering area with a readily accessible, designated hand washing sink.
- (3) If the micro-center has a food service component it is required to have a separate hand washing sink in the area where food is prepared. A portable hand washing sink may be used to fulfill this requirement.
- (4) Hand washing sinks for children must be accessible to children by platform or installed at children's level.
- (5) Hand washing sinks must have warm running water not to exceed 120 degrees Fahrenheit.
- (6) Soap and single service towels or other approved hand drying devices must be provided near hand washing sinks.
- (7) Toilet rooms for school-age children must provide for privacy.

[Reference R400.1933 & R400.8350]

Sewage disposal.

- (1) Sewage and other water-carried wastes must be disposed of through a municipal or private sewer system.
 - (2) Private sewer and septic systems must be designed and operated to safely dispose of all wastewater generated, be adequate in size for the projected use, and meet the criteria of the local health department.
- [Reference R400.1933 & R400.8355]*

Garbage and refuse.

- (1) All garbage must be removed from the micro-center daily.
- (2) Garbage containers must be washed when soiled.
- (3) Garbage stored outside must be in sealed plastic bags in watertight containers with tight-fitting covers or in a covered dumpster.
- (4) Outside garbage and refuse must be picked up or removed at a minimum of once a week.

[Reference R400.8360]

Heating; temperature.

- (1) The temperature in child use areas must be maintained at a safe and comfortable level so that children in care do not become overheated or chilled.
- (2) The indoor temperature must be at least 65 degrees Fahrenheit in child use areas at a point 2 feet above the floor.
- (3) If temperatures exceed 82 degrees Fahrenheit, then a center shall take measures to cool the children.

[Reference R400.1934 & R400.8365]

Ventilation and screening.

- (1) The total ventilation area in every habitable room, as provided by openable windows, must be not less than 4½% of the floor area, unless central air conditioning is provided.
- (2) If ventilation is dependent on a mechanical system, then the system must be on at all times while the

building is occupied and shall comply with the ventilation requirements of the applicable mechanical code of the authority having jurisdiction.

(3) Windows and doors used for ventilation must be supplied with screening of not less than 16 mesh, which must be kept in good repair. This subrule does not apply to micro-centers operating in school buildings.
[Reference R400.1934 & R400.8370]

Premises.

- (1) The micro-center shall be located on land that provides good natural drainage or that is properly drained.
- (2) Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:
 - (a) If elevated, have barriers to prevent falls and handrails designed and constructed for use by children.
 - (b) Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have non-slip surfacing.
 - (c) Landings must be located outside exit doors where steps or stairs are necessary and be at least as wide as the swing of the door.
 - (d) Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.
 - (e) If ramps are used, then they must have a minimum rise-to-run ratio of 1-to-12.

[Reference R400.8375]

Maintenance of premises.

- (1) The premises must be maintained in a clean and safe condition and must not pose a threat to health or safety.
- (2) The premises must be maintained so as to eliminate and prevent rodent and insect harborage.
- (3) Roofs, exterior walls, doors, skylights, and windows must be weathertight and watertight and kept in sound condition and good repair.
- (4) Floors, interior walls, and ceilings must be kept in sound condition, good repair, and maintained in a clean condition.
- (5) There must be no flaking or deteriorating paint on interior and exterior surfaces or on equipment accessible to children.
- (6) All toilet room floor surfaces must be easily cleanable and constructed and maintained so as to be impervious to water.
- (7) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.
- (8) If the location of a micro-center was built prior to 1978, then the licensee will ensure the following:
 - (a) Parents of each child in care and all personnel are informed of the potential presence of lead-based paint or lead dust hazards, unless the licensee maintains documentation from a lead testing professional that the micro-center is lead safe.
 - (b) Parents of each child in care and all personnel, are informed in writing, prior to any remodeling, renovating or re-painting that could potentially disturb lead-based paint or produce lead dust.
 - (c) When locally available, hire EPA Renovation, Repair and Painting (RRP) trained and certified individuals to complete remodeling of child care areas to ensure lead safety for their children in care.
 - (d) There is no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.
- (9) A micro-center is located in a new addition to a building constructed prior to 1978 and the older part of the building is never used by children in care, they are exempt from subrule (8) of this rule if they submit a statement to the department that the part of the building constructed prior to 1978 will not be used by children in care.

(10) A micro-center shall adopt and implement an integrated pest management policy as required by section 8316 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8316.

[Reference R400.8380]

Poisonous or toxic materials.

(1) Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children. This includes chemical sanitizers and disinfectants.

[Reference R400.8385]

Conducive to the welfare of children.

(1) In carrying-out its duties under section 5m of the act, MCL 722.115m, to determine whether or not a service, facility, applicant, licensee, child care staff member, or child care assistant is conducive to the welfare of children, the department shall deem any of the following behaviors as not conducive to the welfare of children: possession or use of alcohol, tobacco products, marihuana and, except as provided in subrule (2) of this rule, any controlled substance in a child-use area, or on the premises of a micro-center while children are in care.

(2) The exception to subrule (1) of this rule is the possession or use of a controlled substance outside of child-use space that is prescribed to the individual, and which does not impair the individual's ability to supervise, care, and protect children, and the medication is stored in a secure manner that is not accessible to children.

[Reference R400.1926]

Smoking or vaping.

(1) Smoking and vaping must not occur in or during both of the following:

- (a) In the space licensed by the micro-center during hours of operation.
- (b) In vehicles when children are present.

(2) A micro-center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the micro-center and on the micro-center's property.

[Reference R400.1903 & R400.8385a]

PART 3. STAFFING

Applicant; licensee; responsibilities and requirements.

(1) A licensee shall be responsible for all of the following:

(a) When the micro-center is in operation, the licensee shall be present in the micro-center on a daily basis and provide direct care and supervision for the majority of time children are in care, except for any of the following circumstances:

- (i) Vacation or personal leave, which must not exceed 20 days within a calendar year. The 20 days of vacation or personal leave means the licensee is absent the entire day or at least 51% of the day when the micro-center is operating. A licensee may have a short periodic absence from the micro-center.
- (ii) Medical treatment and subsequent recovery.

(b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the micro-center.

(c) Provide for a child care staff member, who has valid CPR and first aid certifications, to act on behalf of the licensee when the licensee is unable or unavailable to provide direct care.

(d) Inform parents when a child care staff member is providing care in the absence of the licensee.

(e) Maintain a record of the dates of licensee absences. These records must be maintained for a

minimum of 4 years.

(f) Post the current license in a conspicuous place within the micro-center during the hours of operation.

(g) Immediately report to children's protective services any suspected child abuse or neglect and ensure compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(h) Notify personnel of their duty to report to the licensee any actions listed in this rule.

(i) Immediately report to children's protective services any suspected child abuse or neglect and ensure compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(j) Have a written policy and procedure for the screening and supervision of volunteers, if applicable, including volunteers who are parents of a child in care.

(2) The licensee shall ensure that a child is released only to persons authorized in writing by the child's parent or guardian.

(3) The licensee shall permit parents of enrolled children who are in attendance to visit the child at the micro-center at any time during hours of operation, as required in section 3a of the act, MCL 722.113a.

(4) The licensee shall cooperate with the department in connection with an inspection or investigation, as required in section 10(1) of the act, MCL 722.120(1). Cooperation includes, but is not limited to, all of the following:

(a) Admit authorized members of the department into the micro-center and provide access to all records, individuals, and other materials necessary to determine compliance with the act and these rules.

(b) Allow the department to perform routine investigative functions during the course of an investigation, inspection, or examination. Routine investigative functions include, but are not limited to, both of the following:

(i) Interviewing potential witnesses, such as child care staff members, and volunteers.

(ii) Taking photographs to assess and document the conditions of the micro-center and its compliance with the act and these rules.

(c) Provide accurate and truthful information to the department, and encourage witnesses to provide accurate and truthful information to the department.

(5) The licensee shall ensure that all personnel conduct themselves in a manner that is conducive to the welfare of children.

(6) The licensee shall have present at all times at least 1 person who can accurately comprehend all of the following information:

(a) The act, these rules, and any additional communications from the department.

(b) Child information cards.

(c) Written directions about a child's care.

(d) Information about food, cleaning, and chemical labels that can impact a child's well-being.

(e) Written medication directions for a child.

(f) Information needed to effectively implement emergency procedures.

(7) The licensee shall cooperate with the department by ensuring that all individuals requiring a comprehensive background check are entered into the child care background check system and processed for eligibility as required by sections 5n and 5q of the act, MCL 722.115n, 722.115q, and R 400.1925.

(8) Provide identifying information to the department of all child care staff members and volunteers working at the micro-center, including the licensee.

(9) Report to the department within 3 business days after any arraignment or conviction of 1 or more of the crimes listed in section 5r of the act, MCL 722.115r, and any subsequent conviction.

(10) There must be a current licensing notebook that includes all licensing inspections, special investigation reports, corrective action plan, approval letters for the last 3 calendar years, and a summary sheet outlining the documents contained in the notebook. The notebook must be always in a place accessible to parents and prospective parents during the micro-center's normal hours of operation, or if internet is available at the micro-center, access may be provided through the department's electronic database of licensing records for the entity.

(11) Within 5 business days, the licensee shall notify the department if the applicant should choose to terminate operations of the micro-center and cease to provide child care services.

(12) A licensee with a micro-center located in a multiple occupancy building shall comply with section 118e of the act, MCL 722.118e.

[Reference R400.1903 & R400.8110]

Child care staff member; employment requirements.

(1) An individual who is employed as a child care staff member in a micro-center shall be 18 years of age or older, pursuant to section 1 of the act, MCL 722.111.

(2) Within 90 days of hire, or before unsupervised care for children at a micro-center, an individual shall provide the licensee with all of the following:

(a) A valid certification in infant, child, and adult CPR.

(b) A valid certification in first aid.

(c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.

(3) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care staff member, pursuant to sections 5n and 5q of the act, MCL 722.115n, 722.115q, and as required within these rules for a comprehensive background check and fingerprinting.

(4) A child care staff member shall conduct himself or herself in a manner that is conducive to the welfare of children and be able to meet the needs of children and provide for their care, supervision, and protection.

(5) A child care staff member may substitute for the licensee pursuant to rule Applicant; licensee; responsibilities and requirements (1)(c).

[Reference R400.1904a]

Child care assistant; requirements.

(1) A child care assistant shall be 14 to 17 years of age.

(2) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care assistant as required within these rules for a comprehensive background check and fingerprinting.

(3) Within 90 days of hire, a child care assistant shall provide the licensee all of the following:

(a) A valid certification in infant, child, and adult CPR.

(b) A valid certification in first aid.

(c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.

(4) A child care assistant shall be supervised directly at all times by the licensee or a child care staff member who is present on site and can observe the child care assistant.

(5) A child care assistant shall conduct himself or herself in a manner that is conducive to the welfare of children.

(6) A child care assistant shall not substitute for the licensee or a child care staff member.

(7) A child care assistant shall not drive a vehicle that is transporting children.

(8) The licensee is responsible for the actions of a child care assistant who has contact with or access to children who are cared for in a micro-center.

[Reference R400.1904b]

Staff; volunteer; requirements.

- (1) All staff and volunteers present at the micro-center shall:
 - (a) Provide appropriate care and supervision of children at all times.
 - (b) Act in a manner that is conducive to the welfare of children.
 - (c) Make an immediate verbal report to Michigan Department of Health and Human Services (MDHHS), Children's Protective Services (CPS) by telephone at 1-855-444-3911, upon reasonable cause to suspect child abuse or child neglect. The verbal report must be followed by submission of a written report within 72 hours of the verbal report.
- (2) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any staff or volunteer registered on either the Michigan State Police Sex Offender Registry (PSOR) or the Dru Sjodin National Sex Offender Public Website (NSOPW) is prohibited from having contact with any child in care.

[Reference R400.8125]

MiRegistry

- (1) Within 30 calendar days of employment, all program staff, unsupervised volunteers and substitutes must have an individual MiRegistry account and have a non-expired MiRegistry membership status which would include submitted, materials received, awaiting print, or current.
- (2) Within 30 calendar days of employment, all program staff, unsupervised volunteers and substitutes must have a verified program employment entry in MiRegistry.

[Reference R400.8125a]

Professional development requirements

- (1) The licensee shall ensure all child care staff members review micro-centers policies and practices and these administrative rules before unsupervised contact with children.
- (2) n applicant, licensee, and child care staff member shall have training that includes information about prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.
- (3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with children shall be trained on prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect.
- (4) Before unsupervised contact with children, all child care staff members who work directly with children shall complete prevention and control of infectious disease training, including immunizations.
- (5) Within 30 calendar days of being present at the micro-center and prior to caring for children unsupervised, program staff and unsupervised volunteers shall have training on all of the following:
 - (a) Discipline policy.
 - (b) Emergency procedures to include but not limited to location of first aid equipment, fire prevention, fire exits, and responsibilities during an emergency.
 - (c) Information to provide to parents.
 - (d) Appropriate care and supervision including child care staff member to child ratios.
 - (e) Daily schedules such as planned daily activities and routines.
 - (f) Health policies and procedures.
 - (h) Illness procedures for children and staff.
 - (i) Diapering procedures, only if applicable to children served.
- (6) Within 90 days of being present at the micro-center, all staff and volunteers will be trained on emergency preparedness and response planning
- (7) Within 90 days after receiving a micro-center license or of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall

complete the following trainings, which may count toward annual professional development hours and are available at MiRegistry:

- (a) Administration of medication.
 - (b) Prevention of and response to emergencies due to food and allergic reactions as provided in rule **Food allergy plan**.
 - (c) Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.
 - (d) Handling and storage of hazardous materials and appropriate disposal of biocontaminants.
 - (e) Precautions in transporting children if the center has a transportation component,
 - (f) Child development including the major domains of cognitive, social, emotional, physical development, and approaches to learning as provided in rule **Daily Activity Program**.
 - (g) Pediatric first aid and pediatric, infant, child, and adult cardiopulmonary resuscitation (CPR) training.
- (8) The following rules for first aid and CPR apply for micro-center staff:
- (a) Prior to the renewal of a license, the department shall verify that CPR and first aid training certification is maintained according to the expiration dates on the individual's certification cards and that each of the first aid and CPR certificates are valid and retained on file in the micro-center.
- (9) In addition to CPR, first aid, and infectious disease, including immunizations training, a licensee shall complete 10 clock hours and all child care staff members shall complete 5 clock hours of professional development annually on topics that include, but are not limited to, any of the following subjects:
- (a) Child development and learning.
 - (b) Health, safety, and nutrition.
 - (c) Family and community collaboration.
 - (d) Program planning.
 - (e) Teaching and learning.
 - (f) Observation, documentation, and assessment.
 - (g) Interactions and guidance.
 - (h) Administrative management for a child care business.
- (10) Verification of all professional development required by this rule must be kept on file at the micro-center or online at MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Training hours from MiRegistry also meet this rule.
- (11) The department may require additional training for violations based on the act or these rules. The additional training may include, but is not limited to, the safe sleep training available on MiRegistry or attending another orientation session conducted by the department.
- (12) Training hours may include completion of any of the following:
- (a) Sessions offered by community groups, faith-based organizations, and child care associations.
 - (b) Trainings, workshops, seminars, and conferences on early childhood, child development, or child care administration offered by early childhood organizations.
 - (c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.
 - (d) Online courses.
 - (e) Training and courses offered through MiRegistry. On-line trainings and correspondence courses must have an assessment of learning.
- (13) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.

[Reference R400.1905 & R400.8131]

Sleeping, resting, and supervision.

- (1) Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.
- (2) A micro-center shall permit children under 18 months of age to sleep on demand.
- (3) Infants shall rest or sleep alone in cribs or portable cribs.
- (4) Infants shall be placed on their backs for resting and sleeping.
- (5) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down.
- (6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but shall be allowed to adopt whatever position they prefer for sleep.
- (7) For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant's licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant must be followed and kept on file at the micro-center. The instructions must include an end date.
- (8) A sleeping infant's breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.
- (9) An infant's head must remain uncovered during sleep.
- (10) Toddlers shall rest or sleep alone in cribs, portable cribs, or on mats or cots.
- (11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.
- (12) Naptime or quiet time must be provided when children under school-age are in attendance 5 or more continuous hours per day.
- (13) For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.
- (14) Resting or sleeping areas must have adequate soft lighting to allow the child care staff member to assess children.
- (15) Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule.

[Reference R400.1912 & R400.8188]

Capacity, ratio and group size requirements.

- (1) The actual number and ages of children in care at any time must never exceed the number and ages of children for which the micro-center is licensed.
- (2) The maximum group size and ratio of child care staff members to children, including children related to a staff member of the licensee, must be as follows:
 - (a) The ratio of child care staff member to children present at any one time must be a minimum of 1 to 6.
 - (b) For each child care staff member, not more than 4 children shall be under the age of 30 months.
 - (c) The maximum group size is 12. Micro-centers with a proven record of success to serve more children may be eligible to apply for a variance to serve 14 children, instead of 12.
- (3) Group sizes for all ages may vary during outdoor play only if the micro-center maintains the child care staff member to child ratios required by this rule.
- (4) Written approval from the department must be obtained before making any changes in the terms of the license, including but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the micro-center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.

[Reference R400.1908 & R400.8182]

PART 4. GENERAL HEALTH AND SAFETY

Hand washing.

- (1) All personnel shall wash their hands at all of the following times:
 - (a) Upon arrival for the workday at the micro-center.
 - (b) Prior to care of children.
 - (c) Before preparing and serving food and feeding children.
 - (d) Before giving medication.
 - (e) After each diapering.
 - (f) After using the toilet or helping a child use the toilet.
 - (g) After handling bodily fluids.
 - (h) After handling animals and pets and cleaning cages.
 - (i) After cleaning or handling garbage.
 - (j) When soiled.
- (2) Program staff and volunteers shall ensure that children wash their hands at all of the following times:
 - (a) Before meals, snacks, or food preparation experiences.
 - (b) After toileting or diapering.
 - (c) After handling animals and pets.
 - (d) When soiled.
- (3) Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.
- (4) Program staff may wash children's hands with non-toxic disposable wipes in the following situations:
 - (a) When the child is too heavy to hold for hand washing.
 - (b) When the child cannot stand safely at the sink.
 - (c) When the child is not developmentally ready to hold his or her head up.
 - (d) When the child has a special need, so the child is not able to wash his or her own hands.
- (5) When soap and running water are not available during an outing, hand sanitizers containing at least 60% alcohol, or single-use wipes may be used as a temporary measure.

[Reference R400.1924 & R400.8134]

Diapering and Toileting

- (1) Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:
 - (a) Is physically separated from food preparation and food service.
 - (b) Have access to a sink that is used exclusively for hand washing.
 - (c) Has non-absorbent, smooth, easily cleanable surfaces in good repair.
 - (d) If using an elevated diapering table or similar structure, it must be of sturdy construction with railings or barriers to prevent falls.
 - (e) Is washed, rinsed, and sanitized after each use.
- (2) Children may be changed standing up or on a nonabsorbent, easily sanitized surface, with a changing pad used exclusively for changing wet or soiled diapers or underwear between the child and the surface.
- (3) Diapering supplies will be within easy reach of the designated diapering area.
- (4) A plastic-lined, tightly covered container will be used exclusively for disposable diapers and training pants and diapering supplies. The container will be emptied and sanitized at the end of each day.

- (5) Only single-use disposable wipes or other single-use cleaning cloths will be used to clean a child during the diapering or toileting process.
- (6) Diapers and training pants will be changed when wet or soiled.
- (7) A written diapering and toileting learning policy will be developed, kept at the micro-center, and shared with families.
- (8) Disposable gloves, if used for diapering, will only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.
- (9) The following apply when cloth diapers or training pants are used:
 - (a) Each cloth diaper will be covered with an outer waterproof covering. Outer coverings will be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.
 - (b) Diapers, training pants, and outer coverings will not be reused until washed and sanitized.
 - (c) Rinsing the contents will not occur at the micro-center.
 - (d) Soiled diapers will be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child's soiled diapers.
 - (e) Soiled diapers or training pants will be stored and handled in a manner that will not contaminate any other items and will not be accessible to children.
 - (f) Soiled diapers or training pants will be removed from the micro-center every day by the child's parent.
 - (g) A child's supply of clean diapers or training pants will only be used for that child.
- (10) Toilet learning or training will be planned cooperatively between the caregiver and the child's parent so the toilet routine established is consistent between the micro-center and the child's home.
- (11) Equipment used for toilet learning or training will be provided. All of the following equipment is acceptable for toilet learning or training:
 - (a) Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.
 - (b) Child-sized toilets.
 - (c) Non-flushing toilets or potty chairs, if they are all of the following:
 - (i) Made of a material that is easily cleanable.
 - (ii) Used over a surface that is impervious to moisture.
 - (iii) Washed, rinsed, and sanitized after each use.

[Reference R400.1923 & R400.8137]

Biocontaminants

- (1) A micro-center shall use standard precautions regarding prevention, exposure, and disposal of biocontaminants.

[Reference R400.8350b]

Medication; administrative procedures.

- (1) Medication, prescription or nonprescription, must be given to a child by program staff only. A child care assistant shall not give medication to a child in care.
- (2) Program staff shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.
- (3) All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.
- (4) Prescription medication must have the pharmacy label indicating the physician's name, child's first and last name, instructions, name and strength of the medication, and must be given according to those instructions.
- (5) Program staff shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order from the child's licensed health care provider.
- (6) Program staff shall not add medication to a child's bottle, beverage, or food unless indicated on the prescription label.

- (7) Program staff shall keep all medication out of the reach of children and shall return it to the child's parent or destroy it when the parent determines it is no longer needed or it has expired.
- (8) Topical non-prescription medication, including but not limited to diapering cream, triple antibiotic, sunscreen, and insect repellent, requires written parental authorization annually.
- (9) The micro-center will maintain a record as to the time and the amount of medication given or applied, with the exception of topical nonprescription medication, on the form provided by the department or a comparable substitute approved by the department.
- (a) Personnel will use one form per medication.
 - (b) If a micro-center has personnel in addition to the licensee, the signature of the licensee or child care staff member administering the medication will be included.

[Reference R400.1918 & R400.8152]

Child accidents and incidents; child and staff illness.

- (1) The licensee will report to child's parent when any of the following is observed:
- (a) Changes in a child's health.
 - (b) A child experiences an accident, injury, or incident.
 - (c) A child is too ill to remain in the group.
- (2) A micro-center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives. The separate area may be an unlicensed space such as the office area, reception area, or hallway but supervision must occur during this time. Food preparation areas may not be used.
- (3) Items and facilities used by an ill child or adult must not be used by any other individual until cleaned and disinfected.
- (4) If personnel from the micro-center become aware that a staff member, volunteer, or child in care has contracted a communicable disease, then the micro-center shall notify parents of the name of the communicable disease the children were exposed to and provide a link to the U.S. Centers for Disease Control and Prevention (CDC) website for guidance and symptomatology. <https://www.cdc.gov/DiseasesConditions>.
- (5) A micro-center shall have a written policy detailing when children, staff, and volunteers will be excluded from the micro-center due to illness.

[Reference R400.1961 & R400.8155]

Department notification required; incidents; injury; accident, illness, death, or fire.

- (1) A licensee shall make a verbal or email report to the department within 24 hours of the occurrence of any of the following:
- (a) A child is lost or left unsupervised.
 - (b) An incident involving inappropriate contact or an allegation of inappropriate contact.
 - (c) A serious injury of a child.
 - (d) A fire on the premises of the micro-center that requires the use of fire suppression equipment or results in loss of life or property.
- (2) A licensee shall make a verbal report to the department within 24 hours of the death of a child.
- (3) A licensee shall make a verbal or email report to the department within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.
- (4) A licensee shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal or emailed report to the department.
- (5) A licensee shall keep a copy of the report on file for a minimum of 4 years.

[Reference R400.1962]

Emergency preparedness and response planning procedures.

- (1) Written plans and procedures for emergency preparedness and response planning for the care of children and staff in each of the following emergencies must be developed and implemented:
- (a) Fire.
 - (b) Tornado.
 - (c) Extreme weather.
 - (d) Other natural or man-made disasters.
 - (e) Serious injury, accident.
 - (f) Bomb threats and other man-made emergencies.
 - (g) Intruders or active shooters.
- (2) The written procedures must include all the following as applicable to the type of emergency:
- (a) A plan for evacuation.
 - (b) A plan for safely moving children to a relocation site.
 - (c) A plan for shelter-in-place.
 - (d) A plan for lockdown.
 - (e) A plan for contacting parents and reuniting families.
 - (f) A plan for continuity of operations.
 - (g) A plan for how each child with special needs will be accommodated during an emergency.
 - (h) A plan for how infants and toddlers will be accommodated during an emergency.
 - (i) A plan for how children with chronic medical conditions will be accommodated during an emergency.
- (3) A hard copy of the plans must be posted as indicated below:
- (a) The plans required by subrules (1)(a) and (b) of this rule must be posted in a place visible to staff, volunteers, and parents.
 - (b) The plans required by subrules (1)(c) through (f) of this rule must be maintained in a place known and easily accessible to staff, volunteers, and parents.
 - (c) The plan required by subrule (1)(g) of this rule must be maintained in a place known and easily accessible to staff and volunteers.
 - (4) Training on the written procedures in subrules (1)(a) to (g) of this rule shall occur in the timeframe indicated in subrule **Professional Development Requirements (5) and (6)**.
- (5) All staff present at the micro-center and volunteers will be trained on and will participate in the drills held during their presence at the micro-center.
- (6) A fire drill program, consisting of at least 1 fire drill every 3 months, must be established and implemented.
- (7) A tornado drill program, consisting of at least 2 tornado drills between the months of March through November, must be established and implemented.
- (8) Drills for other emergency plans not listed in subrule 6 and 7 must be conducted annually.
- (9) A written log indicating the date and time of each drill must be kept on file at the micro-center.
- (10) Staff shall be trained at least twice a year on his or her duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.
- (11) 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.
- (12) If the fire alarm is not monitored, 911 must be contacted immediately upon notice.
- (13) Micro-centers established and operated by an intermediate school district or local school district, and located in a school building may use the school's emergency preparedness plan and/or drills if it meets all of the requirements in this rule.

[Reference R400.8161]

Food allergy plan.

- (1) A written plan for the prevention of and response to emergencies due to food and allergic reactions must be developed to include a child care plan, prevention measures, and emergency procedures.
- (2) The child's care plan must include all of the following, at a minimum:
 - (a) The child's name with a list of their food allergies.
 - (b) The names, doses, and methods of medication administration the child should receive in the event of a reaction.
 - (c) Training on the recognition of the child's allergic reaction.
- (3) The child's care plan must be carried on field trips.
- (4) The prevention measures must include all of the following, at a minimum:
 - (a) Notify parents and guardians of all children in the micro-center to avoid bringing in foods with the known allergen.
 - (b) Post the child's name and known food allergy prominently in the area where food is served, upon parent approval.
 - (c) Train program staff and unsupervised volunteers on the symptoms of anaphylaxis.
 - (d) Prevent food sharing between children.
- (5) The emergency procedures must include all of the following, at a minimum:
 - (a) Promptly and properly administer medications in an event of an allergic reaction according to the instructions in the child's care plan.
 - (b) Contact emergency medical services (EMS) immediately if any child has a serious allergic reaction, new suspected serious allergic reaction occurs with any child, or whenever epinephrine has been administered, even if the child appears to have recovered from the allergic reaction.
 - (c) Notify parents or guardians immediately of any suspected allergic reactions, the ingestion of the problem food, or contact with the problem food, even if a reaction did not occur.

[Reference R400.8161a]

PART 5. PROGRAM AND CARE

Care; supervision; children.

- (1) A licensee shall ensure appropriate care and supervision of children at all times.
- (2) A licensee or a child care staff member shall be present at all times when children are in care.
- (3) A licensee and child care staff members shall be up and awake at all times when children are in care, except as provided in rule Nighttime care of these rules.
- (4) A licensee and child care staff members shall know the location of each child at all times.
- (5) A licensee and child care staff members shall never leave a child unattended or with a minor in a vehicle.
- (6) A licensee or child care staff member shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

[Reference R400.1911]

Daily activity program.

- (1) Personnel shall engage in positive interactions with children. For infants and toddlers, interactions may include, but are not limited to, all of the following:
 - (a) Nurturing contact, such as talking to, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.
 - (b) Promptly responding to a child's cries and other signs of distress.
- (2) A licensee shall plan daily activities so that each child may do any of the following:
 - (a) Develop and use language.

- (b) Develop and use large and small muscles.
 - (c) Use materials and take part in activities that encourage creativity.
 - (d) Learn new ideas and skills.
 - (e) Participate in imaginative play.
 - (f) Rest, sleep, or both.
- (3) All of the following developmentally appropriate opportunities must be provided daily:
- (a) A balance of active and quiet play, group and individual activities.
 - (b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a health care provider.
 - (c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.
 - (d) Early math and science experiences.
- (4) Television, video tapes, movies, electronic devices, and computers must be limited to not more than 2 hours per day and to programs designed for children's education, enjoyment, or both. Other activities must be available to children during television and movie viewing.
- (5) Programs and movies with violent or adult content, including soap operas, must not be permitted in child-use space while children are in care.
- (6) The use of television, video tapes, movies, electronic devices, and computers by children in care must be suitable to the age of the child in terms of content and length of use.
- (7) For children with special needs, a licensee shall work with the parents, medical personnel, or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

[Reference R400.1914]

Primary care for infants and toddlers.

- (1) As used in this rule, "primary caregiver" means the child care staff member to whom the care of a specific infant or toddler is assigned.
- (2) If the licensee is the only personnel, the licensee will assume primary caregiving responsibilities. Primary caregiving includes the following: direct care, verbal and physical interactions, primary responses to the child's physical and emotional needs, and continued interaction with the child's parents regarding the child's experiences.
- (3) If, in addition to the licensee, child care staff members are employed, the following will occur.
- (a) The licensee will ensure a primary care system so that each infant and toddler has a primary caregiver.
 - (b) Each infant and toddler will have no more than 4 primary caregivers in a week. These 4 primary caregivers shall remain with the children for the program year to promote continuity of care for the children. For micro-centers operating less than 24 hours a day, an exception may occur during the first hour after the micro-center opens and the hour before closing. This rule does not preclude a primary caregiver from being relieved by another child care staff member while taking a lunch period or short break.
 - (c) Information regarding a child's food, health, and temperament will be shared daily between primary caregivers when more than 1 primary caregiver is assigned to any infant or toddler.
 - (d) Primary caregiving schedules for each infant or toddler must be documented and provided to parents.
- (4) An exception to this rule may be made when the micro-center is transporting children and is in compliance with rule **Program staff and unsupervised volunteer-to-child ratio and supervision in transit (1) and (2)**.

[Reference R400.400.8185]

Nighttime care.

- (1) If a child is in care between the hours of midnight and 5 a.m., a separate area where a child can engage in quiet activities will be available and the following will apply:
 - (a) Ensure the separate area is away from other sleeping children.
 - (b) To ensure all children in care can be monitored and supervised when a micro-center consists of no more than one caregiver, the separate area will be in the same room as other sleeping children.
- (2) A child shall be allowed to go back to sleep when dropped off during any nighttime care hours.
- (3) If a child is in nighttime care for more than 1 hour, a crib, portable crib, mat or cot appropriate to the age of the child shall be available.

[Reference R400.400.8191]

Discipline.

- (1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
- (2) All of the following means of punishment are prohibited:
 - (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
 - (b) Placing any substances in a child's mouth, including but not limited to, soap, hot sauce, or vinegar.
 - (c) Restricting a child's movement by binding or tying him or her.
 - (d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
 - (e) Depriving a child of meals, snacks, rest, or necessary toilet use.
 - (f) Excluding a child from outdoor play or other gross motor activities.
 - (g) Excluding a child from daily learning experiences.
 - (h) Isolating a child in an adjacent room, closet, locked room, box, hallway, darkened area, play area, or any other area where the child cannot be seen or supervised.
- (3) Time out must only be used in combination with instructional approaches that teach children what to do in place of the behavior problem.
 - (a) Time out must not be used for children under 2 years of age.
 - (b) The program staff or volunteer must remain calm when placing the child in time out.
- (4) A non-severe and developmentally appropriate restraint for an enrolled child with special behavioral or mental health issues 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. The plan for when the restraint should be initiated, the actual use of the restraint such as holding the child as gently as possible, timed use of the restraint, etc, must be developed in collaboration with the parent or guardian with the parent or guardian giving final approval of the plan.
- (5) A written discipline policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to program staff, volunteers, and parents.

[Reference R400.1913 & R400.8140]

PART 6 FIRE SAFETY

National Fire Protection Association standards; adoption by reference.

- (1) The following National Fire Protection Association (NFPA) standards, as displayed in Table 5, are adopted by reference in these rules. Copies of the adopted standards are available for inspection and may be purchased at the NFPA website www.nfpa.org

[Reference R400.8501]

Standard	Title	Edition
NFPA-13	Standard for the Installation of Sprinkler Systems	2019
NFPA-17	Standard for Wet Chemical Extinguishing Systems	2024
NFPA-25	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	2017
NFPA-72	National Fire Alarm Code and Signaling Code	2019
NFPA-80	Standard for Fire Doors and Other Opening Protectives	2019
NFPA-96	Standard for Ventilation control and Fire Protection of Commercial Cooking Operations	2024
NFPA-251	Standard Methods of Fire Resistance of Building Construction and Materials	2006
NFPA-265	Standard Methods of Fire Tests for Evaluation Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls	2019
NFPA-701	Standard Methods of Fire Tests for Flame Propagation of Textiles and films	2015

Definitions.

As used in this part:

- (a) “Basement” means a story of a building or structure having $\frac{1}{2}$ or more of its clear height below average grade for at least 50% of the perimeter.
- (b) “Child care room” means a space or area bounded by any obstruction to egress of any height that, at any time, encloses more than 80% of perimeter of the space or area and is occupied by children.
- (c) “Closet” means a room with dimensions of not greater than 24 square feet, not deeper than 3 feet and is not used to store hazardous equipment or flammable products.
- (d) “Combustible” means materials will ignite and burn when subjected to a fire or excessive heat.
- (e) “Conversion” means to alter the use of an existing building or room to a micro-center.
- (f) “Existing building” means a structure or part of a structure not currently used as a micro-center.
- (g) “Exit” means a way of departure from the interior of a building or structure to the open air outside at ground level.
- (h) “Fire alarm” means a device used to alert the occupants of the building of fire or smoke conditions. The device shall be audible in all parts of the building used as a micro-center.
- (i) “Fire alarm system” means an approved electrical closed circuit, self supervised local system for sounding an alarm. The system is comprised of a central panel, manual pull stations near all outside exits, audible electric signal devices, and, where warranted, a remote trouble annunciator. All system components shall be listed by a nationally recognized testing laboratory and installed in accordance with NFPA-72.
- (j) “Fire door assembly” means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with NFPA-80.

- (k) "Fire-resistance rating" means the time for an element in a building to maintain its particular fire resistance properties in accordance with NFPA-251.
- (l) "-resistive construction" means a building having walls, ceilings, floors, partitions, and roof of non-combustible materials having a minimum fire resistance rating of 1 hour. This subdivision does not prohibit finished wood floors, doors, and windows with assorted frames and trim.
- (m) "Flameproof materials" means materials that will not propagate flame under the test conditions of NFPA-701. Flameproof materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties.
- (n) "Flammable" means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less.
- (o) "Fuel-fire appliance" means a device that burns solid, liquid, or gaseous fuel or a combination thereof."
- (p) "Hazard area" means those parts of a micro-center building housing a fuel-fired kitchen, heating plant, fire-fueled water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.
- (q) "Heating plant room" means a room or area housing fuel-fired equipment.
- (r) "Interior finish" means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.
- (s) "Means of egress" means a minimum of 36 inch wide continuous and unobstructed path of exit travel from any point in a building to the outside at grade.
- (t) "New construction" means a created structure, addition, replacement, or alteration of structural components, such as walls.
- (u) "Noncombustible" means materials that will not ignite and burn when subjected to fire.
- (v) "Protected ordinary construction" means all of the following types of construction:
- (i) Roofs and floors and their supports having a minimum of 1-hour fire-resistance rating.
 - (ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1-hour fire resistance rating and stability under fire conditions.
 - (iii) Nonbearing exterior walls are of noncombustible or limited combustible materials.
 - (iv) Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.
- (w) "Standard partition construction" means a substantial smoke-tight assembly consisting of walls, in conjunction with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½-inch drywall over 2"x 4" studs. Doorways in these walls are protected with minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are permitted in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire-rated safety glass, of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.
- (x) "Textile material" means having a napped, tufted, looped, woven, nonwoven, or similar surface. red glass" means glass not less than ¼-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(y) "Wood frame construction" means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

[Reference R 400.8505]

Plans and specifications; submission; approval; inspections.

- (1) A complete set of plans and specifications of any proposed micro-center or proposed addition, alteration, or remodeling to an existing micro-center shall be submitted to the department for review and approval. If the total cost of the project is \$15,000.00 or more, including labor and materials, the plans shall bear the seal of a registered architect or engineer.
- (2) Written approval shall be obtained from the department before initiating any construction.
- (3) A fire safety inspection shall be conducted by the bureau of fire services or a department-approved qualified fire inspector, and an approval granted, before issuance of the original license and every 4 years thereafter, at the time of renewal.
- (4) If a boiler is located in the building or child use area where children are located, then it shall be inspected, and a certificate provided, as required by the boiler division, department of licensing and regulatory affairs.
- (5) Fuel-fired furnaces shall be inspected by a licensed mechanical contractor before issuance of an original license and every 2 years at renewal.
- (6) Fuel-fired water heaters shall be inspected by a licensed mechanical contractor or a licensed plumbing contractor before issuance of an original license and every 2 years at renewal.
- (7) New furnace and water heater installations shall be inspected and approved by the local mechanical inspecting authority at the time of installation.

[Reference R400.8510]

Construction.

- (1) If child occupancy is limited to the first or main floor, then the building may be of wood frame construction.
- (2) If child occupancy is on the second floor, then all of the following are required:
 - (a) The building shall be of protected ordinary construction.
 - (b) All required stairways and vertical openings shall be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate that meet the requirements of standard partition construction to provide a protected means of egress to the outside with proper termination to grade.
 - (c) All door openings contained in subdivision (b) of this subrule shall meet all of the following requirements:
 - (i) Be protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
 - (ii) Be installed in fully stopped smoke-tight, substantial frames.
 - (iii) Be equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.
- (3) If child occupancy is above the second floor, then both of the following are required:
 - (a) The building shall be of 1-hour fire-resistive construction.
All required stairways and other vertical openings shall be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress to the outside with proper termination to grade.
- (4) If any portion of a basement is used for more than 30 children, then 1 of the following provisions is required:
 - (a) Two enclosed stairways of 1-hour fire-resistant construction shall discharge directly to the outside with proper termination to grade, and all openings in the stairways shall be protected by a minimum of 45-minute rated fire doors and frame assemblies. "B" labeled fire doors are acceptable.

- (b) One approved exit from the occupied room or use area shall discharge directly to the outside with proper termination to grade. Travel distance from any point in this room or area to this exit shall be less than 50 feet.
 - (c) Two exits comprised of any combination of subdivisions (a) and (b) of this subrule.
- (5) If basement occupancy is limited to not more than 30 children, then all of the following apply:
- (a) One of the exits required by subrule (4) of this rule shall discharge directly to the outside with proper termination to grade, or through a 1-hour fire-resistive enclosure.
 - (b) The second exit may terminate at the first floor level with an approved floor separation, meeting the requirements of standard partition construction between the basement and the first floor.
 - (c) For new construction and conversions, the separation shall be located at the first floor with travel distance from the door to an approved exit not to exceed 100 feet.
- (6) All vertical openings and stairways that are not required shall be constructed and arranged with effective fire and smoke separation under the requirements of standard partition construction. All door openings shall be as follows:
- (a) Protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
 - (b) Installed in fully stopped smoke-tight substantial frames.
 - (c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

[Reference R400.8515]

Interior finishes.

- (1) The classifications of interior finishes for flame spread and smoke development, as displayed in Table 6, shall be used as follows:

TABLE 6		
FLAME SPREAD AND SMOKE DEVELOPMENT FOR INTERIOR FINISHES		
Class	Flame Spread	Smoke Developed
A or I	0-25	0-450
B or II	26-75	0-450
C or III	76-200	0-450

- (2) materials in a means of egress and basement use occupancies shall be class A or I or B or II.
- (3) Basic materials in all other areas shall be class C or III.
- (4) Interior finish material more hazardous than class C or III is prohibited in child use areas.
- (5) If an approved automatic sprinkler system is installed and maintained in accordance with NFPA-13 and NFPA-25, then class C or III interior wall and ceiling finish materials are permitted in any location where class B or II is required and class B or II interior wall and ceiling finish materials are permitted in any location where class A or I is required.
- (6) In an existing licensed micro-center or conversion, existing interior finishes that do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. The coatings shall be applied to interior finishes that are attached to or furred out not more than 1 inch from a noncombustible backing and applied according to

manufacturer's recommendations. Documentation shall be provided as required by the department.

(7) Interior finish materials of classes B or II and C or III that are less than 1/4 inch in thickness shall be applied directly against a noncombustible backing or be furred out not more than 1 inch unless, the tests under which such material has been classed were made without a backer.

(8) Micro-centers licensed before December 7, 2006 may retain previously approved fire retardant coated interior finishes.

(9) Textile materials having a class A or I rating and used as an interior finish are permitted as follows:

(a) On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.

(b) On room partitions that are less than 3/4 of the floor-to-ceiling height not to exceed 8 feet in height.

(c) To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.

(d) Textile materials are permitted on walls and partitions where tested in accordance with and meeting the standards of NFPA-265. If compliance is achieved by application of a flame-proofing product in accordance with NFPA-701, documentation shall be provided as required by the department.

(10) Drapery material may be used for stage curtains, room dividers, and similar uses if the material has been tested and approved in accordance with NFPA701.

(11) Drapery material applied to surfaces of a facility as an interior finish shall meet the requirements of subrule

(9) of this rule.

(12) All vinyl and wooden wall dividers shall meet the interior finish requirements of subrules (1), (2), and (3) of this rule, as applicable.

(13) Bulletin boards shall meet the interior finish requirements of subrules (2) and (3) of this rule.

(14) Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.

[Reference R400.8520]

Exits.

(1) Except as referenced the in rule for **Construction**, and subdivision (3)(c) of this subrule, each occupied floor shall have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the micro-center shall be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

(2) As of the effective date of this rule, any micro-center not currently licensed or when an existing licensed micro-center moves infants and toddlers within the licensed space, shall have a door directly to the outside for all infant and toddler rooms.

(3) Travel distance to an exit shall be as follows:

(a) For infants and toddlers, travel shall be 50 feet or less from the door of the occupied room to the exit.

(b) For preschoolers and school-agers, travel shall be 100 feet or less from the door of the occupied room to the exit.

(c) Buildings having a complete fire suppression system may increase their travel distances by 50 feet if the fire suppression system plan is submitted and approved by the Bureau of Fire Safety.

(d) Those areas approved before July 1, 2000 are exempt from the requirements of this rule.

(4) For all micro-centers initially licensed after December 6, 2006, programs with infants and toddlers shall have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

- (5) Exit doors and all doors in the means of egress shall be side-hinged and equipped with knob, lever-type, non-locking-against-egress, or panic-type hardware.
- (6) Exit doors and doors in rooms occupied by 21 or more children shall swing in the direction of egress.
- (7) All means of egress must be maintained accessible, free and unobstructed while a micro-center is in operation.
- (8) In new construction, additions, remodeling, and conversions, there shall be a floor or landing on each side of an exit door. The floor or landing shall be at the same elevation on each side of the door, except for variations in elevation due to differences in finish materials, which shall not exceed ½ inch.
- (9) In conversions, landings shall have a width not less than the width of the stairway or the width of the door, whichever is greater. Landings shall have a length not less than the width of the door.
- (10) In new construction, additions, and remodeling, landings shall comply with the latch-side clearance requirements of sections 404.2.3 to 404.2.3.5 of the International Code Council/American National Standards Institute (ICC/ANSI) standard A117.1, Accessible and Usable Buildings and Facilities.
- (11) For new construction, additions and remodeling, an exit door shall be not less than 36 inches wide. Doors to multiple-use bathrooms shall not be less than 32 inches wide.
- (12) For the conversion of an existing building, exterior exit doors shall be not less than 36 inches wide. Existing interior doors shall not be less than 28 inches wide. Single- use toilet room doors shall not be less than 24 inches wide. Any remodeled door openings, other than the door swing, shall comply with subrule (10) of this rule.
- (13) Micro-centers licensed before December 7, 2006 may retain previously approved door widths.
- (14) Exterior exits and interior paths of travel to the exterior exits shall be marked or denoted by an approved exit sign. All exit signs shall be distinctive in color and provide contrast with decorations, interior finish, or other signs. Each exit sign shall have the word "EXIT" in plain, legible letters not less than 6 inches high, on a background of contrasting color, with strokes not less than ¾- inch wide. The word "EXIT" shall have letters that are not less than 2 inches wide, except the letter "I".
- (15) Exit signs shall be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.
- (16) When nighttime care is provided, the micro-center shall have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.
- (17) When nighttime care is provided, all exit signs shall be illuminated, and emergency lighting provided at the interior and exterior of the exits.

[Reference R400.1943 & R400.8525]

Hazard Areas.

- (1) Hazard areas shall be separated from the parts of the building used as a micro-center in the following manner:
 - (a) In micro-centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas will continue to be approved if they are enclosed with a minimum ¾-hour fire resistive construction and doorways to the areas are protected with a minimum 1¾-inch flush solid core wood or 20-minute labeled fire-rated doors equipped with approved self-closing devices and positive latching hardware.
 - (b) In micro-centers licensed between June 4, 1980 and July 1, 2000, areas used for the storage of combustibles and other hazards will continue to be approved if they are enclosed by 1 of the following:
 - (i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a minimum of 45-minute rated fire door and frame assembly, including an approved self-closing device and positive latching hardware. "B" labeled doors are acceptable.

- (ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum $\frac{3}{4}$ -hour fire resistance rating, all door openings shall be protected by minimum $1\frac{3}{4}$ -inch flush solid core wood doors or 20- minute labeled fire-rated doors hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.
- (c) In micro-centers licensed after July 1, 2000, areas used for the storage of combustibles and other hazards will continue to be approved if they are enclosed by 1 of the following:
 - (i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a minimum of 45 minute-rated fire door and frame assembly, including an approved self-closing device and positive latching hardware. "B" labeled doors are acceptable.
 - (ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings shall be protected by minimum $1\frac{3}{4}$ inch flush solid core wood doors or 20- minute labeled fire-rated doors in substantial frames and equipped with approved self- closing devices and positive latching hardware.
 - (iii) Where the area used for the storage of combustibles, including basements and areas adjacent to the licensed area, a room shall be protected according to Hazard Areas subrules (1)(c)(i) and (ii).
- (2) Where a kitchen with fuel-fired appliance cooking equipment exposes a required means of egress or child use area, it shall be separated from the remainder of the building with minimum 1-hour fire resistive construction, including a minimum of 45-minute rated fire door and frame assemblies in all common openings. Kitchens having fuel-fired cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement. "B" labeled doors are acceptable.
- (3) The use of an incinerator is prohibited.
- (4) Heating shall be by a central heating plant or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy or adjacent to the licensed area such as the basement or attic, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a minimum of 45- minute rated fire door and frame assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening.
- (5) In micro-centers licensed before December 7, 2006, a properly installed heating plant located in a basement that is not used for child occupancy does not require additional protection where there is a qualified fire separation and with at least a $1\frac{3}{4}$ -inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.
- (6) Any fuel-fired appliance shall be located according to subrule (4) or (5) of this rule, as applicable.
- (7) Where electric heating is used, it shall be Underwriters' Laboratories, Inc. (UL) listed, permanent, fixed- type electrical heating such as recognized panel or baseboard fixed-type. Electric heating that complies with this requirement may be installed in any location.
- (8) Auxiliary heating units, such as portable combustion or electrical types, are prohibited.
- (9) The micro-center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized staff.
- (10) The micro-center shall not store combustible materials within the central heating plant or fuel-fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.
- (11) The micro-center shall not permit flammable gases, gasoline, or gasoline-powered equipment in the part of a building that is used as a micro-center or in other parts of the building from which there is a door, window, or other opening into the micro-center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.
- (12) If a fuel-fired laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a minimum of 45- minute rated fire door and frame assembly in an interior door opening that would expose the micro-center. "B" labeled doors are acceptable.

- (13) Dryer vents must be metal or UL listed flexible transition duct and vented completely to the exterior.
- (14) The department does not require fire dampers in ¾-hour and 1-hour fire resistive enclosures.
- (15) All appliances and equipment in the micro-center shall be installed and maintained in accordance with their manufacturer's specifications.
- (16) Micro-centers shall be kept free of all conditions that constitute fire safety hazards.
- (17) When oxygen is needed for a child in care, all of the following must apply:
 - (a) The micro-center shall not store more than a day's worth of oxygen on the premises and only when the child is in attendance.
 - (b) Tanks that are not in use must be secured from tipping over and labeled as full or empty.
 - (c) Signs stating "Oxygen in Use" must be posted at every entrance of the building.

[Reference R 400.8530]

Fire alarm.

- (1) In micro-centers with 4 child-occupied rooms or less, excluding bathrooms, a fire evacuation method, either electrical or manual, shall be installed, with a separate and distinct notice sounding throughout the micro-center.
- (2) In micro-centers of more than 4 child-occupied rooms, excluding bathrooms, an approved fire alarm system shall be installed and maintained in compliance with NFPA-72.
- (3) In new construction, conversions, remodeling, or newly licensed micro-centers, the trouble signal for required fire alarm systems shall be located in an area normally occupied by child care staff members.

[Reference R400.1944 & R400.8535]

Smoke detectors; carbon monoxide detectors.

- (1) All micro-centers shall, at a minimum, be equipped with approved single station smoke alarms covering all use areas and their means of egress. These smoke detectors shall be located and spaced according to NFPA-72.
- (2) Micro-centers in buildings equipped with a fire alarm system shall have system smoke detectors installed in accordance with (1) that are connected to and monitored by the fire alarm system.
- (3) Micro-centers in buildings equipped with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.
- (4) Micro-centers shall properly install and maintain all detectors in operable condition in accordance with manufacturer's recommendations.

[Reference R400.1944 & R400.8540]

Fire extinguishers.

- (1) Multipurpose fire extinguishers, having ratings of not less than 2A10BC, shall be installed in or adjacent to the kitchen or cooking area and in or adjacent to the door of the heating plant room.
- (2) Additional fire extinguishers shall be provided in accordance with NFPA 10 for light hazard occupancies.
- (3) Fire extinguishers shall be properly mounted, inspected, and maintained in accordance with NFPA-10. The fire extinguisher shall bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.

[Reference R400.8545]

Electrical service.

- (1) The electrical service shall be maintained in a safe condition.
- (2) For new construction and additions, electrical systems and service shall be inspected and approved by the

electrical inspecting authority having jurisdiction. A copy of the certificate of approval shall be maintained at the micro-center at all times.

(3) When warranted, conversions of existing buildings and existing rooms to child care use, as well as existing licensed micro-centers, may require an electrical inspection.

(4) Extension cords, listed by a nationally recognized testing laboratory, and used in accordance with all manufacturer's recommendations, may be used on a temporary basis, and for short periods of time.

(5) All electrical outlets in child use areas for children who are not yet school-age shall be made inaccessible to children.

(6) All electrical outlets in approved child use space located within 6 feet of a sink or other water source shall be protected by a ground-fault circuit interrupter (GFCI).

(7) Power strips shall be equipped with surge protectors and shall not be longer than 6 feet or be connected to another power strip.

[Reference R400.8550]

Open-flame devices; candles.

(1) All open-flame devices, candles, and incense are prohibited, except for religious celebrations.

[Reference R400.8555]

Fire safety; exemptions for public and nonpublic school buildings.

(1) The rules with respect to fire prevention and fire safety in Part 6 Fire Safety, do not apply to a micro-center established and operated by an intermediate school board, the board of a local school district, or 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, if the micro-center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

[Reference R400.8565]

PART 7. FOOD SERVICES AND NUTRITION

Definitions.

As used in this part:

(a) "Bulk foods" means larger quantities of food that are used over time, such as flour, sugar, noodles, and rice. Food that is used up in a week or less, such as crackers, are not considered bulk foods.

(b) "Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bacterial solutions, and other conditions-of-use environment.

(c) "Food grade surface" means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.

(d) "Food service equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a micro-center.

(e) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(f) "Food-contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

- (g) "Packaged" means bottled, canned, in a carton, or securely wrapped.
- (h) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- (i) "Ready to eat food" means food that does not require cooking and that will not be cooked before being served.
- (j) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.
- (k) "Single-service articles" means those food service articles intended for 1-time, 1- person use and then discarded.
- (l) "Tableware" means multi-use eating and drinking utensils.
- (m) "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

[Reference R400.8301]

Plan review; approval; inspections.

- (1) All local health department requirements regarding plan reviews and specifications must be followed. Written confirmation that this has occurred must be submitted to the department.
- (2) With the exception of rules for **Food services and nutrition generally, Food services and nutrition; provided by micro-center, and Food services and nutrition; provided by parents**, an inspection must be conducted by the local health department, and an approval granted indicating compliance with all of the rules in this part at all of the following times:
 - (a) Before issuance of an original license.
 - (b) Every 2 years, at the time of renewal, if the micro-center has a private well or septic.
 - (c) Every 2 years, at the time of renewal, if the micro-center provides food service where the food is prepared and served on-site, unless the kitchen is currently licensed to provide food service.
 - (d) Prior to adding a food service program.
 - (e) Prior to adding an infant or toddler program.
 - (f) When requested by the department.

[Reference R400.8305]

Food preparation areas.

- (1) Food contact surfaces must be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.
- (2) Carpeting is prohibited in food preparation areas.
- (3) Mechanical ventilation to the outside is required for all fuel-fired cooking equipment, which includes but is not limited to, stoves, ranges, ovens, and griddles.
- (4) If residential hood ventilation is used, then cooking equipment must be limited to residential stove and oven equipment.
- (5) Mechanical ventilation to the outside may be required if a problem is evidenced.
- (6) The use of deep fryers is prohibited.
- (7) Live animals are prohibited in food preparation and eating areas.
- (8) When the only food preparation is for feeding infants and toddlers, there must be a sink that is used exclusively for food preparation and clean up.

[Reference R400.8310]

Food and equipment storage.

- (1) Each refrigerator must have an accurate working thermometer indicating a temperature of 41 degrees Fahrenheit or below.
- (2) All artificial lighting fixtures located over, by, or within food storage, preparation, and service areas, or where utensils and equipment are cleaned and stored, must be properly shielded.
- (3) Unpackaged bulk foods must be stored in clean covered containers, dated, and labeled as to the contents.
- (4) Food not subject to further washing or cooking before serving must be stored in a way that protects it from cross-contamination from food requiring washing or cooking.
- (5) Packaged food must not be stored in contact with water or undrained ice.
- (6) Poisonous or toxic materials must not be stored with food, food service equipment, utensils, or single-service articles.
- (7) Food, food service equipment, and utensils must not be located under exposed or unprotected sewer lines, open stairwells, or other sources of contamination. Automatic fire protection sprinkler heads are the exception.
- (8) The storage of food, food service equipment, or utensils in toilet rooms is prohibited.
- (9) Food and utensils must be stored in a cabinet or a shelf above the floor.
- (10) All food service equipment must be above the floor, moveable, or be properly sealed to the floor.
- (11) When a micro-center receives food transported from an off-site commercial kitchen, food is delivered in sanitary, covered containers or carriers that maintain safe food temperatures.
- (12) When food is prepared in an approved food preparation area on-site within the micro-center, it will be transported using covered containers that can maintain safe food temperatures. (e.g. picnic on outdoor play area).
- (13) To ensure children receive safe foods, hot foods will be maintained at a temperature not less than 135 degrees F and cold foods maintained at no more than 41 degrees F during transportation and until served.
[Reference R400.1931 & R400.8315]

Food preparation.

- (1) Food must be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.
- (2) Food must be prepared on food grade surfaces that have been cleaned and sanitized.
- (3) Raw fruits and vegetables must be thoroughly washed before being cooked or served.
- (4) Staff shall minimize bare-hand contact with foods that will be cooked.
- (5) Ready to eat foods must not be prepared or served using bare hands.
- (6) Food must be cooked to heat all parts of the food to the safe temperature as identified in the document titled Safe Minimum Cooking Temperatures, published by the U.S. Food Safety Working Group.
- (7) Potentially hazardous foods must be thawed using 1 of the following methods:
 - (a) In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.
 - (b) Completely submerging the item under cold water, at a temperature of 70 degrees Fahrenheit or below, that is running fast enough to float off loose ice particles.
 - (c) In a microwave oven for either of the following:
 - (i) The food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process.
 - (ii) The entire cooking process takes place in the microwave oven.
 - (d) As part of the conventional cooking process.
- (8) The temperature of potentially hazardous foods must be 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above, at all times, except during necessary periods of preparation.

- (9) Potentially hazardous foods that have been cooked and then refrigerated or frozen must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.
- (10) Accurate metal stem-type food thermometers must be used to assure the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all potentially hazardous foods.
- (11) On field trips, all foods must be protected from contamination at all times as required by this rule.
- (12) In the absence of proper hand washing facilities on field trips, individuals preparing and serving food shall wear sanitary disposable food service gloves.
- [Reference R400.8320]*

Dishwashing.

- (1) All tableware, utensils, food contact surfaces, and food service equipment must be thoroughly cleaned and sanitized after each use. Multi- purpose tables must be thoroughly cleaned and sanitized before and after they are used for meals or snacks.
- (2) Enamelware utensils are prohibited.
- (3) Reuse of single service articles is prohibited.
- (4) Multi-use tableware and utensils must be cleaned and sanitized using 1 of the following methods:
- (a) A commercial dishwasher.
 - (b) A residential dishwasher with sanitizing capability.
 - (c) A 3-compartment sink to wash in the first compartment, to rinse in the second compartment, and to sanitize in the third compartment.
 - (d) A 2-compartment sink for washing in the first compartment and rinsing in the second compartment, a third container suitable for complete submersion for sanitizing.
- (5) If the manual washing method is used, as referenced in subrule (4)(c) and (d) of this rule, all of the following must be done:
- (a) Rinse and scrape all utensils and tableware before washing.
 - (b) In the first compartment, wash in using detergent and water at or above 110 degrees Fahrenheit or at the temperature specified by the detergent manufacturer.
 - (c) In the second compartment, rinse in clean water making sure to remove all traces of food and detergent.
 - (d) In the 3rd compartment or suitable container, sanitize using 1 of the following methods:
 - (i) Immersion for at least 30 seconds in clean water of at least 171 degrees Fahrenheit. Use racks with handles to avoid burning the skin.
 - (ii) Immersion with a food-grade sanitizing solution mixed as described on the manufacturer's label for sanitizing. A test kit or other device that measures the correct concentration of the solution must be used when a chemical is used for sanitizing.
 - (e) Air dry on a clean and sanitized surface. Do not use a towel for drying.
- (6) Sponges must not be used in a food service operation.

[Reference R400.8325]

Food services and nutrition generally.

- (1) Snacks and meals must be provided by the micro-center, except when 1 of the following circumstances occurs:
- (a) A majority of the children are in attendance less than 2.5 hours.
 - (b) Food is provided by a parent.

- (2) A written agreement must be kept on file at the micro-center if the parent has agreed to provide formula, milk, or food. The micro-center shall provide an adequate amount of formula, milk, or food if the parent does not.
- (3) Beverages and food must be appropriate for the child's individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.
- (a) If a child has special dietary needs, including cultural preferences, the parent and the licensee will complete an agreement in writing, including the parent's signature, as to who will provide food for the child.
- (4) A micro-center shall ensure a child who has 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 licensed health care provider.
- (5) A micro-center shall make water available to drink throughout the day to children 1 year of age and older.
- (6) Infants and toddlers shall be fed on demand.
- (7) A child shall be served meals and snacks in accordance with the following schedule:
- (a) Two and a half hours to 4 hours of operation: a minimum of 1 snack.
- (b) Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.
- (c) Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks or 2 meals and 1 snack.
- (d) Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.
- (8) A micro-center shall not deprive a child of a snack or meal if the child is in attendance at the time when the snack or meal is served.
- (9) Menus must be planned in advance, dated, and made available to parents. Parents will be informed of meal plans in advance and notified of substitutions when they occur..
- (10) A micro-center shall not serve infants and toddlers or allow them to eat foods that could easily cause choking, including but not limited to, popcorn, seeds, nuts, hard candy and uncut round foods such as whole grapes and hot dogs.
- (11) Cereal must not be added to a bottle or beverage container without written parental permission.
- (12) If food, bottles, or beverage containers are warmed, then the warming must be done in a safe, appropriate manner.
- (13) Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.
- (14) Bottle warmers must be placed where children cannot access them or reach the cords for them.
- (15) Bottle warmers must be shut off when not in use. A child care staff member shall not hold a child while removing a bottle from the heating device.
- (16) Warmed food, bottles, and beverage containers must be shaken or stirred to distribute the heat, and the temperature must be tested before feeding.
- (17) The contents of a bottle or beverage container must be discarded if any of the following apply:
- (a) The contents appear to be unsanitary.
- (b) The bottle or beverage container has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding.
- (c) The bottle or beverage container requiring refrigeration has been unrefrigerated for 1 hour or more.
- (18) Formula and milk, including breast milk, left in a bottle or beverage container after a feeding must not be reused.
- (19) Bottle propping is prohibited.
- (20) When feeding, child care staff members shall hold infants, except when infants resist being held and are able to hold their bottle.
- (21) Infants or toddlers shall not have bottles, beverage containers, or food in sleeping equipment.
- (22) Children shall not have beverage containers or food while they are walking around or playing.
- (23) Child care staff members shall foster and facilitate toddlers' independence, language, and social interactions by doing all of the following:

- (a) Encouraging self-feeding.
 - (b) Serving appropriate portion sizes.
 - (c) Sitting with toddlers during meal times.
- (24) Breastfeeding must be supported and accommodated.
- (25) A designated place must be set aside for use by mothers who are breastfeeding.

[Reference R400.1931 & R400.8330]

Food services and nutrition; provided by micro-center.

- (1) Food and beverages provided by a micro-center must 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 (CACFP), as administered by the Michigan department of education, based on 7 CFR part 226, 1-1-18 edition, (2018) of the United States Department of Agriculture, Food and Nutrition Service, CACFP, and is hereby adopted by reference.
- (2) Solid foods must be introduced to an infant according to the parent's or licensed health care provider's instructions.
- (3) Infants shall only be served formula to drink unless written authorization is provided by the child's licensed health care provider.
- (4) Children 12 months of age until 2 years of age shall be served whole homogenized Vitamin D-fortified cow's milk, except as provided in R 400.8330(4).
- (5) Formula must be commercially prepared and ready-to-feed.
- (6) All fluid milk and fluid milk products must be pasteurized and meet the grade "A" quality standards.
- (7) Milk must be served from 1 of the following:
- (a) A commercially filled container stored in a mechanically refrigerated bulk milk dispenser.
 - (b) A commercially filled container not to exceed 1 gallon.
 - (c) A sanitized container only if poured directly from the original container.
- (8) All of the following apply to milk:
- (a) Containers must be labeled with the date opened.
 - (b) Milk must be served within 7 days of opening.
 - (c) Milk must not be served if the contents appear to be unsanitary or have been unrefrigerated for a period exceeding 1 hour.
 - (d) Milk must not be combined with the contents of other partially filled containers.
- (9) Contents remaining in single-service containers of milk must be discarded at the end of the snack or meal time.
- (10) All containers of ready-to-feed formula, once opened, must be labeled with the date and time of opening, refrigerated, and used within 48 hours or be discarded.
- (11) Prepared bottles and beverage containers of milk and formula must be refrigerated and labeled with the child's first and last name, date, and time of preparation.
- (12) Contents of unused bottles of formula must be discarded, along with any bottle liners, after 48 hours.
- (13) All liners, nipples, formula, milk, and other materials used in bottle preparation must be prepared, handled, and stored in a sanitary manner.
- (14) Reusable nipples and bottles must be cleaned and sanitized before reuse.

- (15) Bottle liners and disposable nipples must be for single use only, by an individual child, and discarded with any remaining formula or milk after use.
- (16) Commercially packaged baby food must be served from a dish, not directly from a factory-sealed container, unless the entire container will be served to only 1 child and will be discarded at the end of the feeding period.
- (17) Uneaten food that remains on a dish from which a child has been fed must be discarded.
- (18) Food that has been served and handled by the consumer of the food, may not be served again, unless it is in the original, unopened wrapper.
- (19) The licensee will inform parents if home canned foods are served.
- (20) Food containing contaminants, such as lead, recalled through the Food and Drug Administration or the Michigan Department of Agriculture and Rural Development must be properly disposed of and not served again.

[Reference R400.1931 & R400.8335]

Food services and nutrition; provided by parents.

- (1) As used in this rule:
 - (a) "Same-day supply" means for use during a single day.
 - (b) "Multi-day supply" means for use over a multiple day period, up to 7 days.
- (2) Breast milk, formula, milk, or other beverages provided in a same-day supply must be furnished daily in either of the following:
 - (a) Clean, sanitary, ready-to-feed bottles or beverage containers.
 - (b) A clean, sanitary, beverage container. The beverage must be poured into a clean, sanitary bottle or beverage container before each feeding.
- (3) Breast milk, formula, milk, other beverages, and food furnished in a same-day supply s must be covered and labeled with the child's first and last name and the date.
- (4) Any food or beverages furnished in a same-day supply must be returned to the parent at the end of the day or discarded.
- (5) Milk, other beverages, and non-perishable food items may be furnished in a multiday supply in an unopened commercial container.
- (6) Breast milk may be supplied in a multi-day supply in a clean, sanitized container kept in the refrigerator for up to 4 days or kept in the freezer for no more than 2 weeks.
- (7) Milk and other beverages furnished in a multi-day supply must be labeled with the child's first and last name and the date of opening and be returned to the parent or discarded 7 days after opening.
- (8) Non-perishable food items furnished in a multi-day supply must be labeled with the date of opening and when applicable, the first and last name of the child for whom its use is intended.
- (9) Beverages and food must be fed only to the child for whom the item is labeled.
- (10) Breast milk, formula, and milk must be refrigerated until used.
- (11) Other perishable beverages and food items must be refrigerated or otherwise kept at a safe temperature until used. Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days in a clearly labeled and dated container.

[Reference R400.8340]

Drinking water management plan; water sampling, testing, and remediation; filtered water; records

(1) Pursuant to the act, MCL 722.113i, no later than January 24, 2025, the micro-center shall develop and implement a drinking water management plan, conduct water sampling and testing after filters have been installed, conduct remediation as needed, and retain records.

(2) Pursuant to the act, MCL 722.113j, no later than October 24, 2025, the micro-center shall comply with the requirements of the duties of a micro-center under the drinking water management plan which includes ensuring that drinking water furnished to children for human consumption is from a filtered faucet or other filtered source meeting the standards required in act, MCL 722.113j(b).

(3) Pursuant to the act, MCL 722.113k, if a micro-center is located in a school building that complies with the clean drinking water access act, the micro-center is considered compliant with this rule.

[Reference R400.8345a]

PART 8. TRANSPORTATION

Definitions.

As used in this part:

(a) "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.

(b) "Motor vehicle" means a self-propelled device in which persons are or may be transported upon a highway, built on an automobile or truck chassis specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and that meets the safety equipment requirements of sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711.

(c) "Multifunction school activity bus" means that term as described in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(d) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

(e) "School bus" means that term as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(f) "School transportation" means transportation provided by a public, non-public, or private school.

(g) "Transportation" means the conveyance of children by means of a motor vehicle to or from a micro-center and to and from all activities planned for children by or through the micro-center.

(h) "Transportation component" means when a micro-center uses micro-center owned vehicles, vehicles of staff or volunteers, or other private or contracted transportation to transport children for any reason.

Transportation component does not include either of the following:

(i) Transportation is not a component of the child care program if a micro-center uses public transportation or public or private school transportation; however, certain transportation rules still apply.

(ii) Transportation is not a component of the child care program if a micro-center contracts with, or is established and operated by an intermediate school district, the board of a local school district, or by the board or governing body of a state-approved nonpublic school, then the school is responsible for the health and safety of children during transportation, and transportation is not considered a

component of the child care program. If this paragraph applies, a micro-center is not required to complete a comprehensive background check on the transportation staff through the Child Care Background Check System.

- (i) "Volunteer motor vehicle" means a motor vehicle not owned by, leased by, or registered to the micro-center or principle or employee of the micro-center.

Transportation.

- (1) If transportation other than public transportation or school transportation is provided, contracted, or sponsored by the micro-center, all rules in this part apply.
- (2) If public transportation or school transportation is used, then only the following rules apply:
 - (a) Program staff and unsupervised volunteer-to-child ratio and supervision in transit.
 - (b) Time limitation on child transit.
 - (c) Parent permission for transportation.
- (3) If a parent makes a private arrangement for the transportation of his or her child, not including arrangements made with the micro-center, the rules in this part do not apply.

[Reference R400.8710]

All motor vehicles.

- (1) All motor vehicles must be in safe operating condition.
- (2) All motor vehicles, except multifunction school activity buses and school buses inspected by the department of state police as indicated in subrule (3) of this rule, must be inspected annually by a licensed mechanic. A copy of the inspection must be kept on file at the micro-center. Volunteer vehicles are not required to be inspected.
- (3) Micro-centers that use multifunction school activity buses and school buses must do all of the following:
 - (a) Contact the department of state police to determine if an annual inspection by the department of state police is required under section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839.
 - (b) If directed by the department of state police, obtain an annual inspection by the department of state police. A copy of the inspection must be kept on file at the micro-center.
- (4) A statement verifying that all motor vehicles, including volunteer vehicles, are in compliance with Michigan vehicle code safety equipment requirements, as defined in sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711, must be kept on file at the micro-center.
- (5) The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, is prohibited.
- (6) Multifunction school activity buses used for transporting children between the micro-center and school must comply with all minimum safety specifications, except color, identification, and alternating flashing lights, as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877.
- (7) Motor vehicle seats used by children, staff, and volunteers must not face sideways.
- (8) A truck must not be used to transport children, except in the cab.
- (9) There must be no loose or heavy objects in the passenger compartment of any motor vehicle.

[Reference R400.8720]

Safety equipment in motor vehicles.

- (1) All motor vehicles used to transport children must carry all the following safety equipment:
 - (a) A licensee will ensure all motor vehicles used to transport children carry three bidirectional emergency reflective triangles properly cased and securely stored in the motor vehicle when the following circumstances apply:

- (i) The motor vehicle does not have a warning system, designed to alert approaching traffic of a stopped vehicle, with a self-contained energy source.
 - (ii) The motor vehicle has a gross vehicle weight rating greater than 10,000 pounds.
- (b) A first aid kit securely stored in an accessible location in the driver compartment.
- (2) Any motor vehicle with a manufacturer's rated seating capacity of more than 10 occupants used to transport children must carry both of the following additional safety equipment:
 - (a) Not less than 3 15-minute flares or an approved battery-operated substitute properly cased and securely stored in the driver's compartment.
 - (b) Fire extinguisher of dry chemical type rated not less than 2A-10BC mounted in an accessible place in the driver's compartment. The fire extinguisher must be inspected and maintained in accordance with NFPA-10. The fire extinguisher must bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.
- (3) Volunteer motor vehicles are exempt from subrule (1)(a) of this rule.

[Reference R400.8730]

Manufacturer's rated seating capacity; restraint devices; safety belts.

- (1) Each child transported shall be seated according to the manufacturer's rated seating capacity and properly restrained by a passenger restraint device as required by sections 710d and 710e of 1949 PA 300, MCL 257.710d and 257.710e.
- (2) Passenger restraint devices, as required by subrule (1) of this rule, are not required for children transported on a school bus or a multifunction school activity bus.
- (3) Each restraint device must be properly anchored to the vehicle seat and used according to the manufacturer's specifications.
- (4) Allowing 2 or more children to share a seat belt or restraint device is prohibited.
- (5) The driver of a motor vehicle and all adult passengers shall be seated according to the manufacturer's rated seating capacity and properly restrained by safety belts when the motor vehicle is in motion.
- (6) All safety belts and restraint devices used while transporting children and adults must be in good working condition.

[Reference R400.8740]

Motor vehicle operator.

- (1) The driver of any motor vehicle transporting children shall comply with all of the following:
 - (a) Be at least 18 years of age.
 - (b) Possess a valid operator or chauffeur's license with the appropriate endorsement as required by chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.
 - (c) Have a personal driving record with not more than 6 active points as determined by the secretary of state.
 - (d) Have proof of valid automobile insurance and registration.
 - (e) Be familiar with the contents of the first aid kit.
 - (f) Be familiar with the operation of the fire extinguisher, if a fire extinguisher is required.
- (2) All of the following documents must be kept on file at the micro-center:
 - (a) A copy of each driver's driving record, except for drivers of volunteer motor vehicles, obtained from the secretary of state at least once a year.
 - (b) A self-certifying statement that all volunteer drivers comply with subrule (1) of this rule.
 - (c) A copy of a valid driver's license for each driver.
- (3) Drivers shall be provided with a copy of the child information card or comparable substitute for each child being transported in their motor vehicles.

[Reference R400.8750]

Program staff and unsupervised volunteer-to-child ratio and supervision in transit.

(1) The ratio of program staff members and volunteers-to-children in transit, must be based on the following provisions:

(a) For infants and toddlers, there must be 1 program staff member or unsupervised volunteer for 4 children. The driver does not count in the program staff member and unsupervised volunteer-to-child ratio.

(b) For preschoolers under 3 years of age, there must be 1 program staff member or unsupervised volunteer for 8 children. The driver does not count in the program staff member and unsupervised volunteer-to-child ratio.

(c) For 3-year-olds, there must be 1 program staff member or unsupervised volunteer for 10 children. The driver may be counted in the program staff member or unsupervised volunteer-to-child ratio.

(d) For 4-year-olds, there must be 1 child care staff member or volunteer for 12 children. The driver may be counted in the staff or volunteer-to-child ratio.

(e) For school-agers, there must be 1 child care staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to-child ratio. This requirement does not apply when school-age children are transported to and from school on school transportation or are using public transportation.

(f) An additional child care staff member or volunteer is not required if only 1 child under 36 months of age is transported.

(2) To count in the child care staff member or volunteer-to-child ratios, child care staff members or volunteers shall be all of the following:

(a) At least 16 years of age.

(b) Seated with the children.

(c) Responsible for the supervision of the children.

(3) When children are entering or leaving the motor vehicle, the following safety precautions must be taken:

(a) The accompanying child care staff member, volunteer, or driver shall ensure that the children are received by a child care staff member, parent, or other person as designated by the parent.

(b) Children shall enter and leave the motor vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(4) Children shall not be left unattended in a motor vehicle.

(5) When children under school-age are entering or leaving the motor vehicle, the children shall be carried or helped into and out of the motor vehicle.

[Reference R400.8760]

Time limitation on child transit.

(1) For children under school-age, transportation routes shall be planned so that a child is not in the motor vehicle longer than 1 and ½ continuous hours.

[Reference R400.8770]

Parent permission for transportation.

(1) A micro-center shall obtain a parent's written permission annually for routine transportation.

(2) A micro-center shall obtain a parent's written permission for any non-routine transportation before each trip.

(3) Permission for all transportation must be kept on file at the micro-center.

[Reference R400.8149]

PART 9 SWIMMING

Definitions.

As used in this part:

- (a) "Lifeguard" means a person who meets the following criteria:
 - (i) Possesses an appropriate and current life guard training and certification by the American Red Cross, YWCA, YMCA, or equivalent in 1 of the following:
 - (A) Basic lifeguard for pool only.
 - (B) Full life guarding for pool and all other water activities.
 - (ii) Is dressed suitably to act in an emergency.
 - (iii) Is providing constant supervision.
- (b) "Public swimming pool" means that term as defined in section 12521 of the public health code, 1978 PA 368, MCL 333.12521.

[Reference R400.8801]

Swimming; child care staff member-to-child ratio.

- (1) Written parental permission regarding their child's participation in swimming activities must be kept on file at the micro-center.
- (2) A lifeguard shall be on duty at all swimming activities and shall not be included in the child care staff member-to-child ratio.
- (3) For children under 3 years of age, there shall be an in-the-water ratio of 1 child care staff member to 1 child.
- (4) For all non-swimmers 3 years of age and older, there shall be an in-the-water ratio of 1 child care staff member to 4 children when the water level is at the child's chest height or lower. When the water level is above the child's chest height, there shall be an in-the-water ratio of 1 child care staff member to 1 child.
- (5) For swimmers 3 years of age and older, there shall be an in-the-water child care staff member-to-child ratio.

[Reference R400.1921 & R400.8810]

Swimming activity supervision.

- (1) All child care staff members counted in the child care staff member-to-child ratio shall be both of the following:
 - (a) Actively engaged in providing direct care, supervision, and guidance.
 - (b) Physically able to assist children quickly.

[Reference R400.19201 & R400.8820]

Instructional swim.

- (1) Instructional swim must be conducted under the supervision of a qualified water safety instructor (WSI), who is certified by the American Red Cross, in an organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.
- (2) The child care staff member-to-child ratio must be maintained and the instructor shall not be included in the ratio.

[Reference R400.8830]

Swimming activity area.

- (1) All swimming areas must be maintained in a clean and safe condition.
- (2) A public pool used for swimming must be inspected by the local health department and issued a license by the department of environmental quality.
- (3) The water at a public or private beach must not be used if deemed unsafe by the local health department.
- (4) A working phone must be accessible on the premises.
- (5) All of the following safety equipment must be readily accessible:
 - (a) First aid kit.
 - (b) Rescue pole or throwing rope and ring buoy.
 - (c) Signaling device.
- (6) The use of hot tubs and private wading pools is prohibited.

[Reference R400.1921 & R400.8840]

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