

HOUSE BILL No. 5865

March 14, 2006, Introduced by Reps. Kahn, Farhat, Kolb, Taub, Brown, Hood, Hansen, Marleau, Caswell, Gaffney, Hildenbrand, LaJoy, Schuitmaker, Polidori, Caul, Nofs, Sheltrown, Baxter, Whitmer, Farrah, Byrnes, Huizenga, Stahl, Proos, Rocca, Garfield, Sak, Gleason, Pastor, Stewart, Jones, Angerer, Booher, Gillard, McDowell, Byrum, Zelenko, Vagnozzi, Alma Smith, Lipsey, Nitz, Mortimer, Ball, Brandenburg, Amos, Bieda, Moolenaar, Stakoe, Wenke, David Law, Mayes, Pavlov, Palsrok and Cheeks and referred to the Committee on Appropriations.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as amended by 2002 PA 695.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1285a. (1) If a school district or intermediate school
2 district operates a child care center, as defined in section 1 of
3 1973 PA 116, MCL 722.111, then, except as provided in this
4 subsection, the child care center is subject to the requirements of
5 1973 PA 116, MCL 722.111 to 722.128. If a child care center
6 established and operated by a school district or intermediate
7 school district is located in a school building that is approved
8 and inspected by the ~~state fire marshal~~ **BUREAU OF FIRE SERVICES**

1 **CREATED IN SECTION 1B OF THE FIRE PREVENTION CODE, 1941 PA 207, MCL**
2 **29.1B**, or other similar authority as provided in section 3 of 1937
3 PA 306, MCL 388.853, for school purposes and is in compliance with
4 school fire safety rules, as determined by the ~~state fire marshal~~
5 **BUREAU OF FIRE SERVICES** or a fire inspector certified pursuant to
6 section 2b of the fire prevention code, 1941 PA 207, MCL 29.2b, the
7 child care center is not subject to any fire prevention or fire
8 safety requirements under 1973 PA 116, MCL 722.111 to 722.128.
9 Beginning July 1, 2003, as used in this subsection, "child care
10 center" does not include a program described in subsection (2) that
11 has been granted an exemption from child care center approval by
12 the department of ~~consumer and industry~~ **HUMAN** services as
13 provided under section 1(2) of 1973 PA 116, MCL 722.111.

14 (2) Beginning July 1, 2003, if a school district, public
15 school academy, or intermediate school district operates or
16 contracts for the operation of a before- or after-school program
17 for children in grades K to 8, and if the program is exempt from
18 child care center approval as provided under section 1(2) of 1973
19 PA 116, MCL 722.111, all of the following apply to the operation of
20 the program:

21 (a) The program shall meet all of the following staffing
22 requirements:

23 (i) Shall have at least 2 adult program staff members present
24 at all times when children are present.

25 (ii) Shall have a child to adult program staff member ratio
26 that meets the following:

27 **(A)** ~~(a)~~ For children in grades K to 3, is no greater than

1 the lesser of either 20 children to 1 adult program staff member or
2 the average pupil to teacher ratio during school hours in that
3 school district, public school academy, or intermediate school
4 district in regular K to 3 classrooms.

5 (B) ~~-(b)-~~ For children in grades 4 to 8, is no greater than
6 the lesser of either 25 children to 1 adult program staff member or
7 the average pupil to teacher ratio during school hours in that
8 school district, public school academy, or intermediate school
9 district in regular grade 4 to 8 classrooms.

10 (iii) Within 3 months after he or she begins to work in the
11 program, each adult program staff member shall hold valid
12 certification in cardiopulmonary resuscitation and basic first aid
13 issued by the American red cross, American heart association, or a
14 comparable organization or institution approved by the department.

15 (b) The program shall be located at school in facilities
16 comparable to rooms used by pupils during the regular school day.

17 (c) The program shall provide daily activities and
18 relationships that offer each child in the program opportunities
19 for physical development; social development, including positive
20 self-concept; and intellectual development.

21 (d) If food is served, the food service shall comply with the
22 same nutrition requirements that apply to food service by the
23 school district, public school academy, or intermediate school
24 district during the regular school day.

25 (e) If the school district, public school academy, or
26 intermediate school district uses its employees to staff the
27 program, before assigning a staff member to work in the program,

1 the school district, public school academy, or intermediate school
2 district shall comply with sections 1230 and 1230a with respect to
3 that individual to the same extent as if the individual were being
4 hired as a teacher. If the school district, public school academy,
5 or intermediate school district contracts for the operation or
6 staffing of the program, the contract shall contain assurance that
7 the contracting person or entity, before assigning an individual to
8 work in the program, will comply with sections 1230 and 1230a with
9 respect to that individual to the same extent as if the person or
10 entity were a school district employing the individual as a
11 teacher. The department of state police shall provide information
12 to a school district, public school academy, intermediate school
13 district, or contracting person or entity requesting information
14 under this subdivision to the same extent as if the school
15 district, public school academy, intermediate school district, or
16 person or entity were a school district making the request under
17 section 1230 or 1230a.

18 (f) The board of the school district or intermediate school
19 district or board of directors of the public school academy, in
20 consultation with the director of the program and the principal of
21 the school at which the program is operated, shall develop, adopt,
22 and annually review a policy concerning the program that, at a
23 minimum, addresses safety procedures for the program, including
24 first aid, food safety, discipline, dispensing and storage of
25 medication, and access to student emergency information and
26 telephones.

27 (g) Not later than September 1 of each school year, the board

1 of the school district or intermediate school district or board of
2 directors of the public school academy shall adopt and submit to
3 the secretary of the intermediate school board a resolution
4 affirming that the program and the corresponding policies comply
5 with this section. This submission shall include a copy of the
6 policy under subdivision (f).

7 (h) The board of the school district or intermediate school
8 district or board of directors of the public school academy shall
9 make copies of the policy under subdivision (f), and of any annual
10 reviews or revisions, available to the public.

11 (3) Not later than April 1, 2003, the department, in
12 consultation with the department of ~~consumer and industry~~ **HUMAN**
13 services, shall develop and make available to the public model
14 standards for before- or after-school programs operated under
15 subsection (2) that address human relationships; indoor
16 environment; outdoor environment; activities; safety, health, and
17 nutrition; and administration. In developing these model standards,
18 the department shall give substantial consideration to similar
19 factors in the requirements placed on child care centers under 1973
20 PA 116, MCL 722.111 to 722.128. A school district, public school
21 academy, or intermediate school district is not required to follow
22 these model standards.

23 (4) Beginning July 1, 2003, the board of a school district or
24 intermediate school district or board of directors of a public
25 school academy shall ensure that any written information published
26 or distributed by the school district, public school academy, or
27 intermediate school district concerning a before- or after-school

1 program it operates under subsection (2) includes a statement in at
2 least 10-point type notifying the public whether the program
3 follows or deviates from the model standards developed under
4 subsection (3).

5 Enacting section 1. This amendatory act does not take effect
6 unless Senate Bill No. 1133 or House Bill No.____ (request no.
7 03197'05 ***) of the 93rd Legislature is enacted into law.