

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1317 (as reported without amendment)
Sponsor: Senator William Van Regenmorter
Committee: Families, Mental Health and Human Services

Date Completed: 10-11-00

RATIONALE

In many families, both parents are employed outside the home, and other families have single-parent households. Both these situations present a need for care and supervision of children after the end of the school day, but before parents return home from work. To address this situation, many school districts in Michigan offer after-school programs that provide supervision and organized activities for children for a few hours, until their parents are able to take them home. Reportedly, some Michigan school districts have been informed by the Department of Consumer and Industry Services that their after-school programs need to be licensed as child care centers under the child care licensing Act. Since children are present in schools for most of the day and school-based after-hours programs essentially keep the children in the school setting while providing them with educational and recreational activities, some people believe that child care programs operated and staffed by public schools, for students of those schools, should be exempt from the statutory licensure requirements.

CONTENT

The bill would amend the child care licensing Act to exempt from the definition of "child care center" or "day care center" a program administered through a community education program and operated and staffed by a public school for students enrolled in that school.

Under the Act, "child care center" or "day care center" means a facility, other than a private residence, that receives one or more preschool or school-aged children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child, including a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. A facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative, preschool, play group, or drop-in center. "Child care

center" or "day care center" does not include either of the following:

- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a 12-month period.
- A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

The bill would add to that list of exceptions a facility or program administered through a community education program that was operated by a public school for students enrolled in that school and in which the instructors were employed by the school district.

MCL 722.111

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Affordable after-school programs for children whose parents are not yet home from work when the school day ends are offered by a number of school districts throughout the State. These programs provide supervision of and activities for school children and are a vital part of the weekday for many families. After-school programs operated and staffed by schools are not day care centers, but usually operate based on specific curricula and offer educational and recreational activities for school-aged children. According to testimony from an official of one western Michigan school district before the Senate Committee on Families, Mental Health and Human Services, that district's after-school program offers

“mini academies” in different academic areas, field trips, computer programs, art and music activities and more. Such programs resemble school activity much more than day care.

An official from another school district testified that the cost of meeting child care licensure requirements could affect the availability of the district’s after-school program for some families. In addition, some of the licensure criteria for child care centers did not apply to the school-based program. For instance, the school district reportedly was informed that it needed to have diaper-changing facilities, even though it catered only to school-aged children and did not provide care for infants or toddlers. The district also was informed that one of its elementary school principals was not qualified to supervise a child care program because the principal did not have an educational background in early childhood development. Schools that operate after-hours programs are entrusted with the care and education of children throughout the day and should not be held to other standards that are designed specifically for child care centers simply because they provide after-school programs.

Opposing Argument

While it may not be appropriate to require school-based after-hours programs to be licensed as day care centers, the bill’s exemption is too broad. It could, in effect, invite schools to get into the day care business because it would offer a simple exemption from licensure requirements. Providing quality day care is too important and too difficult to excuse licensure requirements so widely. Perhaps limited school-based after-hours programs for school-aged children should be regulated under another statute, such as the Revised School Code, in addition to being exempt from the child care licensing Act. Indeed, these programs should have to meet minimum standards in areas such as health and safety, staff training, and emergency procedures. Also, there should be a clear distinction between community enrichment programs, such as those provided at places like community recreation centers, YMCAs, or Boys and Girls Clubs, and school-based child care educational programs like those operated after hours in school facilities.

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Fiscal Analyst: M. Tyszkiewicz
J. Carrasco

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