

Highlights of the changes to the licensing rules for CHILD CARE CENTERS

- Definitions to be aware of:
 - Child related field for early childhood education program director and school age program director definitions now include courses in special education. R 400.8010(m)(i)&(ii).
 - Communicable disease definition offers examples of communicable diseases. R 400.8101(n)(i)-(viii).
 - Continuously employed child care staff member is 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.

- Child care staff members and unsupervised volunteers who work directly with children:
 - Prior to caring for infants and toddlers: R 400.8131(2)
 - Prevention of sudden infant death syndrome and use of safe sleep practices
***This training is required only for child care staff members and unsupervised volunteers who are caring for infants and toddlers.**
 - Prior to caring for children: R 400.8131(3)
 - Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment **** All child care staff members and unsupervised volunteers who work with children are required to take this training, regardless of the age of children they care for.**
 - Recognition and reporting of child abuse and neglect
 - Before unsupervised contact with children: R 400.8131(4)
 - Prevention and control of infectious disease training, including immunizations
 - Within 90 days of being hired, or within 90 days of the first day of volunteering: R 400.8131(5)(a)-(g)
 - Administration of medication
 - Prevention of and response to emergencies due to food and allergic reactions
 - Building and physical premises safety
 - Emergency preparedness and response planning
 - Handling and storage of hazardous materials and appropriate disposal of bio-contaminants
 - Precautions in transporting children, if applicable
 - Child development
 - CPR
 - First Aid

**** Prior to receiving a license to operate, and prior to the renewal of a license, at least 50% of the child care staff members who work directly with children must have a current, valid certification in pediatric, child, and adult CPR and First Aid. R 400.8131(10)**

- All personnel have to read and acknowledge the annual health and safety training update published. Personnel have 6 months from the date of the notice out to all providers to complete the training and acknowledge it. R 400.8131(12)
- The conducive to the welfare of children section has been added R 400.8110(1)(a).
- Daily arrival times and departure times for each child care staff member, child care aid, and volunteer. R 400.8110(6)
- Vaping has been added to the rule prohibiting smoking. Smoking and vaping must not occur in the center, on real property of the center, and on field trips in vehicles when children are present. R 400.8110(13)
- A notice must be posted in a place accessible and visible to parents, staff, and visitors stating smoking and vaping are prohibited.
- The comprehensive background check and fingerprinting section has been added. R 400.8112
- The eligibility determination sections have been added R 400.8112a and R 400.8112b.
- Program directors may have 30 hours of administrative training from MiRegistry to meet the requirements for administration training. R 400.8113(9)
- A potential program director who has been previously approved and employed as a qualified program director is exempt from meeting the administrative training requirement of this rule. The potential program director must show proof that they were approved previous as a qualified program director. R 400.8113(10)
- A program that has only a before school program or only an after-school program (but not both) can have a program director that meets the qualifications of a site supervisor. R 400.8113(14).
- Lead caregivers can qualify under R 400.8122(5)(g) and then have two years to obtain the additional 6 semester hours, 9 CEUs, or a combination of 90 clock hours, or 90 hours from MiRegistry.
- All supervised volunteers must have a public sex offender registry clearance before having contact with a child in care. R 400.8125(3)
 - *A supervised volunteer does not include the rare occasions when parents accompany their child on a special activity such as a classroom party or field trip, when the parent is only with their child and has no responsibility for classroom activities.*
- The written policy that staff and volunteers will be screened must include a statement that any individual who is registered on the public sex offender registry is prohibited from having any contact with any child in care. R 400.8125(4)
- For infants who are too heavy to hold for handwashing, children who cannot stand safely at the sink, or children who have special needs and do not have the developmental ability to stand and wash their own hands, a non-toxic disposable wipe may be used to wipe their hands. R 400.8134(5)(a)-(d).
- Placing substances in a child's mouth is prohibited. This includes, but is not limited to, soap, hot sauce, or vinegar. R 400.8140(2)(b)
- Time out must not be used for children under 3 years of age. R 400.8140(2)(i)

- An electronic record from a physician's office will be accepted as the physical evaluation. The electronic record must note any restrictions. R 400.8143(6)
- A center that enrolls a homeless child under the McKinney-Vento Act will not be cited for noncompliance when a homeless child doesn't have health and immunization records. The licensee will need to file any documentation demonstrating a referral for the child to the local educational agency liaison for homeless children and youth. R 400.8143(10)
- Electronic records may be used for attendance and must be available at the time of on-site inspection. R 400.8143(11)
- The written information packet provided to parents shall include the transportation policy and the medication policy. R 400.8146(1)(i)&(j).
- In the event of the death of a child, the center must report it immediately to the child's parent, and to the department within 24 hours, via phone. R 400.8158(1)
- The center must report to the child's parent and the department within 24 hours via phone, fax, or email if a child is lost or left unsupervised, or an incident involving an allegation of inappropriate contact occurs. R 400.8158(2)
- Emergency response plans must be developed and implemented. The plan must address the following emergencies: R 400.8161(1) ****The items that are underlined and in bold font are the things that were added to emergency plan requirements.**
 - Fire evacuation
 - Tornado watches/warnings
 - Other natural or man-made disasters
 - Serious accident, illness, or injury
 - Crisis management, including intruders, **active shooters**, bomb threats, and other man-made events.
- The emergency plan must include all the following: R 400.8161(2)
 - A plan for evacuation.
 - A plan for safely moving children to a relocation site.
 - A plan for shelter-in-place.
 - A plan for lockdown.
 - A plan for contacting parents and reuniting families.
 - **A plan for how infants and toddlers will be accommodated in all types of emergencies.**
 - A plan for how children with special needs will be accommodated in all types of emergencies.
 - **A plan for how children with chronic medical conditions will be accommodated in all types of emergencies.**
- Two tornado drills must take place between March through November. R 400.8161(6)
- A landline is no longer required, the rule requires an operable phone be available. R 400.8164(1)
- All pieces of playground equipment that have an elevated playing or climbing surface, regardless of the height of the playing or climbing surface, must be surrounded by a shock

absorbing surface and meet the guidelines defined by the Consumer Product Safety Commission (CPSC) Handbook for Public Playground Safety. R 400.8170(13)

- Materials that have a warning label stating they are toxic cannot be used by children. R 400.8173(3)
 - *Items including but not limited to, use of soap to wash hands, hand sanitizer on field trips, toothpaste to brush teeth after meal would not be considered a violation of this rule. Centers are not allowed to have children use shaving cream or any other materials labeled "keep out of reach of children" during instruction or play.*
- If a child has a health issue or special need that requires the child to sleep in something other than a crib or porta-crib for infants and toddlers or cot or mat for toddlers, documentation from the child's health care provider is required and must include specific instructions and an end date. R 400.8176(7)
- Swaddling is allowed for infants up to 2 months of age. If a child has a health issue or special need that requires swaddling after 2 months of age, documentation from the child's health care provider is required. R 400.8176(8)
- Tummy time is required daily for all infants under 12 months of age. Infants must always be directly supervised while engaged in tummy time. If the infant falls asleep, they must be moved to a safe sleeping space immediately. Infants shall not be placed on soft surfaces. A parent may request in writing an exemption to tummy time for their infant. R 400.8179(8)
- Children who do not sleep at rest time must be provided with quiet activities such as books or puzzles. R 400.8188(13)
- Warming bottles in a crockpot is prohibited. R 400.8330(14)
- Bottle warmers must be placed where children cannot reach them and shut off when not in use. A child care staff member cannot hold an infant while removing a bottle from the bottle warmer. R 400.8330(15)&(16).
- Breast milk may be supplied in a multi-day supply and kept in the refrigerator for up to 4 days or kept in the freezer for no more than 2 weeks. R 400.8340(6)
- Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar days. R 400.8340(11)
- Fire safety rules, where 1-hour or B labeled doors were required, 45-minute rated doors are now acceptable. "B" labeled doors will continue to be accepted. Please see the fire safety section for the exact rules allowing this. R 400.8515, R 400.8530