

DEPARTMENT OF HUMAN SERVICES

DIRECTOR'S OFFICE

LICENSING RULES FOR CHILD CARE CENTERS

(By authority conferred on the director of the Department of Human Services by section 2 of 1973 PA 116, Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, and 2004-4, MCL 722.112, 330.3101, 445.2001, 445.2011, and 400.226.)

PART 1. GENERAL

R 400.5101 Definitions.

Rule 101. As used in these rules:

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

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

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

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

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

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

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

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

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

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

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

(iii) A kindergarten, elementary, or secondary school program operated by a local or intermediate school district under the authority of 1976 PA 451, MCL 380.1 et seq.

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

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

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

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

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

the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

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

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

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

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

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

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

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

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

(m) "Recommended dietary allowances" means the amount of food which meet the allowances recommended by the national research council and contained in the appendix of the publication entitled "Recommended Dietary Allowances," 10th edition, 1989. This publication is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Academy of Sciences, 500 Fifth St. N.W., Washington, D.C. 20001 at a cost as of the effective date of this rule of \$24.95.

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

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

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

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

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5102 Licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The current license.

(b) A copy of the current regulations.

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

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

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

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

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

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

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

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

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

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

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

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

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5102a Staff training requirements.

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

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

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

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

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

(a) In-service trainings.

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

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

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

(e) On-line trainings.

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

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

History: 2006 AACCS; 2008 AACCS.

R 400.5103 Program director qualifications; responsibilities.

Rule 103. For purposes of this rule:

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

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

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

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

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

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

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

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

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

(a) Be at least 21 years of age.

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

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

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

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

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

(g) Monitor and evaluate staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 1980 AACCS; 1998-2000 AACCS; 2001 AACCS; 2006 AACCS.

R 400.5103a Lead caregiver qualifications; responsibilities.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Full time for programs operating less than 6 continuous hours.

(b) At least 6 hours per day for programs operating 6 or more continuous hours.

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

(a) Be at least 19 years of age.

(b) Have a high school diploma or GED.

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

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

	Education	Semester Hours/CEUS in a	Hours of Experience
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		child-related field	
(a)	Bachelor's degree or higher in early childhood education, child development, or a child-related field		
(b)	Associate's degree or higher in early childhood education or child development		
(c)	Montessori credential with →		480 hours
(d)	Child development associate credential with →		480 hours
(e)	High school diploma/GED with →	12 semester hours with →	960 hours
(f)	High school diploma/GED with →	Combination of: 12 semester hours and/or 18 ceus to equal 180 clock hours with →	1920 hours
(g)	High school diploma/GED with →	Combination of: 6 semester hours and/or 9 ceus to equal 90 clock hours with →	3840 hours

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

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

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

History: 2006 AACS; 2008 AACS.

R 400.5104 Staff.

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

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

(a) Child abuse or child neglect.

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

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

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5104a Volunteers.

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

(a) Child abuse or child neglect.

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

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

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

History: 2000 AACS; 2006 AACS.

R 400.5104b Health of staff and volunteers; report.

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

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

History: 2000 AACS; 2006 AACS; 2008 AACS.

R 400.5105 Supervision and ratio requirements.

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

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

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

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

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

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

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

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

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

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS; 2008 AACS.

R 400.5105a Rescinded.

History: 1998-2000 AACS; 2006 AACS.

R 400.5105b Rescinded.

History: 1998-2000 AACS; 2006 AACS.

R 400.5106 Program.

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

(a) Physical development.

(b) Social development.

(c) Emotional development.

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

History: 1980 AACCS; 1998-2000 AACCS; 2003 AACCS; 2006 AACCS.

R 400.5107 Discipline.

- Rule 107. (1) The staff shall use positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation.
- (2) The following means of punishment shall be prohibited:
 - (a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
 - (b) Restricting a child's movement by binding or tying him or her.
 - (c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
 - (d) Depriving a child of meals, snacks, rest, or necessary toilet use.
 - (e) Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.
- (3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.
- (4) A policy shall be developed and implemented regarding the discipline of children. It shall be:
 - (a) In written form.
 - (b) Age appropriate.
 - (c) Provided to staff and parents.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5108 Equipment.

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

- (a) Appropriate to the developmental needs and interests of children.
- (b) Safe, clean, and in good repair.
- (c) Child-sized or appropriately adapted for a child's use.
- (d) Easily accessible to the children.

(2) The center shall have sufficient materials and equipment to provide a minimum of 3 playspaces per child in the licensed capacity.

(3) A minimum of 2 playspaces shall be available and accessible per child in attendance on any given day during child-initiated activity time.

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

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

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

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5109 Sleeping equipment.

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

- (a) For any child who is less than school-age enrolled for 5 or more continuous hours.
- (b) Upon a parent's request for any child in attendance.

(2) Each cot and mat shall be cleaned and sanitized between use by different children and at least once a week regardless of use by different children.

(3) Each child shall be provided with a sheet or blanket of appropriate size that shall be the following:

- (a) For the exclusive use of 1 child between launderings.
- (b) Washed at least weekly or more often if soiled.
- (c) Stored so that it does not make contact with other bedding.

(4) All occupied cots and mats shall be spaced at least 18 inches apart and in a manner that provides a free and direct means of egress.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5109a Nighttime care.

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

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

History: 2006 AACCS.

R 400.5110 Food services and nutrition.

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

- (a) A majority of the children are in attendance less than 4 hours.
- (b) Food is provided by a parent.

(2) Food provided by the center shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child and adult care food program as administered by the Michigan department of education based on 7 C.F.R. Part 226, 1-1-05 edition, of the U. S. department of agriculture, food and nutrition services, child and adult care food program and is hereby adopted by reference. A copy can be obtained at no charge on the internet at www.fns.usda.gov/cnd/Care/CACFP/cacfphome.htm, or from the department of human services, P.O. Box 30650, Lansing, Michigan, 48909.

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

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

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

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

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

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

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

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

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5111 Children's records.

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

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

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

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

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

(4) When a child has been in attendance for 4 months, an updated certificate showing completion of all additional immunization requirements as specified by the department of community health shall be on file unless there is a signed statement by a licensed physician or his or her designee stating immunizations are in progress.

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

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

Restrictions shall be noted.

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

(6) Physical evaluations shall be updated as follows:

(a) Yearly for infants and young toddlers.

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

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

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

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

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

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

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

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

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

History: 2006 AACS.

R 400.5111b Health care policies and resources.

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

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

(i) Children and staff hand washing.

(ii) Handling children's bodily fluids.

(iii) Cleaning and sanitizing of all equipment, toys and other surfaces.

(iv) Controlling infection, including universal precautions.

(b) Health-related resources.

History: 2006 AACS.

R 400.5112 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5113 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5113a Emergency procedures.

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

(a) Fire.

(b) Tornado.

(c) Serious accident, illness, or injury.

(d) Crisis management, including, but not limited to intruders and bomb threats.

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

(3) The center shall establish and implement a fire drill program for staff and children consisting of at least 1 fire drill quarterly to assure prompt evacuation of the building in case of emergency.

(4) The center shall establish and implement a tornado drill program consisting of at least 2 tornado drills during the months of April to October to assure prompt emergency procedures in the case of a tornado.

(5) The center shall post emergency procedures and evacuation plans in a place visible to staff and parents.

- (6) A written log indicating the date and time of fire and tornado drills shall be on file at the center.
- (7) If cribs are used in emergency evacuations, then all doors within the means of egress shall be wide enough to readily accommodate the crib evacuation.

History: 1998-2000 AACS; 2006 AACS.

R 400.5113b Medication; administrative procedures.

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

History: 2006 AACS.

R 400.5113c Child illness.

- Rule 113c. (1) Parents shall be notified when the center observes changes in the child's health, a child experiences accidents or injuries, or when a child is too ill to remain in the group.
- (2) The center shall assure that a child too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives.
 - (3) Items and facilities, including sleep equipment, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by any other person until thoroughly cleaned and sanitized.
 - (4) If the center becomes aware that a child in care has contracted a communicable disease, then the center shall notify parents of the following:
 - (a) The name of the communicable disease.
 - (b) The child may have been exposed.
 - (c) The symptoms of the disease.

History: 2006 AACS.

R 400.5114 Information provided to parents.

- Rule 114. (1) A licensee shall develop a written information packet to be provided to each parent enrolling a child that includes, but is not limited to the following:
- (a) Criteria for admission and withdrawal.
 - (b) Schedule of operation, denoting hours, days, and holidays during which the center is open and services are provided.
 - (c) Fee policy.
 - (d) Discipline of children.
 - (e) Nutrition and food service program.
 - (f) Program philosophy and typical daily schedule.
 - (g) Health care plan.

History: 1980 AACS; 2006 AACS.

R 400.5115 Telephone service.

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

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

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

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5116 Indoor space.

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

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

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

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

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

(a) Hallways.

(b) Bathrooms.

(c) Reception and office areas.

(d) Kitchens.

(e) Storage areas and cloakrooms.

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

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

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5117 Outdoor play area.

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

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

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

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

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

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

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

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

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

(7) The equipment in the outdoor play area shall comply with the guidelines of the 1997 edition of the Handbook for Public Playground Safety, PUB No. 325, and is adopted by reference. Copies may be obtained, at no cost, from the Consumer Product Safety Commission (CPSC), Washington, D.C. 20207 (www.cpsc.gov) or from the

department of human services, P.O. Box 30650, Lansing, Michigan 48909. Documentation of compliance shall be provided to the department upon request, and kept on file in the center. Centers licensed before the promulgation of these rules shall have 2 years from the effective date of these rules to meet the requirements of this rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5118 Rule variances.

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

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

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

History: 1980 AACCS; 2006 AACCS.

PART 2. INFANTS/YOUNG TODDLER/OLDER TODDLER

R 400.5201 Rescinded.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5201a Ratio of caregivers to infants/young toddlers/older toddlers.

Rule 201a. (1) At least 2 staff members, 1 of whom is a caregiver, shall be present at all times when at least 3 children between the ages of birth and 3 years of age are present.

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

(a) For infants and young toddlers, 0-29 months, there shall be 1 caregiver for 4 children or each fraction of 4, including children who are related to the staff and the licensee.

(b) For older toddlers, 30-35 months, there shall be 1 caregiver for 8 children or each fraction of 8, including children who are related to the staff and the licensee.

(c) Children who have reached 33 months of age may be enrolled in a 3-year-old classroom with written parental permission. Ratios for 3-year-olds shall apply.

(3) If there are children of mixed ages in the same room or in a well-defined space, then the ratio shall be determined by the age of the youngest child.

History: 2006 AACCS.

Editor's Note: An obvious error in R 400.5201a was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2006 MR 11. The memorandum requesting the correction was published in Michigan Register, 2006 MR 24.

R 400.5201b Group size for infants; young toddlers; older toddlers.

Rule 201b. (1) The center shall assure that the maximum group size for infants and young toddlers is 12.

(2) The center shall assure that the maximum group size for older toddlers is 16.

(3) Centers shall have 1 year from the effective date of these rules to comply with this rule.

History: 2006 AACCS.

R 400.5202 Rescinded.

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS.

R 400.5202a Primary care.

Rule 202. (1) For the purposes of this rule, primary care means the following:

(a) Continuity of a relationship so that a child has as few primary caregivers, including substitute caregivers, as possible during any given day, within any given week, and over an extended period of time.

(b) Continuity of care to allow children and their primary caregiver to develop nurturing relationships over time.

(c) Appropriate social-emotional interaction, including, but not limited to smiling, holding, talking to, rocking, cuddling, eye contact, interacting with the child during routines and play activities, and providing guidance that helps the child develop social skills and emotional well-being.

(2) The center shall implement a primary care system so that each infant, young toddler, and older toddler has a primary caregiver.

(3) Each child shall have not more than 4 primary caregivers in a week. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing.

(4) Information regarding a child's food, health, and temperament shall be shared daily between caregivers when more than 1 primary caregiver is assigned to any infant, young toddler, or older toddler.

(5) Primary caregiving assignments shall be documented and provided to parents.

(6) An exception to R 400.5202a may be made when the center is transporting children and is in compliance with R 400.5611(1) and (2).

History: 2006 AACCS; 2008 AACCS.

R 400.5203 Rescinded.

History: 1980 AACCS; 1998-2000 AACCS.

R 400.5204 Bedding and sleeping equipment for infants/toddlers; seating for staff.

Rule 204. (1) All bedding and equipment shall be appropriate for the child and be clean, comfortable, safe, and in good repair. Bedding shall also be in compliance with 2000 PA 219, MCL 722.1051, and known as the children's product safety act.

(2) A safe crib shall have the following:

(a) A firm, tight-fitting mattress.

(b) No loose, missing, or broken hardware or slats.

(c) Not more than 2 3/8 inches between the slats.

(d) No corner posts over 1/16 inches high.

(e) No cutout designs in the headboard or footboard.

(3) All bedding and sleep equipment shall be cleaned and sanitized before being used by another person.

(4) All bedding shall be washed when soiled or weekly at a minimum.

(5) An infant shall rest or sleep alone in an approved crib or porta-crib. The following provisions shall apply:

(a) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.

(b) The infant's head shall remain uncovered during sleep.

(c) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.

(d) Blankets shall not be draped over cribs or porta-cribs.

(6) Toddlers shall rest or sleep alone in approved cribs, porta-cribs, or on approved mats or cots.

(7) Car seats, infant seats, swings, bassinets and playpens are not approved sleeping equipment for children.

(8) 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 size and age.

(9) Stacking cribs are prohibited after the effective date of these rules. Centers using stacking cribs before the effective date of these rules may continue to use existing stacking cribs only for children under 7 months of age or not yet standing.

(10) When existing stacking cribs need to be replaced, the replacement cribs shall meet the requirements of subrules (1) and (2) of this rule.

(11) All occupied cribs and porta-cribs shall be spaced at least 2 feet apart and in such manner that there is a free and direct means of egress.

(12) When sleeping equipment and bedding are stored, sleeping surfaces shall not come in contact with other sleeping surfaces.

(13) A rocking chair or other comfortable, adult-sized seating shall be provided for 50% of the caregiving staff on duty who are providing infant and toddler care.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5204a Infant sleeping and supervision.

Rule 204a. (1) Infants shall be placed on their backs for resting and sleeping.

(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, when found facedown, shall be placed on their backs.

(3) When infants can easily turn over from their backs to their stomachs, they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleep.

(4) For an infant who cannot rest or sleep on her or his back due to disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant. The caregiver shall rest/sleep children according to a physician's written instructions.

(5) The caregiver shall maintain supervision and frequently monitor infants' breathing, sleep position, and bedding for possible signs of distress.

(6) Resting or sleeping areas shall have adequate soft lighting to allow the caregiver to assess children.

(7) Video surveillance equipment and baby monitors shall not be used in place of subrule (5) of this rule.

History: 2006 AACCS.

R 400.5205 Formula; milk; foods generally.

Rule 205. (1) When infants and toddlers are fed at the center, the center shall assure the following:

(a) Infants and toddlers are provided with beverages and food appropriate for their individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.

(b) Bottles and individual food containers shall be labeled for a specific child and fed only to that child.

(c) If bottles or food are warmed, then it shall be done in a safe, appropriate manner.

(i) Warming bottles in a microwave oven is prohibited.

(ii) Warmed bottles and food shall be shaken or stirred to distribute the heat, and the temperature tested before feeding.

(d) Formula shall be iron-fortified for a child who is less than 6 months of age, unless otherwise recommended by the parent or the child's licensed health care provider.

(e) Iron-fortified cereal, if not already provided by 6 months of age, shall be provided when the iron-fortified formula is discontinued, unless otherwise recommended by the parent or the child's licensed health care provider.

(f) Solid foods are introduced to the child according to the parent's or licensed health care provider's instructions.

(g) Caregivers shall feed infants and young toddlers on demand.

(h) A sink is used exclusively for formula, food preparation, and clean up.

(2) Infants shall only be served formula or breast milk unless written authorization is provided by the child's licensed health care provider.

(3) Milk, other than cow's milk, shall be served according to nutritional guidelines for the age of the child and/or in compliance with dietary preferences or restrictions when written authorization is provided by the child's parent or licensed health care provider.

(4) Young toddlers shall be served whole homogenized vitamin D-fortified cow's milk, unless written authorization is provided by the child's licensed health care provider.

(5) The center shall comply with the following requirements regarding bottle-feeding:

(a) Bottle propping is prohibited.

(b) Caregivers shall hold infants except when infants resist being held and are able to hold their bottle.

(c) Caregivers shall not permit infants or toddlers to have bottles in sleeping equipment.

(d) The contents of a bottle that appears to be unsanitary, or has been used for feeding for a period that exceeds 1 hour from the beginning of

the feeding, or has been unrefrigerated for an hour or more shall be discarded

(e) Formula and milk left in a bottle at the end of a feeding shall be discarded.

(f) Bottle supplies and contents shall comply with the following:

(i) Disposable nipples and bottle liners shall be for single use only, by an individual child, and discarded after use.

(ii) Reusable nipples and bottles shall be cleaned, rinsed, and sterilized before reuse.

(iii) Bottle liners shall be for single use only, by an individual child, and discarded with any remaining formula or milk after use.

(iv) Bottle liners in unused bottles containing formula shall be discarded, along with the formula, after 48 hours. Bottle liners in unused bottles containing milk shall be discarded, along with the milk, after 24 hours.

(v) All liners, nipples, formula, milk and other materials used in bottle preparation shall be prepared, handled, and stored in a sanitary and sterile manner.

(g) Cereal shall not be added to a bottle containing formula, milk, juice, or water without written parental permission.

(h) Medication shall not be added to a child's bottle, beverage, or food unless indicated on the prescription label.

(6) When serving solid foods, the center shall assure that caregivers do the following:

(a) Serve commercially packaged baby food from a dish, not directly from a factory-sealed container.

(b) Discard uneaten food that remains on a dish from which a child has been fed.

(c) Not serve or allow infants and toddlers to eat foods that may easily cause choking including, but not limited to, popcorn, uncut round foods such as whole grapes, hot dogs, seeds, nuts and hard candy.

(d) Foster toddler's independence and facilitate language and social interactions by doing the following:

(i) Encouraging self-feeding.

(ii) Serving appropriate portion sizes.

(iii) Sitting and eating with toddlers during meal times.

History: 1980 AACCS; 1984 AACCS; 2006 AACCS.

R 400.5205a Formula, milk, foods provided by parents.

R 205a. (1) If a parent has agreed to provide formula, milk, or food, then the center shall obtain a written agreement from the parent and shall be responsible for providing adequate formula, milk, or food if the parent does not.

(2) The center shall comply with R 400.5205 and the following additional requirements regarding breastfeeding and the handling and storage of breast milk:

(a) The center shall support and accommodate breastfeeding.

(b) The center shall have a designated place set aside to accommodate mothers and their children who are breastfeeding.

(c) Expressed breast milk shall meet the following requirements:

(i) Arrive at the center in clean, sanitary, ready-to-feed assembled bottles labeled with the child's full name and bearing the date of collection.

(ii) Be immediately stored in the refrigerator or freezer upon arrival at the center and kept refrigerated until used or discarded.

(iii) Be thawed under cold running water or in the refrigerator and shall be used within 24 hours.

(iv) Be discarded at the end of a feeding.

(3) If formula, milk or food is provided by the parents, then the center shall comply with R400.5205 and the following additional provisions:

(a) Formula or milk shall be furnished daily to the center in clean, sanitary, ready-to-feed bottles.

(b) Formula, milk, and food shall be covered and labeled as to the contents, date, date of opening, when applicable, and the name of the child for whom its use is intended.

(c) Formula, milk and perishable foods shall be refrigerated until used.

(d) At the end of the day, any formula or milk in an unopened ready-to-feed bottle, or perishable food, shall be returned to the parent or discarded.

History: 2006 AACCS.

R 400.5205b Formula, milk provided by center.

Rule 205b. (1) If formula or milk is provided by the center, then the center shall comply with R400.5205 and the following additional provisions:

(a) Formula and milk shall be commercially prepared, ready-to-feed.

(b) If formula or milk is poured directly into a bottle, then the bottle shall be clean and labeled as to the contents and date of preparation.

(c) Prepared bottles and containers of milk and formula shall be refrigerated.

(d) All formula, once opened, shall be labeled with the date and time of opening and used within 48 hours or discarded.

(e) All milk shall be used in compliance with R 400.5902c (11) and (12).

History: 2006 AACCS.

R 400.5206 Records.

Rule 206. For infants, parents shall receive a written daily record that includes at least the following information:

(a) Food intake; time, type of food, and amount eaten.

(b) Sleeping patterns; when and how long child slept.

(c) Elimination patterns, including bowel movements, consistency and frequency.

(d) Developmental milestones.

(e) Changes in the child's usual behaviors.

History: 1980 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5207 Rescinded.

History: 1980 AACCS; 2006 AACCS.

R 400.5208 Rescinded.

History: 1980 AACCS; 2006 AACCS.

R 400.5209 Diapering; toileting.

Rule 209. (1) Diapering shall occur in a designated diapering area that shall be all of the following:

- (a) Physically separated from food preparation and food service.
 - (b) Within close proximity to a hand-washing sink that is used exclusively for this purpose.
 - (c) Have non-absorbent smooth, easily sanitized surfaces in good repair and maintained in a safe and sanitary manner.
 - (d) Of sturdy construction with railings or barriers to prevent falls.
 - (e) At an adult work surface height to minimize children's access.
 - (f) Have diapering supplies within easy reach.
 - (g) Have a plastic-lined, tightly covered container exclusively for disposable diapers and diapering supplies that shall be emptied and sanitized at the end of each day.
 - (h) Cleaned and sanitized after each use.
- (2) Only single use disposable wipes or other single use cleaning cloths shall be used to clean a child during the diapering or toileting process.
- (3) The caregiver shall frequently check diapers/training pants and change diapers or training pants that are wet or soiled.
- (4) Toddlers in wet diapers or training pants may be changed in a bathroom.
- (5) Diapering shall not be done on any sleep surface.
- (6) The caregiver shall thoroughly wash his or her hands after each diapering and after cleaning up bodily fluids.
- (7) Guidelines for diapering and hand washing shall be posted in diapering areas.
- (8) Disposable gloves, if used for diapering, shall 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) Diapers shall be disposable or from a commercial diaper service. If a child's health condition necessitates that disposable diapers or diapers from a commercial service cannot be used, then an alternative arrangement may be made according to the child's parent or licensed health care provider.
- (10) The following shall apply when cloth diapers or training pants are used:
- (a) No rinsing of the contents shall occur at the center.
 - (b) There shall be a waterproof outer covering that shall not be reused until thoroughly washed and sanitized.
- (11) Toilet learning/training shall be planned cooperatively between the child's primary caregiver and the parent so that the toilet routine established is consistent between the center and the child's home.
- (12) Equipment used for toilet learning/training shall be provided. Adult-sized toilets with safe and easily cleaned modified toilet seats and step aids or child-sized toilets shall be used.
- (13) Non-flushing toilets (potty chairs) may be used under the following conditions:
- (a) Easily cleaned and sanitized.
 - (b) Used only in a bathroom area.
 - (c) Used over a surface that is impervious to moisture.
 - (d) Cleaned and sanitized after each use.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5210 Rescinded.

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS.

PART 3. SCHOOL-AGE

R 400.5301 Definitions.

Rule 301. (a) "Child-related fields" means early childhood education, elementary education, secondary education, physical education and recreation, child development, child guidance/counseling, child psychology, family studies and social work, human services, and youth development.

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

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

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

(e) "A Michigan school-age care credential" means a credential issued by the Michigan community coordinated child care association or similar credential approved by the department.

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

History: 1980 AACCS; 2006 AACCS.

R 400.5302 School-age program director qualifications.

Rule 302. (1) A program director shall be present during the following:

(a) Full time for programs operating less than 6 continuous hours.

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

(2) A program director shall comply with all of the following:

(a) Be at least 21 years of age.

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

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

(d) Complete 12 clock hours of annual training on topics referenced in R 400.5102(3)(b), not including CPR, first aid, and blood borne pathogen training.

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

(f) Administer day-to-day operations.

(g) Oversee staff.

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

	Education	Semester Hours in a child-related field	Hours of Experience
(a)	Bachelor's degree or higher in a child-related field		
(b)	Associate's degree in a child-related field with →		480 hours
(c)	Montessori credential with →	12 semester hours with →	480 hours

(d)	Michigan school-age credential with →	12 semester hours with →	480 hours
(e)	Child development associate credential with →	12 semester hours with →	480 hours
(f)	60 semester hours with →	12 semester hours with →	720 hours
(g)	High school diploma/GED with →	6 semester hours with →	2880 hours

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

(a) A program director currently employed as a program director before the effective date of these rules shall have 2 calendar years to complete the child care administration requirement.

(b) A program director meeting the qualifications of subrules 3(a) or 3(b) of this rule or having 5 years experience as a program director before the effective date of these rules shall be exempt from the requirements of this rule.

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

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5303 Program.

Rule 303. (1) Activities shall be planned and supported through resources that reflect the interests and abilities of the children enrolled, especially supplementing the areas of development not regularly provided for during the school day.

(2) A school-age program shall provide a program that has the following opportunities for each child:

(a) To plan, carry out, and evaluate the program and his or her individual activities.

(b) To experience a diversity of activities within the program and community.

(c) To participate in relaxation and recreational activities.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5303a Ratio of caregivers to school-age children.

Rule 303a. (1) The ratio of caregivers to school-age children present at all times shall be based upon all of the following provisions:

(a) For children school-age up to 12 years of age, there shall be 1 caregiver to 18 children or a fraction thereof, including children who are related to the staff and the licensee.

(b) For children from 13 to 17 years of age, there shall be 1 caregiver for 25 children or a fraction thereof, including children who are related to the staff and the licensee.

History: 2006 AACCS.

R 400.5304 Rescinded.

History: 1980 AACCS; 1998-2000 AACCS.

R 400.5305 Health records.

Rule 305. (1) Upon enrollment and annually thereafter, the center shall obtain and keep on file at the center a signed statement from the school-age child's parent all of the following:

(a) The child is in good health with activity restrictions noted.

(b) The child's immunizations are up-to-date.

(c) The immunization record or appropriate waiver is on file with the child's school.

History: 2006 AACCS.

R 400.5306 Multisite school-age program director.

Rule 306. (1) A program director with a bachelor's degree or higher in a child-related field may oversee up to 3 sites with the following conditions:

(a) Each program routinely operates 6 hours or fewer per day.

(b) The program director is available during all hours of program operation.

(c) The program director supervises the planning and evaluation of the program and the staff.

(2) The program director shall be at each site a minimum of 1 session per week and maintain written documentation of site visits, including dates and times.

(3) The multisite program director shall meet the training requirements in R 400.5302(2)(d).

History: 2006 AACCS.

R 400.5307 Site supervisor qualifications; responsibilities.

Rule 307. (1) For multisite programs, with a program director responsible for more than 1 center, the licensee shall assure that a site supervisor is present during all hours of operation.

(2) The site supervisor shall meet all of the following:

(a) Be at least 19 years of age.

(b) Have earned a high school diploma, GED, or equivalent.

(c) Have 480 hours of experience working as a caregiver in a program serving school-age children that meets the requirements of 1973 PA 116, MCL 722.111.

(d) Have completed 16 clock hours of documented school-age training.

(e) Have current certification in child, and adult cardiopulmonary resuscitation (CPR) and first-aid training.

(3) The site supervisor shall meet the training requirements in R 400.5302(2)(d).

(4) The site supervisor shall be responsible for the daily operation and implementation of the site program, supervision of the site staff, and for overall care and supervision of children.

(5) A site supervisor shall assist the program director in all of the following:

(a) Developing, implementing, and evaluating program and center policies.

(b) Administering day-to-day operations.

(c) Monitoring and overseeing staff.

History: 2006 AACCS; 2008 AACCS.

PART 4. ADDITIONAL PROVISIONS FOR DROP-IN CENTERS

R 400.5401 Rescinded.

History: 1980 AACCS; 2006 AACCS.

R 400.5402 Rescinded.

History: 1980 AACCS; 1984 AACCS; 2006 AACCS.

R 400.5403 Rescinded.

History: 1980 AACCS; 2006 AACCS.

R 400.5404 Rescinded.

History: 1980 AACCS; 2006 AACCS.

R 400.5405 Rescinded.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

PART 5. SWIMMING

R 400.5501 Definitions.

Rule 501. (1) 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 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 an artificial body of water used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, and the like. A pool or portable pool located on the same premises with a 1-, 2-, 3-, or 4-family dwelling and for the benefit of the occupants and their guests, a natural bathing area such as a stream, lake, river, or man-made lake, an exhibitor's swimming pool built as a model at the site of the seller and in which swimming by the public is not permitted, or a pool serving not more than 4 motel units is not a public swimming pool.

History: 1980 AACCS; 2006 AACCS.

R 400.5502 Swimming caregiver-to-child ratio.

Rule 502. (1) The center shall obtain and keep on file written parental permission regarding their child's participation in swimming activities.

(2) A lifeguard shall be on duty at all swimming activities and shall not be included in the caregiver-to-child ratio.

(3) For children under 3 years of age, there shall be an in-the-water ratio of 1 caregiver to 1 child.

(4) For all nonswimmers 3 years of age and older, there shall be an in-the-water ratio of 1 caregiver 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 caregiver to 1 child.

(5) For swimmers 3 years to 4 years of age, there shall be an in-the-water ratio of caregivers to children as required by R 400.5105(3).

(6) For swimmers school-age and older, there shall be an in-the-water ratio as required in R 400.5303a.

History: 1980 AACCS; 2006 AACCS.

R 400.5502a Swimming activity supervision.

Rule 502a (1) All caregiving staff counted in the caregiver-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.

History: 2006 AACCS.

R 400.5502b Instructional swim.

Rule 502b. (1) Instructional swim shall be conducted under the supervision of a qualified water safety instructor (WSI), in an organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.

(2) The ratio of caregivers to children under R 400.5105(3) and R 400.5303a shall be maintained. The instructor shall not be included in the ratio.

History: 2006 AACCS.

R 400.5502c Swimming activity area.

Rule 502c. (1) All swimming areas shall be maintained in a clean and safe condition.

(2) When a swimming pool is utilized by children while under the care of a center, it shall be constructed and operated in compliance with 1978 PA 368, MCL 333.1101 et seq.

(3) A public or private pool used for swimming shall be inspected and issued a permit for operation by the environmental health authority.

(4) Before using a public or private beach, the center shall assure that the water has not been deemed unsafe by the environmental health authority.

(5) A working telephone shall be accessible on the premises.

(6) All of the following safety equipment shall be readily accessible:

(a) First aid kit.

(b) Rescue pole or throwing rope and ring buoy.

(c) Signaling device.

(7) The use of private wading pools and hot tubs is prohibited.

History: 2006 AACCS.

R 400.5503 Rescinded.

History: 1980 AACCS; 2006 AACCS.

PART 6. TRANSPORTATION

R 400.5601 Definitions.

Rule 601. As used in this part:

(a) "Child passenger restraint device" means a device that is used to restrain a child weighing less than 65 pounds that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. §571, revised 10-1-2002, and is hereby adopted by reference. Copies of the adopted matter may be obtained at no cost from the U.S. department of transportation website (www.nhtsa.dot.gov/cars/rules) or from the department of human services, P.O. box 30650, Lansing, Michigan 48909.

(b) "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.

(c) "Motor vehicle," means a self-propelled device in which persons are or may be transported upon a highway, which is built on an automobile or truck chassis, which is specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and which meets the safety equipment requirements of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.714b.

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

(f) "Volunteer motor vehicle" means a motor vehicle not owned by, leased by, or registered to the child care center, or principal or employee of the child care center.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5602 Transportation.

Rule 602. (1) If transportation other than public transportation or public school transportation is provided, contracted, or sponsored by the center, all rules in this part apply.

(2) If public transportation or public school transportation is used, then R 400.5611, 400.5613, and R 400.5615 apply.

(3) If a parent makes a private arrangement for the transportation of his or her child, not including arrangements made with the center, the rules in this part do not apply.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5603 All motor vehicles.

Rule 603. (1) All motor vehicles shall be in safe operating condition.

(2) Motor vehicle seats used by children, staff, and volunteers shall not face sideways.

(3) A truck shall not be used to transport children, except in the cab.

(4) There shall be no loose or heavy objects in the passenger compartment of any motor vehicle.

(5) Motor vehicles with a manufacturer's rated seating capacity of 10 passengers or fewer, including the driver, other than volunteer vehicles, shall be inspected annually by a licensed mechanic. A copy of the inspection shall be on file in the center.

(6) The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, shall be prohibited.

(a) Existing centers that own passenger vans with a rated seating capacity of 11 or more and use them for transportation other than transportation to and from school shall have 4 years from the effective date of these to comply with this subrule.

(b) Annual inspections of vans shall continue until they are no longer used.

(7) A statement verifying that the motor vehicle is in compliance with the Michigan vehicle code safety equipment requirements shall be kept on file in the center.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5604 Multifunction school activity buses.

Rule 604. (1) Multifunction school activity buses used for transporting children shall comply with all minimum safety specifications, except color, identification, and alternating flashing lights, as defined in 1990 PA 187, MCL 257.1810.

(2) All multifunction school activity buses shall be inspected annually by a licensed mechanic or by the department of state police if used to transport children to and from school. A copy of the inspection shall be on file in the center.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5605 Safety equipment in motor vehicles with a manufacturer's rated seating capacity of 10 or fewer occupants.

Rule 605. (1) Each motor vehicle with a manufacturer's rated seating capacity of 10 or fewer occupants shall carry the following safety equipment:

(a) Three bidirectional emergency reflective triangles properly cased and securely stored in the motor vehicle.

(b) A first aid kit shall be securely stored in an accessible location in the driver compartment. The first aid kit shall contain, at a minimum, all

of the following:

(i) Bandage compresses (sterile gauze pads).

- (ii) Adhesive compresses.
- (iii) A 40-inch triangular bandage.
- (iv) A roll of gauze.
- (v) An elastic bandage.
- (c) Antiseptics, burn ointments, and medication shall not be included in the first aid kit.
- (d) Volunteer motor vehicles are exempt from subdivision (a) of this subrule.

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5606 Safety equipment in vehicles with a manufacturer's rated seating capacity of more than 10 occupants.

Rule 606. (1) Each motor vehicle with a manufacturer's rated seating capacity of more than 10 occupants shall carry the following safety equipment:

(a) Three bidirectional emergency reflective triangles properly cased and securely stored in the driver's compartment.

(b) Not less than 3 15-minute fuses or an approved battery operated substitute properly cased and securely stored in the driver's compartment.

(c) Fire extinguisher of dry chemical type, approved by underwriters' laboratories, inc., rated not less than 2A-10BC, mounted in an accessible place in the driver compartment. The fire extinguisher shall be kept properly filled and in satisfactory operating condition at all times.

(d) A first aid kit shall be securely stored in an accessible location in the driver compartment. The first aid kit shall contain, at a minimum, all

of the following:

- (i) Bandage compresses (sterile gauze pads).
- (ii) Adhesive compresses.
- (iii) A 40-inch triangular bandage.
- (iv) A roll of gauze.
- (v) An elastic bandage.
- (e) Antiseptics, burn ointments, and medication shall not be included in the first aid kit.

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5607 Manufacturer's rated seating capacity; restraint devices; safety belts.

Rule 607. (1) Each child transported shall remain seated and properly restrained by a passenger restraint device as defined by 1949 PA 300, MCL 257.710d(1), MCL 257.710e(3), (4), and the manufacturer's rated seating capacity while the motor vehicle is in motion.

(2) Each restraint device shall be properly anchored to the vehicle seat and used according to the manufacturer's specifications. Allowing 2 or more children to share a seat belt or restraint device is prohibited.

(3) 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.

(4) All safety belts and restraint devices used while transporting children and adults shall be in good working condition.

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5608 Rescinded.

History: 1980 AACS; 1984 AACS.

R 400.5609 Rescinded.

History: 1980 AACS; 1998-2000 AACS.

R 400.5610 Motor vehicle operator.

Rule 610. (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 1949 PA 300, MCL 257.301.
 - (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) The following documents shall be on file in the 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 operator license.
- (3) Drivers shall be provided with a copy of the child information card or comparable facsimile for each child being transported in their motor vehicles.

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5611 Caregiver-to-child ratio and supervision.

Rule 611. (1) The ratio of caregivers to children at all times, who are in transit, shall be based on the following provisions:

- (a) For infants and young toddlers, there shall be 1 caregiver for 4 children or each fraction of 4, excluding the driver.
 - (b) For older toddlers, there shall be 1 caregiver, excluding the driver, for 8 children or each fraction of 8.
 - (c) For children 3 years of age, there shall be 1 caregiver, including the driver, for 10 children or each fraction of 10.
 - (d) For children 4 years of age, there shall be 1 caregiver, including the driver, for 12 children or each fraction of 12.
 - (e) For school-age children, there shall be 1 caregiver, including the driver, for 18 children or each fraction of 18. This requirement does not apply when school-age children are transported to and from school on public school transportation or are using public transportation.
 - (f) An additional adult is not required if only 1 child under 36 months of age is transported.
 - (g) Children who are related to the caregiver or licensee shall be counted in these ratios.
- (2) Additional 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 shall be taken:
- (a) The accompanying staff member, volunteer, or driver shall assure that the children are received by a staff person, 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.
 - (c) Children shall not be left unattended in a motor vehicle.
- (4) 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.

History: 1980 AACCS; 2006 AACCS.

R 400.5612 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5613 Time limitation on child transit.

Rule 613. For children under school-age, transportation routes shall be planned so that a child is not in the motor vehicle longer than 1 continuous hour.

History: 1980 AACS; 2006 AACS.

R 400.5614 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5615 Parent permission for routine transportation.

Rule 615. Parent's written permission shall be obtained annually for routine transportation including, but limited to, transportation between the child's home, center, and school.

History: 2006 AACS.

PART 7. FIELD TRIP TRANSPORTATION PROVISIONS

R 400.5701 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5702 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5703 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5704 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5705 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5706 Rescinded.

History: 1980 AACS; 1984 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5707 Rescinded.

History: 1980 AACS; 1984 AACS.

R 400.5708 Rescinded.

History: 1980 AACS; 1998-2000 AACS.

R 400.5709 Rescinded.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5710 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5711 Rescinded.

History: 1980 AACS; 2006 AACS.

R 400.5712 Rescinded.

History: 1980 AACS; 2006 AACS.

PART 8. FIRE SAFETY

R 400.5801 Definitions.

Rule 801. 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) "Combustible" means materials will ignite and burn when subjected to a fire or excessive heat.

(c) "Conversion" means to alter the use of an existing building or room to a center.

(d) "Existing building" means a structure or part of a structure not currently used as a child care center.

(e) "Existing licensed center" means a center that was licensed before the effective date of these rules and whose license continues uninterrupted.

(f) "Exit" means a way of departure from the interior of a building or structure to the open air outside at ground level.

(g) "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 center.

(h) "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.

(i) "Fire door assembly" means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with national standards fire protection association pamphlet No. 80, 2003, "Standard for Fire Doors and Windows," with a latching device and closing device labeled or listed in compliance with the listing and re-examination service of an approved, nationally recognized testing laboratory. The national fire protection association pamphlet No. 80 is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy Massachusetts 02269-9101, at a cost of \$23.50, or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909.

(j) "Fire-resistance rating" means the time for an element in a building to maintain its particular fire resistance properties in accordance with the national fire protection association pamphlet no. 251, 1999, Standards

of Tests of Fire Endurance of Building Construction and Materials. The national fire protection association pamphlet No. 251 is hereby adopted by reference.

Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$23.25 or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909.

(k) "Fire-resistive construction" means a building having walls, ceilings, floors, partitions, and roof of combustible materials having a minimum fire-resistance rating of 1 hour. This subdivision shall not be construed as prohibiting finished wood floors, doors, and windows with assorted frames and trim.

(l) "Flameproof materials" means materials that will not propagate flame under the test conditions of the national fire protection association pamphlet no. 701, 1999, "Standard Methods Of Fire Tests For Flame Propagation Of Textiles And Films." Flameproof materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties. The national fire protection association pamphlet no.

701, is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$19.50 or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909.

(m) "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.

(n) "Hazard area" means those parts of a center building housing a commercial kitchen, heating plant, fire-fueled water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.

(o) "Heating plant room" means a room or area housing fuel fired equipment.

(p) "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.

(q) "Means of egress" means a continuous and unobstructed way of exit travel from any point in a building to the outside at grade.

(r) "New construction" means a created structure, addition, replacement, or alteration of structural components, such as walls.

(s) "Noncombustible" means materials that will not ignite and burn when subjected to fire.

(t) "Protected ordinary construction" means all of the following types of construction:

(i) Roofs and floors and their supports have minimum hourly fire-resistance ratings.

(ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have minimum hourly fire-resistance ratings 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.

(u) "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 1 ¾ inch solid core wood doors, or their equivalent, and equipped with approved self-closing devices and have positive latching hardware. One or more glass panes are permitted in these walls and/or 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.

In some cases, drywall or plaster is also necessary to protect the underside of stairs.

(v) "Textile material" means having a napped, tufted, looped, woven, non-woven or similar surface.

(w) "Wired glass" means glass not less than 1/4-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(x) "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.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5805 Plans and specifications; submission; approval; inspections.

Rule 805. (1) The center shall submit to the department a complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center.

(2) The center shall obtain written approval from the department before initiating any construction.

(3) Plans shall bear the seal of a registered architect or engineer when the total cost of the project is \$15,000 or more, including labor and materials.

(4) A fire safety inspection shall be conducted by the department of labor and economic growth, bureau of construction codes and fire safety and an approval granted before issuance of the original provisional license and every 4 years thereafter, at the time of renewal.

(5) If a boiler is used, then it shall be inspected and a certificate provided, as required, by the boiler division, department of labor and economic growth.

(6) Fuel-fired furnaces shall be inspected prior to issuance of an original license and every 2 years at renewal by a licensed heating contractor.

(7) Fuel-fired water heaters shall be inspected prior to issuance of an original license and every 2 years at renewal by either a licensed heating contractor or a licensed plumbing contractor.

(8) New furnace and water heater installations shall be inspected and approved by the department of labor and economic growth inspectors or local mechanical inspecting authorities at the time of installation.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS; 2008 AACCS.

R 400.5810 Construction.

Rule 810. (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.

(c) All door openings contained in subdivision (b) of this subrule shall meet all of the following requirements:

(i) Be protected with 1 3/4-inch solid core wood doors or their equivalent.

(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 shall be required:

(a) The building shall be of 1-hour fire-resistive construction.

(b) 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 at grade.

(4) A center licensed before June 4, 1980, with child occupancy on the second floor or above, shall be permitted to remain licensed under both of the following conditions:

(a) There has been no increase in capacity.

(b) There has been continued compliance with all other applicable fire safety rules, including the requirements of subrule (2) of this rule relating to the protection of stairways, vertical openings, and means of egress.

(5) If any portion of a basement is used for child occupancy, then 1 of the following provisions shall be required:

(a) Two enclosed stairways of 1-hour fire-resistant construction shall terminate directly to the outside at grade, and all openings in the stairways shall be protected by "B" labeled fire doors and frame assemblies.

(b) One approved exit from the occupied room or use area shall discharge directly to the outside at grade. Travel distance from any point in this room or area to this exit shall be less than 50 feet.

(6) If basement occupancy is limited to not more than 30 children, then the following shall apply:

(a) One of the exits required by subrule (5) of this rule shall discharge directly to the outside at 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 basement and 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 exceeding 100 feet.

(7) 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 1 ¾ inch solid core wood doors or their equivalent.
- (b) Installed in fully stopped smoke-tight substantial frames.
- (c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.
- (8) Nighttime care shall be located on levels having exits directly to grade.

History: 1980 AACCS; 1984 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5815 Interior finishes.

Rule 815. (1) The classifications of interior finishes for flame spread and smoke development in table 1 shall be used as follows:

TABLE 1

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) Basic 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 shall be prohibited in child use areas.
- (5) If an approved automatic sprinkler system is installed, then class C interior wall and ceiling finish materials shall be permitted in any location where class B is required and class B interior wall and ceiling finish materials shall be permitted in any location where class A is required.
- (6) In an existing licensed center or conversion, existing interior finishes which 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.
- (7) Interior finish materials of classes B and C which are less than 1/4 inch in thickness, shall be applied directly against a noncombustible backing or shall be furred out not more than 1 inch unless the tests under which such material has been classed were made with the material suspended from the noncombustible backing.
- (8) Centers licensed between June 4, 1980 and the effective date of these rules 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 shall be 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 ¾ 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) Centers licensed before the effective date of these rules may retain previously approved installations of textile materials.
 - (e) Textile materials shall be permitted on walls and partitions where tested in accordance with and meeting the standards of NFPA 265, "Standard Methods Of Fire Tests For Evaluating Room Fire Growth Contribution Of Textile Coverings On Full Height Panels And Walls," 2002 edition, which is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$32.00 or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909.
- (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 the national fire protection association pamphlet No. 701, "Standard

Methods of Fire Tests for Flame Propagation of Textiles and Films," 1999 edition, which is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269-9101, at a cost of \$27.00 or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909.

(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.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5820 Exits.

Rule 820. (1) Except as referenced in R 400.5810(5) and (6)(c), each occupied floor shall have not less than 2 approved exits directly to the outside at grade, remote from each other, and occupied rooms within the center shall be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside at grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

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

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

(b) For older toddlers to school-age, travel shall be 100 feet or less from the door of the occupied room to the exit.

(c) Buildings having complete automatic sprinkler protection may increase their travel distances by 50 feet.

(d) Those areas approved before the effective date of these rules are exempt from the requirements of this rule.

(3) For all centers initially licensed after the effective date of these rules, programs for infants and young toddlers shall be located on levels having exits directly to grade, or exits properly ramped to grade.

(4) Exit doors and all doors in the means of egress shall be side-hinged and equipped with knob, or lever-type, non-locking-against-egress or panic-type hardware.

(5) In rooms occupied by 21 or more children, doors shall swing in the direction of egress.

(6) Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including heating plant, flammable storage, commercial kitchen, or other similar conditions.

(7) In new construction, additions, 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 may not exceed 1/2 inches. 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.

(8) For new construction and additions, an exit door shall be not less than 36 inches in width. Doors to multiple use bathrooms shall not be less than 30 inches wide.

(9) For the conversion of an existing building, exterior exit doors shall be not less than 36 inches wide. Other use room doors shall be not less than 28 inches wide. Single use toilet room doors shall not be less than 24 inches in width. Any remodeled door openings, other than door swing, shall comply with subrule (8) of these rules.

(10) Centers licensed before the effective date of these rules may retain previously approved door widths.

(11) Exterior exits shall be marked or denoted by an approved exit sign.

All exit signs shall be distinctive in color and shall 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 3/4-inch wide.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5825 Hazard Areas.

Rule 825. (1) In an existing licensed center, hazard areas shall be separated from the parts of the building used as a center in the following manner:

(a) In 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 $\frac{3}{4}$ -hour fire resistive construction and doorways to the areas are protected with a minimum $1\frac{3}{4}$ inch, solid core wood door or doors equipped with approved self-closing devices and positive latching hardware.

(b) In centers licensed between June 4, 1980 and July 1, 2000, the following shall apply:

(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 "B" labeled fire door and frame assembly, including an approved self-closing device and positive latching hardware.

(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 solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(c) In centers licensed after July 1, 2000, including centers licensed after the effective date of these rules, the following shall apply:

(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 "B" labeled fire door and frame assembly, including an approved self-closing device and positive latching hardware.

(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 solid core wood doors or equivalent hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(2) Where a kitchen with commercial cooking equipment exposes a required means of egress or use area, it shall be separated from the remainder of the building with minimum 1-hour fire resistive construction including "B" labeled fire door and frame assemblies in all common openings. Kitchens having commercial cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement.

(3) An incinerator shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings between the incinerator room and the remainder of the building shall be protected with a "B" labeled fire door and frame assembly. In new construction, the incinerator room shall have not less than 1 outside wall containing a window or door opening directly to the outside.

(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, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a "B" labeled fire door and frame assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening. Door openings for heat plant enclosures not located on the same floor that is used for child occupancy may have $1\frac{3}{4}$ -inch solid wood core doors having positive latching hardware and an approved self-closing device or equivalent. Air for proper combustion shall be provided directly from the outside through a permanently opened louver or noncombustible duct. The storage of combustible materials in a heating plant room is prohibited.

(5) In an existing licensed center, a properly installed heating plant located in a basement which 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 solid core wood door or equivalent 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 water heater or other similar equipment shall be located according to subrules (4) or (5) of this rule, as applicable.

(7) Where electric heating is used, it shall be underwriters' laboratories, inc. labeled or listed permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating which complies with this requirement may be installed in any location.

(8) An auxiliary heating unit, such as a portable combustion or electrical type, shall not be used.

(9) The 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 personnel.

(10) The 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 center shall not permit gasoline-powered equipment in the part of a building which is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

(12) If commercial-type laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a "B" labeled fire door and frame assembly in an interior door opening which would expose the center.

(13) Fire dampers shall not be required in 3/4-hour and 1-hour fire-resistive enclosures.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS; 2008 AACS.

R 400.5830 Rescinded.

History: 1980 AACS; 1998-2000 AACS.

R 400.5835 Multiple occupancy.

Rule 835. (1) Multiple occupancy of a building may qualify for licensure if the entire building does not present a life safety hazard. A center currently licensed in such a building may continue as long as such occupancies do not change in character.

(2) A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, shall not be permitted for center use. However, an exception may be made for a vocational education center approved by the department of labor and economic growth.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5840 Fire alarm.

Rule 840. (1) In any building used as a center, if more than 1 room is occupied by children, then an approved fire alarm shall be established.

This system may be either electrical or manual.

(2) In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system shall be installed.

(3) In new construction, conversions, remodeling, or new licensed centers, the trouble signal for required fire alarm systems shall be located in an area normally occupied by staff.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5841 Smoke detectors; carbon monoxide detectors.

Rule 841. (1) Newly constructed centers, additions, and conversions shall be equipped with approved single station smoke detectors covering all use areas and their means of egress.

(2) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

(3) Centers shall properly install and maintain all detectors in operable condition in accordance with manufacturer's recommendations.

History: 1998-2000 AACS; 2006 AACS.

R 400.5845 Fire extinguishers.

Rule 845. (1) The center shall install multipurpose fire extinguishers, having ratings of not less than 2A-10BC in or adjacent to the kitchen or cooking area and in or adjacent to the door of, the heating plant room.

(2) The requirement of having additional multipurpose fire extinguishers with ratings of not less than 2A-10BC shall be determined by the fire inspecting authority and shall be based on the capacity of the center and on other conditions in the facility.

(3) Fire extinguishers shall be properly mounted, inspected, and maintained in accordance with pamphlet no. 10 entitled "Standard for Portable Fire Extinguishers," 2002, which may be obtained at the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269 at a cost of \$33.50 or from the department of labor and economic growth, P.O. Box 30004, Lansing, Michigan 48909. 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.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5850 Electrical service.

Rule 850. (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 center at all times.

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

(4) Extension cords listed by a nationally recognized 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 care space located within 6 feet of a sink or other water source shall be protected by a ground-fault circuit interrupter (GFCI).

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5855 Rescinded.

History: 1980 AACS; 1998-2000 AACS.

R 400.5856 Open flame devices; candles.

Rule 856. All open-flame devices and candles shall be prohibited, except for religious celebrations.

History: 1998-2000 AACS; 2006 AACS.

R 400.5860 Rescinded.

History: 1980 AACS; 1998-2000 AACS.

R 400.5865 Occurrence of fire; report.

Rule 865. If a fire occurs in a center that requires the use of fire suppression equipment or results in loss of life or property, it is the responsibility of the center to notify the local fire authority and the department of all details of the fire. This notification shall occur immediately after the occurrence of the fire.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5870 Fire safety; exemptions for public and nonpublic school buildings

Rule 870. The rules with respect to fire prevention and fire safety shall not apply to a child care center established and operated by an intermediate school board, the board of a local school district, 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 child care center is located in a school building that is approved by the state fire marshal or other similar authority.

History: 1998-2000 AACS; 2006 AACS.

PART 9. ENVIRONMENTAL HEALTH

R 400.5900a Definitions.

Rule 900a. As used in this part:

(a) "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.

(b) "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.

(c) "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 child care center.

(d) "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.

(e) "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.

(f) "Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

(g) "Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

(h) "Packaged" means bottled, canned, cartoned, or securely wrapped.

(i) "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.

(j) "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

(k) "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

(l) "Single-service articles" means those food service articles intended for 1-time, 1-person use and then discarded.

(m) "Tableware" means multiuse eating and drinking utensils.

(n) "Utensil" means any implement used in the storage, preparation, transportation, or service of food.

History: 2006 AACS.

R 400.5901 Plan review; approval.

Rule 901. The center shall comply with all local health authority requirements regarding plans and specifications and submit written confirmation to the department that this has occurred.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5902 Food preparation areas.

Rule 902 (1) Food contact surfaces are to be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

(2) Carpeting is prohibited.

(3) Mechanical ventilation to the outside is required for all commercial cooking equipment, which includes but is not limited to stoves, ranges, ovens, griddles, and fryers.

(4) If residential hood ventilation is used, then cooking equipment shall be limited to a stove/oven combination.

(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 shall be prohibited from food preparation and eating areas.

History: 1998-2000 AACS; 2006 AACS.

R 400.5902a Food and equipment storage.

Rule 902a. (1) Each refrigerator shall have an accurate working thermometer indicating a temperature 41° Fahrenheit or below.

(2) All artificial lighting fixtures located over, by, or within food storage, preparation, service areas, or where utensils and equipment are cleaned and stored, shall be properly shielded.

(3) Unpackaged bulk foods shall be stored in clean covered containers, dated, and labeled as to the contents.

(4) Food not subject to further washing or cooking before serving shall be stored in a way that protects it from cross-contamination from food requiring washing or cooking.

(5) Packaged food shall not be stored in contact with water or undrained ice.

(6) Poisonous or toxic materials shall not be stored with food, food service equipment, utensils, or single-service articles.

(7) Food, food service equipment, and utensils shall 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 shall be stored a minimum of 6 inches above the floor.

(10) All food service equipment shall be 6 inches off the floor, moveable, or be properly sealed to the floor.

(11) Meals that are transported shall be prepared in commercial kitchens and delivered in carriers approved by the environmental health authority.

History: 2006 AACS.

R 400.5902b Food supplies.

Rule 902b. (1) Food shall be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.

(2) Home canned products are prohibited.

(3) All fluid milk and fluid milk products shall be pasteurized and meet the grade "A" quality standards.

History: 2006 AACS.

R 400.5902c Food preparation.

Rule 902c. (1) The hands of children and staff shall be thoroughly washed before handling food and before eating.

(2) Guidelines for hand washing shall be posted in food preparation areas and toilet rooms.

(3) Food shall be prepared with the least possible manual contact, using suitable utensils, and surfaces that have been washed, rinsed, and sanitized.

Serving utensils shall be used by staff or provided to children who serve themselves.

(4) Raw fruits and vegetables shall be thoroughly washed before being cooked or served.

(5) Food shall be cooked to heat all parts of the food to the safe temperature as identified in the 1999 recommendations of the food and drug administration of the United States public health service 3-401, as referenced in the Michigan food code, 2000 PA 92, MCL 289.1107.

These recommendations are available on the web at no cost at <http://www.fda.gov>, and are available for inspection at the Michigan department of human services, P.O. Box 30650, Lansing, Michigan 48909.

(6) Potentially hazardous foods shall be thawed using 1 of the following methods:

(a) In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.

(b) Under cold running water.

(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.

(7) The temperature of potentially hazardous foods shall be 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above at all times, except during necessary periods of preparation.

(8) Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.

(9) Accurate metal stem-type food thermometers shall be used to assure the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all potentially hazardous foods.

(10) Food, already served and handled by the consumer of the food, may not be served again, unless food is in a wrapper such as single service crackers.

(11) Milk shall be served from any 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.

(12) All of the following shall apply to milk:

(a) Containers shall be labeled with the date and time opened.

(b) Milk shall be served within 7 days of opening.

(c) Milk shall not be served if the contents appear to be unsanitary, or have been unrefrigerated for a period exceeding 1 hour.

(d) Milk shall not be combined with the contents of other partially filled containers.

(13) Contents remaining in single-service containers of milk shall be discarded at the end of the snack or meal time.

(14) On field trips, all foods shall be protected from contamination at all times.

(a) The temperature of potentially hazardous foods shall be maintained at 41 degrees Fahrenheit or below, except during necessary periods of preparation and service.

(b) Potentially hazardous foods needing to be cooked shall be cooked to proper temperatures before being served.

(c) Food service equipment shall be maintained in a clean and sanitary manner at all times.

(d) In the absence of proper hand washing facilities, people preparing and serving food shall wear sanitary disposable food service gloves.

History: 2006 AACCS.

R 400.5902d Sanitization.

Rule 902d. (1) All tableware, utensils, food contact surfaces, and food service equipment shall be thoroughly washed, rinsed, and sanitized after each use.

(2) Enamelware utensils are prohibited.

(3) Reuse of single service articles is prohibited.

(4) Centers using multiuse tableware and utensils shall use one of the following methods:

(a) A commercial dishwasher.

(b) A domestic dishwasher with sanitizing capability.

(c) A 3-compartment sink and adequate drain boards.

(d) A 2-compartment sink for washing and rinsing with a third container suitable for complete submersion for sanitizing, and adequate drain boards.

(5) Centers using the manual washing method shall do all of the following:

(a) Rinse and scrape all utensils and tableware before washing.

(b) Thoroughly wash in detergent and water.

(c) Rinse in clear water.

(d) Sanitize using 1 of the following methods:

(i) Immersion for at least 30 seconds in clean, hot water of at least 170 degrees Fahrenheit.

(ii) Immersion for at least 1 minute in a solution containing between 50 and 100 parts per million of chlorine or comparable sanitizing agent at a temperature of at least 75 degrees Fahrenheit. A test kit or other device which measures parts per million concentration of the solution shall be used when a chemical is used for sanitizing.

(e) Air dry.

(6) Moist cloths, used for wiping counter and tabletops, shall be clean, rinsed frequently in an approved sanitizing solution, stored in the sanitizing solution between uses, and not used for other purposes.

(7) Sponges shall not be used in a food service operation.

History: 2006 AACS.

R 400.5903 Poisonous or toxic materials.

Rule 903. Containers of poisonous or toxic materials shall be clearly labeled for easy identification of contents and stored out of reach of children.

History: 1998-2000 AACS.

R 400.5905 Premises.

Rule 905. (1) The center shall be located on land that provides good natural drainage or that is properly drained.

(2) Stairs, walkways, ramps, landings, and porches shall meet the following requirements:

(a) If elevated, shall have barriers to prevent falls and handrails designed and constructed for use by children.

(b) Shall be maintained in a safe condition relative to the accumulation of water, ice, or snow, and shall have nonslip surfacing.

(c) Landings shall be located outside exit doors where steps or stairs are necessary and shall be at least as wide as the swing of the door.

(d) Stairway steps shall be not more than 8 inches in height, with a minimum tread depth of 9 inches.

(e) If ramps are used, then they shall have a minimum rise-to-run ratio of 1 to 12.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5910 Heating; temperature.

Rule 910. (1) The temperature in child use areas shall be maintained at a safe and comfortable level so that children do not become overheated, chilled, or cold.

(2) The indoor temperature shall 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 measures shall be taken to cool the children.

History: 1980 AACS; 1984 AACS; 2006 AACS.

R 400.5915 Light, ventilation, and screening.

Rule 915. (1) The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4½ percent of the floor area, unless central air conditioning is provided.

(2) If ventilation is dependent on a mechanical system, then the system shall 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) Artificial light or natural light, or both, shall be capable of providing a minimum illumination of 20 foot candles over the entire room at a height of 3 feet from the floor.

(4) Windows used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair. This subrule does not apply to child care programs operating in school buildings.

(5) Propping doors open for ventilation is prohibited.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5920 Water supply; plumbing.

Rule 920. (1) The water system shall comply with the requirements of the local health authority.

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

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

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5925 Toilets; handwashing sinks.

Rule 925. (1) The center shall have 1 toilet and 1 handwashing sink for every 15 children or fraction thereof. A center operating with children in attendance less than 5 continuous hours a day shall provide at least 1 toilet and 1 handwashing sink for every 20 children or fraction thereof beyond the first 20.

(2) After the effective date of these rules, any center that is new, relocates, adds an infant/toddler component, or increases the licensed infant/toddler capacity, shall have a diapering area with a designated handwashing sink.

(3) Handwashing sinks shall be accessible to children by platform or installed at children's level.

(4) Handwashing sinks shall have warm running water and be accessible to children. Both of the following apply:

(a) Water temperature shall not exceed 120 degrees Fahrenheit.

(b) Soap and single service towels or other approved hand drying devices shall be provided.

(5) Toilet rooms for school-age children shall provide for privacy.

(6) All newly constructed or remodeled facilities shall include separate hand washing sinks in the kitchen and diapering areas.

History: 1980 AACS; 1998-2000 AACS; 2006 AACS.

R 400.5930 Sewage disposal.

Rule 930. (1) Sewage and other water-carried wastes shall be disposed of through a municipal or private sewer system.

(2) Private sewer/septic systems shall be designed and operated to safely dispose of all wastewater generated, shall be adequate in size for the projected use and meet the criteria of the environmental health department.

History: 1980 AACS; 1984 AACS; 2006 AACS.

R 400.5935 Garbage and refuse.

Rule 935. (1) The center shall store garbage in watertight containers with tight-fitting covers. If a dumpster is used, then garbage shall be placed in sealed plastic bags.

(2) The center shall provide a garbage can with a waterproof liner, or the garbage can shall be thoroughly cleaned after each emptying.

(3) The center shall have garbage and refuse removed at intervals of at least once a week.

History: 1980 AACCS; 1998-2000 AACCS; 2006 AACCS.

R 400.5940 Maintenance of premises.

Rule 940. (1) The premises shall be maintained in a clean and safe condition.

(2) The premises shall be maintained so as to eliminate and prevent rodent and insect harborage.

(3) Roofs, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

(4) Floors, interior walls, and ceilings shall be sound, in good repair, and maintained in a clean condition.

(5) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

(6) All toilet room floor surfaces shall be constructed and maintained so as to be impervious to water and to permit the floor to be easily kept in a clean condition.

(7) Light fixtures, vent covers, wall-mounted fans and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.

(8) Child care centers licensed after the effective date of these rules located in structures built before 1978 shall have a lead hazard risk assessment performed by a certified lead risk assessor. Any lead hazards identified shall be addressed as noted in the lead hazard risk assessment report. The results of the assessment shall be kept on file in the center.

(9) As required by 1994 PA 451, MCL 324.8316, the center shall develop and implement an integrated pest management program when pesticide applications occur in the building. The integrated pest management program shall include, but not be limited to, the following:

(a) An annual notification shall be provided by centers to parents or guardians informing them that they will receive advance notice of pesticide applications.

(b) The annual notification to parents or guardians shall specify 2 methods by which the advance notice of pesticide application will be given.

(c) An advance notice shall contain information about the pesticide, including the target pest or purpose, approximate location, date of the application, contact information at the center, and a toll-free number for a national pesticide information center recognized by the Michigan department of agriculture.

(d) Liquid spray or aerosol insecticide applications may not be performed in a room of a child care center unless the room will be unoccupied by children for not less than 4 hours or longer if required by the pesticide label use directions.

History: 1980 AACCS; 2006 AACCS.