

Legislative Analysis



CHILD CARE CENTER FIRE PREVENTION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5637 as introduced
Sponsor: Rep. Jamie Churches

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5638 as introduced
Sponsor: Rep. Alabas Farhat

House Bill 5639 as introduced
Sponsor: Rep. Denise Mentzer

Committee: Tax Policy
Complete to 12-4-24

SUMMARY:

House Bill 5638 would amend 1973 PA 116, which addresses the licensing and regulation of child care organizations, to amend the circumstances in which a child care center in a school building is exempt from the administrative rules pertaining to fire prevention and safety.

Currently, the act requires the Department of Lifelong Education, Advancement, and Potential (MiLEAP)¹ to promulgate rules on a variety of topics related to child care organizations, including safety, appropriateness, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards to provide for the physical comfort, care, and well-being of the children received. The act provides that the fire prevention and safety rules do not apply to a child care center established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state approved nonpublic school, if the child care center is located in a school building that is approved by the Bureau of Fire Services created in section 1b of the Fire Prevention Code,² or other similar authority as provided in section 3 of 1937 PA 306,³ for school purposes and is in compliance with the school fire safety rules, of the Michigan Administrative Code,⁴ as determined by the bureau or a fire inspector certified under section 2b of the Fire Prevention Code.⁵

¹ While the act and the bill both still reference the Department of Licensing and Regulatory Affairs (LARA), all powers and duties related to the licensing and regulation of children's camps, child care centers, day care centers, family day care homes, and group day care homes under the act have been transferred from LARA to MiLEAP under Executive Reorganization Order No. 2023-2. See <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-388-1283>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-29-1B>

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-388-853>

⁴ ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=964_2011-002LR_AdminCode.pdf&ReturnHTML=True

⁵ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-29-2B>

The bill would provide that these facilities, when located inside of schools, are also exempt if the superintendent of the intermediate or local school district certifies that the school building has the approval described above.

Under the bill, the superintendent would provide this certification that the school building meets the requirements in lieu of an inspection by MiLEAP staff, the Bureau of Fire Services, or local authorities.

FOIA exemption

The bill would provide that an audio or video recording provided to MiLEAP by a child care organization licensee related to an investigation, inspection, or examination of the organization is exempt from disclosure under the Freedom of Information Act (FOIA).

MCL 722.112 et al.

House Bill 5637 would create a new act to require reimbursements to child care providers under the Child Development and Child Care Program⁶ to be adjusted annually for inflation using the Detroit Consumer Price Index.

House Bill 5639 would amend 1973 PA 116 to require that MiLEAP, within 90 days after the bill's effective date, establish a process to allow child care organization licensees to request a review of and to appeal a determination by the department that it violated a rule promulgated under the act as long as the violation would not result in a denial, revocation, or refusal to renew the licensee's license under the act or an injunction issued under the act. The process would have to be in writing and posted on the department's website.

Proposed MCL 722.122a

FISCA IMPACT:

House Bill 5637 would create indeterminate costs for the state. The requirement to adjust provider reimbursement rates on an annual basis by a percentage equal to the Detroit Consumer Price Index would create variable cost increases each year dependent on both the value of the Detroit Consumer Price Index and annual caseload growth.

House Bill 5638 would likely have a minimal fiscal impact on the state, local school districts, and intermediate districts (ISDs). The costs associated with the need for superintendent certification should be covered under current funding levels. Districts and ISDs could incur increased costs for background checks if the current appropriation levels for the Department of State Police do not match the costs of providing the checks.

House Bill 5639 would create indeterminate costs for the state. Under the requirements in the bill, MiLEAP is given the authority to determine the appeal process, and the magnitude of the costs would be determined by the process the department creates and the number of

⁶ <https://www.michigan.gov/mileap/early-childhood-education/early-learners-and-care/cdc>

appeals filed. The requirement to publicly post the review process would be absorbed using existing staff time.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.