TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 407
LICENSING STANDARDS FOR DAY CARE CENTERS

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

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SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

Section 407.40 Purpose and Applicability

a) The purpose of this Part is to prescribe the minimum standards for licensure as a day care center and to describe how to apply for a license. This Part also establishes requirements for the daily operation of day care centers that serve children. The Child Care Act of 1969 excludes some facilities from the requirement to be licensed. These exclusions from the licensing requirement may be found in Section 2.09 of the Child Care Act of 1969 [225 ILCS 10/2.09] and are explained in Department rules 89 Ill. Adm. Code 377, Facilities and Programs Exempt from Licensure.

b) The licensing standards set forth in this Part are applicable to day care centers as defined in the Child Care Act of 1969 that are also known as child care centers.

c) All the standards of this Part apply to partially exempt programs as defined in Section 407.45 unless the standard states those programs are exempt.

d) Individuals, corporations, associations and groups may write to the Department of Children and Family Services and request a declaratory ruling with regard to the applicability of this Part to their circumstances when the requestor has requested an interpretation from the local licensing authority, but has been unable to obtain such an interpretation or is not satisfied with the response obtained.

e) Such requests for declaratory rulings shall be addressed to the Department of Children and Family Services, Office of Rules and Procedures, 406 E. Monroe Street, Station # 65, Springfield, Illinois 62701, shall fully outline the facts of their inquiry, shall provide names and addresses of any Department staff who have been involved in evaluating the applicability of this Part to their circumstances, and shall include a copy of any written interpretations or directions received from the local licensing authority.

f) The Department may provide declaratory rulings upon receipt of the initial request or may ask the inquirer to provide additional information within 15 days before a declaratory ruling is issued. Failure to provide the additional requested information within the 15-day period will terminate the request for a declaratory ruling.

g) A declaratory ruling regarding the applicability of this Part upon the inquirer will be issued in writing within 60 days after receipt of a complete inquiry which fully states the question and accurately outlines the facts of the inquiry.

h) A request for a declaratory ruling shall not delay the implementation of any licensing enforcement action including but not limited to corrective plans, refusal to renew, revocation or other enforcement activities.

i) *Declaratory rulings shall not be appealable.* (Section 5-150(a) of the Illinois Administrative Procedure Act [5 ILCS 100/5-150(a)])

j) The Department shall maintain as a public record in its principal office and make available for public inspection and copying any such declaratory rulings. The Department shall delete trade secrets or other confidential information from the ruling before making it available to the public. (See Section 5 of the Freedom of Information Act [5 ILCS 140/5].)

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)

Section 407.45 Definitions

"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 or a non-governmental recognition counterpart.

"Age-appropriate safety restraint" for a child under 4 years of age means a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) that meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child 4 years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Attendance" means the total number of children present at any one time.

"Authorized representative of the Department" means a licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

a criminal history check via fingerprints of persons age 17 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate;

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other states' child protection systems, as appropriate, to determine whether an individual has been alleged or indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry.

"Behavior Support Plan" means a written, planned and culturally and linguistically appropriate schedule of action agreed upon by the program staff, parents/guardians, and qualified professional resources assigned:

to assist a child, a family, caregivers, programs or teachers, and directors on how the program reflects on and modifies the program, classroom, and learning environment practices; and

to address the identification of serious and repeated patterns of challenging behavior.

The behavior support plan must be fully implemented before initiating the program transition plan.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Challenging behavior" means any serious and repeated pattern of any behavior, or perception of behavior, that interferes with a child's ability to engage in developmentally appropriate self-regulation or cognitive and prosocial engagement with peers or adults.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Child care staff" means all staff members providing direct care to children.

"Consultant" means a person providing technical assistance or advice regarding any aspect of the program operation.

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, sanitizable fabric, that is on legs or otherwise above the floor and can be stored to allow for air flow.

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:

programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years;

private entities on the grounds of public or private elementary or secondary schools that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities' personnel operating the program;

programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;

educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools;

programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;

facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;

any type of day care center that is conducted on federal government premises;

special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;

part day child care facilities, as defined in Section 2.10 of the Child Care *Act* of 1969*; or*

programs or that portion of the program which:

serves children who shall have attained the age of 3 years;

is operated by churches or religious institutions as described in section 501(c)(3) of the federal Internal Revenue Code;

receives no governmental aid;

is operated as a component of religious, nonprofit elementary school;

operates primarily to provide religious education; and

meets appropriate State or local health and fire safety standards.

For purposes of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program. (Section 2.09 of the Child Care Act of 1969)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of tap water and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects.

"Early childhood" means the years from birth through age 6.

"Early childhood assistant" means a staff member who works under the direct supervision of an early childhood teacher and does not assume responsibility for a group of children.

"Early childhood teacher" means a staff member responsible for a group of infants, toddlers or preschool children.

"Employee", as used in this Part, means any staff person employed by a child care facility and includes any substitute or assistant. This definition includes administrative, professional and support staff who have access to children in their present or prospective employment.

"Enrollment" means the total number of children served by the facility on either a part-time or full-time basis.

"Gateways to Opportunity Registry" means a program administered by the Department of Human Services to track and maintain education and training credentials of administrators and staff that allows them to establish a profile in the registry of their educational attainment and professional development.

"Governing body", as used in this Part, means the board of directors of a corporation. Otherwise, the term means the owners or other persons, agency, association or organization legally responsible for the operation of the day care center that serves as the policy-making authority and that exercises general direction over the affairs of the facility.

"Group" means a specific number of children who remain together at least 60 percent of the time they are at the facility.

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969)

"Guidance/discipline" means the ongoing process of helping children to develop inner controls so that they can manage their own behavior in socially approved ways.

"Infant" means a child from 6 weeks through 14 months of age.

"Initial background check" means fingerprints have been obtained, as verified by a receipt from the fingerprint vendor, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"Intergenerational activities" means activities that involve children and adults in shared activities that occur at least monthly on a regular basis.

"Kindergarten child" means a child currently enrolled in kindergarten who is eligible to attend first grade during the next school year.

"LEADS" means the Law Enforcement Agency Data System.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License study", as used in this Part, means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the maximum number of children permitted in the facility at any one time.

"Licensee" means an individual, agency, or organization who holds a license or permit issued by the Department.

"Licensing representative", for the purposes of this Part, means Department staff authorized under the Child Care Act of 1969 to examine facilities for licensure.

"Mitigation" means those activities or processes undertaken to reduce the level of lead in water below 2.01 ppb (parts per billion).

"Mitigation plan" means a written document prepared by a license applicant or licensee that identifies drinking water sources that have tested at or above 2.01 ppb for lead and the strategies and interim measures the applicant/licensee will take to reduce the lead level to below 2.01 ppb.

"Parental involvement" means parental assistance with a child care program such as participation in field trips, parties, attendance on special days for special events, or parental support and cooperation in the classroom.

"Parent" or "Parents", as used in this Part, means persons assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Partially exempt program" means a child care program for children who have attained the age of 3 years and is operated by a private entity on grounds of a public or private elementary or secondary school where children have been attending school during the day. In a partially exempt program, the physical facility is exempt from Department regulations; however, the Department regulates the personnel and operating programs.

"Passive screen viewing" means the passive, sedentary use of age-appropriate and educational media through screen-based technologies, such as television, video, DVDs, visual recordings and other non-interactive technologies.

"Permit", as used in this Part, means a one-time only document issued by the Department for a 6-month period to allow the individuals, agency, or organization to operate a day care center and to become eligible for a full license.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Preschooler" means a child from 3 through 5 years of age. Children enrolled in kindergarten may be considered either preschool or school-age. Children 2 years of age may be considered preschoolers or toddlers, depending on their level of development.

"Program" means all activities provided for the children during their hours of attendance in the facility.

"Program Transition Plan" means an individualized, written and culturally and linguistically appropriate plan developed by the departing and receiving early childhood programs, detailing the individual responsibilities required to prepare for, and then execute, the child's move from the current program to a more appropriate arrangement, with as little negative impact and disruption as possible.

"Qualified professional" is an individual with a recognized title such as, but not limited to, a child's health provider,_early childhood mental health consultant, licensed clinical social worker, speech pathologist, or behavioral therapist. This individual should have expertise in early childhood education practices, children's behaviors, inclusion, applied behavioral analysis, infant/early childhood mental health, or the impact of trauma.

"Related services" refers to, but is not limited to, supportive services (psychological, medical, social, or health) for children in a facility.

"Repeated pattern of challenging behavior" means behaviors that do not respond to repeated developmentally appropriate practice interventions and results in a disrupted learning environment for other children enrolled in the program, such as, but not limited to, extreme tantrums, physical and verbal aggression, property destruction, self-injury, injury to others, or withdrawal.

"Replace or supplement staff" means a paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children outside the visual or auditory supervision of child care staff. It also includes professional contractual staff, such as physicians, nurses, therapists, etc., if the professional provides services within the facility and is allowed access to children outside the visual or auditory supervision of staff.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children.

"Resources" may include related services mentioned above and community agencies such as, but not limited to, libraries, university laboratories and their professional staffs, audiovisual materials, museums, and parks.

"Risk management plan" means a document that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"School-age" means a child up to 18 years of age who is enrolled in 1st grade or higher. Children attending kindergarten may be considered either preschool or school-age.

"School-age assistant" means a staff member who works under the direct supervision of a school-age worker.

"School-age director" means a person designated by the governing body to assume full administrative responsibility for the ongoing operation of one or more sites (not to exceed 6) and who meets the qualifications for a child care director as outlined in Section 407.130.

"School-age site coordinator" means a person responsible for implementing curriculum and ensuring that licensing standards are met at the site of a school-age program serving a maximum of 50 children and that is overseen by a school-age director responsible for multiple sites.

"School-age worker" means a staff member who has lead responsibility for a group of school-age children.

"Serious safety threat" is a behavior that jeopardizes the physical safety of the child and/or his/her classmates or staff.

"Site" means the physical location in which a day care center operates. A site may consist of more than one building if all of the buildings within the site are connected by property under the exclusive control of the day care center that is used as a playground, for parking, or for other day care related purposes.

"Support staff" means any staff member providing indirect care and services to children in a day care center, such as a driver, cook, janitor, or clerical staff.

"Swimming pool", for purposes of this Part, means any natural or artificial basin of water intended for public swimming or recreational bathing that exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Temporary removals" means practices that involve removing the child from regular participation in the program as a result of a challenging behavior. A temporary removal should be developmentally appropriate and may only be used as a last resort if there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications. The program must help the child return to full participation in a group setting as soon as safety allows.

"Toddler" means a child from 15 months to 2 years of age. The term may include a child up to 30 months of age depending upon physical or social development.

"Tummy time" means a supervised period of time when an infant is allowed to lie on his or her abdomen to help strengthen the head, neck and shoulder muscles.

"Universal precautions" means an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Wading pool", for purposes of this Part, means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity as specified in the Illinois Swimming Pool and Bathing Beach Act and Code. The term includes recessed areas less than 2'6" in depth in swimming pools and includes wading pools at private clubs, health clubs and private residences when used for children enrolled in a child care facility.

"Water profile" means a building's water heater, source of water, and water supply lines.

"Water source" means any faucet used to obtain water for drinking or food preparation for day care operations. Water sources include, but are not limited to, sinks, bathtubs, hoses, drinking fountains, bubblers, and refrigerator or freezer water or ice dispensers.

(Source: Amended at 44 Ill. Reg. 16138, effective September 18, 2020)

SUBPART B PERMITS AND LICENSES

Section 407.50 Application for License

a) The application for license shall be completed by the officers of the governing body of the day care center, or its authorized representative, on forms prescribed and furnished by the Department.

b) Only complete applications shall be processed. Incomplete or unsigned applications shall be returned for completion and signature. For the application to be considered complete, the following shall be attached to the application form:

1) Articles of incorporation and by-laws, if incorporated, indicating that the center's corporate status is in good standing with the Illinois Secretary of State;

2) Statement of purposes and policies as required by Section 407.250(c);

3) List of officers, board members and committees of the governing body;

4) Annual operating budget showing anticipated expenses and income (required in original application only);

5) Staffing plan that includes job descriptions and the qualifications of the staff;

6) Written delegation of administrative authority as required by Section 407.70(b);

7) A list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check;

8) *Effective January 1, 2014, as part of an initial application, the Department shall require proof the* center *has been tested within the last 3 years for radon* by a Radon Measurement Professional licensed by the Illinois Emergency Management Agency (see 32 Ill. Adm. Code 422) [225 ILCS 10/5.8];

9) Lead testing results and mitigation plans when required by Section 407.370(i) and (j).

10) Applicants shall submit with their initial application a certificate of completion of lead safety training consisting of instruction in the following topics:

A) Mitigation plans for test results of 2.01 ppb or above; and

B) Impact of lead exposure.

c) Applications submitted on or after September 1, 2012 shall include proof of membership in the Gateways to Opportunity Registry by all staff and assistants and by the director of the facility with all their educational and training requirements entered into the registry.

d) Upon receipt of a complete, signed application for a license, the Department shall conduct a license study in order to determine that the day care center meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The applicant shall receive a copy of the license study upon written request and payment of copying costs.

e) A new application shall be filed:

1) When an application for license has been withdrawn, and the center seeks to reapply;

2) When there is a change of address of the day care center;

3) When there is a change of name, ownership or corporate status of the center.

f) If the Department has revoked or refused to renew the license of a day care center and the former licensee or ⅓ or more of the members of its governing body seek to reapply for license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted, the Department shall impose provisions on the new license for a minimum of 2 years, notwithstanding any other provisions of this Part. *The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to* the Child Care Act of 1969*, or maintaining a facility which adheres to such standards and rules.* [225 ILCS 10/6(c)]

g) The Department must approve that the facility is in reasonable compliance with the licensing standards before the day care center changes its operations regarding the number or ages of children served.

(Source: Amended at 43 Ill. Reg. 224, effective January 1, 2019)

Section 407.55 Application for Renewal of License

a) Application forms for license renewal shall be mailed to the day care center by the Department 6 months prior to the expiration date of the license.

b) The application for the renewal of a day care center license must be completed, signed by the governing body or its authorized representative, and submitted to the Department 3 months prior to the expiration date of the current license in order for the application to be considered timely and sufficient. In addition, revisions in items required by Section 407.50(b) that have not been submitted previously to the Department shall accompany the application for the renewal of a license.

c) When a licensed day care center seeks to change its name, address, corporate status or ownership, a new application reflecting the revised status must be completed, signed by the governing body or its authorized representative, and submitted to the Department 30 days prior to the effective date of the changes in order for the application to be considered timely and sufficient. In addition, a change of name, corporate status or ownership shall be documented by the filing of a copy of the amended articles of incorporation or ownership agreement with the Department within 30 days after its effective date.

d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.* (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(b)])

e) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the day care center continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensee shall receive a copy of the license study upon written request and payment of copying costs.

f) For renewal applications submitted on or after September 1, 2012, the licensee shall provide proof of membership in the Gateways to Opportunity Registry by all staff and assistants and by the director of the facility with all their educational and training requirements entered into the registry.

g) *Effective January 1, 2014, as part of an application for renewal of a license, the Department shall require proof the* center *has been tested within the last 3 years for radon* by a Radon Measurement Professional licensed by the Illinois Emergency Management Agency (see 32 Ill. Adm. Code 422) [225 ILCS 10/5.8]. [225 ILCS 10/5.8]

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.60 Provisions Pertaining to the License

a) A day care center license is valid for three years unless revoked by the Department or voluntarily surrendered by the licensee.

b) The license shall not be transferred or transmitted to another person or other legal entity.

c) The license shall not be valid for a name or address other than the name or address shown on the license.

d) The current license shall be displayed at the facility at all times.

e) There shall be no fee or charge for the license.

f) The number of children specified on the license shall be the maximum in attendance at the center at any one time.

g) The facility shall operate within the license capacity, ages of children served, and areas used for child care as specified on the license document and shall otherwise adhere to the provisions of the license.

h) Unless a day care center is in compliance with the standards prescribed by this Part, it shall not expand its services or increase its licensed capacity. The day care center shall not operate (serve children) until the day care center has received a permit or a license.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.65 Provisions Pertaining to Permits

a) A permit shall not be issued prior to the following:

1) Completion of the application for license and submission to the Department;

2) Employment of a child care director who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks, who meets the standards set forth in Section 407.130 and who has submitted three references and proof of education;

3) Employment of staff who meet the requirement for first-aid, Heimlich maneuver, and cardiopulmonary resuscitation (CPR) found in Section 407.100(h), with the food service sanitation requirements, and the development of a projected staffing plan indicating the timetable by which additional qualified staff shall be hired;

4) Receipt of fire and sanitation clearances required by Section 407.370(a) documented by a letter or certificate issued by the agency which conducted the inspection;

5) Proof of current public liability insurance as required by Section 407.70(l), e.g., a copy of an insurance policy, binder or certificate of insurance, or a letter from the insurance carrier;

6) The development of a plan for emergency medical care as required by Section 407.250(c)(9);

7) The development of a plan for meeting the nutrition and food service requirements of Section 407.330;

8) Acquisition of furnishings and equipment for the number and ages of children to be served during the six-month permit period in accordance with Appendices A, B, and C;

9) Records are on file at the day care center for each employed staff member during the permit period, including a current medical report (not more than six months old), three written character references, documentation of educational qualifications (if required for the position), and proof that the employee has cleared the initial background check;

10) Procedures and forms have been created as required in Section 407.70 for records and reports required;

11) A written plan which indicates how requirements for a license shall be met within the permit period has been submitted to the licensing authority;

12) Financial capability has been demonstrated through an annual projected budget showing anticipated operating expenses and income;

13) A written program description and daily program schedule have been developed;

14) A drawing has been completed of the center's floor plan, with measurements indicated for each area used for children and of all outdoor areas that are used for children;

15) A risk management plan has been developed as required by Section 407.70(k); and

16) A statement of the day care center’s discipline policy.

b) A permit shall not be issued retroactively.

c) The permit shall not be renewable.

d) The permit shall not be transferred or transmitted to another person or other legal entity.

e) The permit shall not be valid for a name or address different from the name or address shown on the issued permit.

f) A current permit shall be on display at the center at all times.

g) The number of children specified on the permit shall be the maximum in attendance at the center at one time.

h) The day care center shall not begin operations until the day care center receives a permit.

i) A license shall be issued anytime within the six-month period covered by the permit provided the facility achieves compliance with the standards prescribed by this Part.

j) There shall be no fee or charge for the permit.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART C: ADMINISTRATION

Section 407.70 Organization and Administration

a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of reputable and responsible character. The governing body may delegate responsibility for day-to-day compliance with the standards to the day care center director.

b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication among the governing body, facility staff and parents. This statement shall be signed by the governing body and the day care center director with updates as changes occur.

c) The governing body, or others designated in writing to represent the center, shall notify the Department immediately of major changes affecting any area of operation regulated by 89 Ill. Adm. Code 407, such as governance, location, physical plant, finances, staff, equipment, or a fire or natural disaster that affects the ability of the day care center to continue to operate.

d) The Department shall be notified in writing within 7 days after any notice of legal action against the center that may negatively affect its operation and/or ability to maintain the licensing standards.

e) As a part of new staff orientation, the child care director and all staff shall review the following documents and the date of their review shall be recorded in the personnel files:

1) the Child Care Act of 1969 [225 ILCS 10];
2) the Abused and Neglected Child Reporting Act, as amended [325 ILCS 5]; and
3) the portions of 89 Ill. Adm. Code 407 (Licensing Standards for Day Care Centers) that affect their functions and responsibilities.

f) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.

g) The governing body shall insure that an adequate process is in place for recruiting, hiring, and maintaining staff as required by this Part.

h) A day care center shall have written personnel policies available to the staff at all times. These policies shall include, but are not limited to, job descriptions, compensation and benefits, pay dates, Social Security, worker's compensation, unemployment insurance, holidays, sick leave, vacations, probationary periods, grievance procedures, promotions, staff development, discipline, termination of employment and performance evaluation.

i) Each child's record shall contain a statement signed by the child's parent(s) or guardian indicating that he/she has received a summary of licensing standards and other materials designated by the Department for distribution.

j) Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act, as amended. The telephone number for the reporting hotline is 1-800-252-2873.

k) The center shall develop a written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. All staff shall be trained in the implementation of the plan. This risk management plan shall specifically address at least the following:

1) training, including universal precautions, provided to staff to identify and minimize risks, particularly as it relates to the care and supervision of children;
2) the design and maintenance of the building and any vehicles used in day care;
3) maintenance and storage of food service and maintenance equipment, chemicals, and supplies, including an integrated pest management plan in accordance with Section 407.390;
4) selection, maintenance, and supervision of education materials, toys, pets, and playground equipment;
5) food service sanitation;
6) cleanliness of the building and grounds;
7) means of receiving information to alert the center of severe weather conditions or other emergency situations that may affect the safety of the children; and
8) emergency and disaster preparedness plans, including fire <u>drills and</u> evacuation plans.

l) The day care center shall carry public liability insurance in the single limit minimum amount of $300,000 per occurrence and any vehicle used by the center for *a purpose that requires a school bus driver permit under Section 6-104 of* the Illinois Vehicle Code *shall carry a minimum of liability insurance in the amount of $1,000,000 combined single limit per accident* [625 ILCS 5/12-707.01]..

m) Any accident or injury requiring professional medical care, death or other emergency involving a child shall be entered into the child's record and orally reported immediately to the child's parent or guardian and to the appropriate local licensing office of the Department. If the center is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Oral reports to the Department shall be confirmed in writing within 2 business days after the occurrence.

n) The day care center shall maintain records essential for the operation of the facility. Records pertaining to children in care and to staff shall be maintained at the day care center.

1) Financial records shall be maintained in Illinois and produced immediately upon request for licensing review.

A) The day care center shall maintain financial records including projected and current operating budget.

B) The day care center shall maintain financial solvency to assure adequate care of children and compliance with the standards prescribed in this Part. A center is considered insolvent if the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors and property that may be exempted from property of the estate. (This definition is adapted from the U.S. Bankruptcy Code of 1978 (11 USC. 101).)

2) Required general and financial records shall be maintained for 5 years. Required personnel records shall be maintained for 5 years after the date of the employee's termination of employment. Children's records shall be maintained for 5 years after the child has been discharged from care or services.

3) Accurate daily attendance records, by group, shall be maintained for one year. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance records.

4) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or reasonably anticipated.

o) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.80 Confidentiality of Records and Information

a) The facility personnel shall respect the confidential nature of the child and personnel records.

b) Information pertaining to the admission, progress, health, or discharge of an individual child shall be confidential and limited to facility staff designated by the child care director and Department representatives unless the parent(s) of the child has granted written permission for disclosure or dissemination.

1) The facility shall have confidentiality release forms signed by the parent(s) which specify to whom information may be released and the length of time the release form is valid. Such release forms shall be on file at the facility prior to the release of confidential information.

2) If information is requested by outside persons or agencies, a specific written request signed by the person requesting the information shall be obtained and placed on file at the facility prior to the release of the information.

3) Except in extreme emergency or when there is evidence of child abuse or neglect, any child 12 years of age or older must be informed of such disclosure of information.

c) Authorized Department licensing representatives, Department child protection investigators, or other Department representatives who have the Department Director's written authorization (specifying the statutory authority or administrative rule under which access is granted) shall have access to the day care center's records and reports. All persons with access to records and reports shall respect their confidential nature.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART D: STAFFING

Section 407.90 Staffing Structure

a) The day care center shall provide staff to ensure the care and safety of the children at all times.

1) A written staffing plan shall organize the staff and enable them to give the children continuity of care and supervision.

2) Each staff person shall be qualified for his or her position, as required by this Part, at the time he or she is hired or promoted.

3) Sufficient child care staff shall be provided to assure that staff/child ratios are maintained as required by Section 407.190.

4) Staff changes shall be minimized so that each child can experience consistent relationships with as few adults as possible.

5) Changes in the position of director or school-age director shall be reported to the Department no later than the next business day after the change. All other staff employment changes shall be reported to the Department each month on forms prescribed by the Department.

b) The day care center shall employ a qualified child care director to oversee the program and administer day-to-day operations. The child care director shall be responsible for the planning and supervision of the program and activities of the children; orientation to newly employed staff; on-site supervision of all staff; and in-service training totaling a minimum of 15 clock hours per year for each member of the child care staff.

c) Multi-site school-age programs, with a maximum daily enrollment of 50 children per site, may use a two-tier administrative structure consisting of a school-age director responsible for multiple school-age sites and school-age site coordinators responsible for each school-age site. The school-age director may be responsible for up to six different school-age sites, each of which is under the direct supervision of a school-age site coordinator. When the school-age director is responsible for four to six sites, he or she shall not have any additional programmatic or administrative responsibilities for other sites or programs. The division of responsibilities between the school-age director and the on-site coordinator shall be documented.

d) Each group of children shall be under the direct supervision of an early childhood teacher or a school-age worker.

1) Infant, toddler and preschool groups, as well as multi-age groups, shall be supervised by an early childhood teacher at all times, except as allowed by Section 407.190(e)(2).

2) School-age groups shall be supervised by a school-age worker at all times, except as allowed by Section 407.90(e)(2) below.

3) Early childhood teachers and school-age workers shall be responsible for planning and supervising the group, as well as supervising assistants.

e) Assistants shall be assigned to each group as needed to meet the staff/child ratios required by Section 407.190.

1) Early childhood assistants shall be assigned to infant, toddler and preschool groups and work under the direct supervision of an early childhood teacher. They shall not assume full responsibility for the group, except as allowed by Section 407.190(e).

2) School-age assistants shall be assigned to school-age groups and work under the direct supervision of a school-age worker. At the discretion of the school-age worker, school-age assistants may be responsible for small groups of ten or fewer children during special planned on-site activities for a limited period of time, not to exceed one hour per five-hour period. Activities may include activities on the center's on-site outdoor play area.

f) Support staff shall be provided as needed.

1) There shall be sufficient support staff so that assignment of service duties does not interfere with the child care staff's responsibilities for the direct care of the children.

2) Support staff shall have the same personnel qualifications required of other staff by Section 407.100.

g) Resource personnel shall be available as appropriate. Persons providing professional services to children shall comply with current State registration and/or certification laws, if applicable.

h) Day care centers licensed for ten or fewer three- to five-year-old children and operating with only one regular staff person shall provide:

1) A daily assistant to help when attention must be given to activities other than the direct care of children; and

2) At least two persons who can respond to a call and be on the premises within five minutes, so that the adult in charge will not have to leave the children unattended in the event of an emergency; and

3) A substitute who is familiar with the children and program.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.100 General Requirements for Personnel

a) Staff shall be able to demonstrate the skill and competence necessary to contribute to each child's physical, intellectual, personal, emotional, and social development. Factors contributing to the attainment of this standard include:

1) Emotional maturity when working with children;

2) Cooperation with the purposes and services of the program;

3) Respect for children and adults;

4) Flexibility, understanding and patience;

5) Physical and mental health that do not interfere with child care responsibilities;

6) Good personal hygiene;

7) Frequent interaction with children;

8) Listening skills, availability and responsiveness to children;

9) Sensitivity to children's socioeconomic, cultural, ethnic and religious backgrounds, and individual needs and capabilities;

10) Use of positive discipline and guidance techniques; and

11) Ability to provide an environment in which children can feel comfortable, relaxed, happy and involved in play, recreation and other activities.

b) Child care staff, in addition to meeting the requirements of subsection (a), shall generally demonstrate skill and competence necessary to assume direct responsibility for child care including:

1) Skills to help children meet their developmental and emotional needs; and

2) Skills in planning, directing, and conducting programs that meet the children's basic needs.

c) Child care staff shall be willing to participate in activities leading to professional growth in child development and education, and in training related to the specific needs of the children served.

1) The director and each child care staff member shall participate in 15 clock hours of in-service training per year. For the first year of employment, topics that must be included in the training are staff requirements to recognize and report suspected child abuse or neglect, how to make a child abuse or neglect

report, rules governing the operation of the facility, and the legal protection afforded to persons who report violations of licensing standards. Subsequent in-service training may include, but shall not be limited to, child development, symptoms of common childhood illnesses, hygiene, guidance and discipline, and communication with parents.

2) A record of in-service training shall be maintained at the site.

3) The required in-service training hours may consist of on-site training; documented attendance at seminars, workshops, conferences and early childhood classes; and documented self-study programs that have been approved by the day care center director. Staff meetings may be counted only if a planned in-service program is presented.

4) Staff serving children who require special program services shall receive in-service training and/or consultation on issues related to those specific needs.

5) By September 1, 2012, all child care staff employed by the day care center, assistants and the director shall become members of the Gateways to Opportunity Registry, with all educational and training credentials entered into the registry verified in accordance with procedures and requirements adopted by the Department of Human Services (see 89 Ill. Adm. Code 50.Subpart G). Newly hired staff serving children shall become members of the Gateways to Opportunity Registry within 30 days after hire.

6) The director and each child care staff member must complete the online Mandated Reporter Training that is available on the Department's website. Current staff must complete this training by October 15, 2014. Newly hired staff must complete this training within 30 days after hire.

7) If the facility is licensed to care for newborns and infants, all newly hired day care center staff shall take and complete the Sudden Infant Death Syndrome (SIDS) and Shaken Baby Syndrome (SBS) trainings within 30 days after hire.

8) Every 3 years, all child care staff in a facility licensed to care for newborns and infants, including the day care center director, shall receive training on the nature of Sudden Unexpected Infant Death (SUID), SIDS and the safe sleep recommendations of the American Academy of Pediatrics.

d) Newly employed staff shall submit a report of a physical examination completed no more than 6 months prior to employment that provides evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. This examination shall include a test for tuberculosis by the Mantoux method.

e) Cooks, kitchen helpers and others assisting in the preparation, serving and handling of food and cooking/serving utensils shall make their positions known to the examining physician, and shall comply with the current rules and regulations of the Illinois Department of Public Health pertaining to Food Service Sanitation (77 Ill. Adm. Code 750).

f) Staff shall have physical re-examinations every 2 years and whenever communicable disease or illness is suspected.

g) A staff member experiencing fever, sore throat, vomiting or diarrhea shall not be responsible for food handling or the care of children.

h) The center shall have on duty at all times at least one staff member who has successfully completed training and is currently certified in first aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver, and for centers serving infants, first aid for choking infants in accordance with the approved method specified in the Department of Public Health's rules 77 Ill. Adm. Code 520 (The Treatment of Choking Victims). CPR certification must be specific for all age groups served, i.e., infant (birth to 12 months), child (one to 8 years) and adult (eight years and older).

i) Any center that serves food shall have posted in a conspicuous location visible to employees the Choke Saving Methods Poster available from the Illinois Department of Public Health at http://www.state.il.us/about/choking.htm.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.110 Background Checks for Personnel

The day care center shall require all persons subject to background checks, as defined in 89 Ill. Adm. Code 385.20, to furnish written information regarding any criminal convictions, to submit to fingerprinting and to authorize the background checks required by 89 Ill. Adm. Code 385, Background Checks.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.120 Personnel Records

a) A confidential file shall be maintained on each staff person and contain at least the following information:

1) A copy of a form prescribed by the Department that contains information on persons employed in the day care center;

2) A record of current medical examination on a form prescribed by the Department;

3) Three written character references, verified by the day care center;

4) Proof of educational achievement as required for the individual's position. Foreign credentials require additional documentation providing a statement of the equivalency in the U.S. educational system;

5) Verification of previous experience, when such experience is considered as part of the individual's qualifications for his or her position; and

6) A signed statement that acknowledges the employee's status as a mandated reporter of suspected child abuse and neglect.

b) Authorizations for and results of the background check required by 89 Ill. Adm. Code 385, Background Checks, shall be maintained in a separate and confidential file.

c) The Department shall be notified immediately when there is a change of director or school-age director. Other staff changes, including a change in an employee's position status within the center, shall be reported to the Department monthly in a form prescribed by the Department. Name changes shall be documented in the personnel files.

d) For any individual who serves as a child care facility driver, a driver application shall be submitted to the Department with a copy of the current medical report that was completed not more than 60 days prior to assuming duties as a child care driver. If an individual holds a valid school bus driver permit and is currently employed by a school district or parochial school, a copy of the school bus driver permit may be substituted for the required medical examination.

e) The day care center shall maintain written documentation of the following:

1) That a person certified in food service sanitation is on site to manage the preparation and/or service of food, including the service of catered food. This requirement does not apply if the center serves no food, or serves only prepackaged prepared snacks. Refer to the Illinois Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750);

2) That in-service training is being provided as required for the child care director and each member of the child care staff;

3) That an employee who has successfully completed training and is currently certified in first-aid, cardiopulmonary resuscitation (CPR) and the Heimlich maneuver is on site at all times. CPR certification shall be specific for all age groups served (infant, child and adult);

4) Mandated Reporter Training certificates identifying that all required staff have completed the DCFS-approved Mandated Reporter Training; and

5) If the center is licensed to serve infants, current training certificates and attendance records that the day care center director, and other staff as required, have completed DCFS-approved trainings on SIDS, SUID, SBS and the safe sleep recommendations of the American Academy of Pediatrics.

f) The day care center shall submit copies of the following to the Department for the child care director and any person designated to serve as alternate director:

1) Proof of educational achievement, including course descriptions if necessary; and

2) Three written references.

g) The records required by this Section shall be maintained in a locked file at the day care center.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.130 Qualifications for Child Care Director

a) Day care centers licensed for more than 50 children shall employ a full-time child care director to be on site in a non-teaching capacity. The director may be on site in a teaching capacity at the following times:

1) During the first hour and last hour of a program that operates 10 or more hours per day; or

2) When attendance falls below 50 children.

b) Day care centers licensed for 50 or fewer children, or half-day programs with children attending no more than 3 consecutive hours per day regardless of capacity, may employ a child care director who also serves as a member of the child care staff.

1) When the director serves in both capacities, he or she must meet the qualifications of both the director position and the teaching position.

2) When the director attends to non-teaching responsibilities, his or her group must be supervised by a person qualified to be in charge of the group.

c) The child care director shall be at least 21 years of age.

d) The child care director shall have a high school diploma or equivalency certificate (GED).

e) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving the same number of groups of pre-school and school-age children or more groups of pre-school children than groups of school-age children shall have achieved:

1) Sixty semester or 90 quarter hours of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related directly to child care and/or child development from birth to age 6;

2) Two years (3120 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center, 30 semester or 45 quarter hours of college credits with 10 semester or 15 quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until 2 years of college credit have been achieved. A total of 18 semester or 27 quarter hours in courses related directly to child care and/or child development is required to be obtained within the total 2 years of college credits; or

3) Completion of a credentialing program approved in accordance with Appendix G of this Part, completion of 12 semester or 18 quarter hours in courses related to child care and/or child development from birth to age 6 at an accredited college or university, and 2 years (3120 clock hours) child development experience in a nursery school, kindergarten or licensed day care center.

f) In addition to meeting the requirements of Section 407.100, the child care director of a facility serving more groups of school-age children than groups of pre-school children shall have achieved:

1) Sixty semester or 90 quarter hours of credit from an accredited college or university with 18 semester or 27 quarter hours in courses related to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, including courses related to school-age children; or

2) Two years (3120 clock hours) of child development experience in a recreational program, kindergarten, or licensed day care center serving school-age children, or license exempt school-age child care program operated by a public or private school, 30 semester or 45 quarter hours of college credits with 10 semester or 15 quarter hours in courses related directly to child care and/or child development, elementary education, physical education, recreation, camping or other related fields, and proof of enrollment in an accredited college or university until 2 years of college credit have been achieved. A total of 18 semester or 27 quarter hours in courses related directly to child care and/or child development, elementary education,

physical education, recreation, camping or other related fields, including courses related to school-age children, is required to be obtained within the total 2 years of college credits.

g) Completion of a training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may serve as director to children through age 6. Persons holding a Montessori primary or elementary credential may serve as director to children 6 years of age or older.

h) Persons who were deemed qualified to serve as a child care director prior to January 1, 1985, continue to be deemed qualified for their position. Directors deemed qualified must still have current Mandated Reporter Training, SIDS, SUID, SBS and other training certificates as required in this Part.

i) When a program serves only school-age children and meets the criteria of Section 407.90(c), qualifications for the school-age director responsible for multiple sites and the site coordinators shall be as follows:

1) The school-age director and each site coordinator shall be at least 21 years of age.

2) The school-age director shall meet both of the following requirements for education and experience:

A) Sixty semester or 90 quarter hours of credit from an accredited college or university, with 18 semester or 27 quarter hours in courses related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; and

B) At least 1560 clock hours of child development experience in a recreational program or a licensed day care center serving school-age children.

3) The school-age site coordinators must meet one of the following qualifications:

A) Thirty semester or 45 quarter hours of credit from an accredited college or university with 12 semester or 18 quarter hours related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields and 750 clock hours of experience in a recreational program or a licensed day care center serving school-age children or in a license exempt school-age child care program operated by a public or private school; or

B) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or license exempt school-age child care program operated by a public or private school and either 6 semester hours or 9 quarter hours of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields.

j) A staff member who meets the qualifications for a day care center director shall be designated to assume decision-making responsibility whenever the child care director is off site. A record of employees who meet the qualifications for director and who have been designated to assume decision-making responsibility in the director's absence shall be kept at the site. All day care staff shall be informed of the designated director at each occurrence. The person designated as alternate director may be in the classroom and counted in the staff/child ratio under the following circumstances:

1) When the center meets the criteria of subsection (b); or

2) During the first hour and last hour of a program that operates 10 or more hours per day; or

3) When attendance falls below 50 children.

k) The child care director must successfully complete a basic training course of 6 or more clock hours on providing care to children with disabilities that has been approved by the Department. The day care center shall have on file a certificate attesting to the training of the child care director.

1) Persons employed as a child care director shall complete this training within 36 months from date appointed as child care director.

2) A child care director who has completed training prior to employment may have that training approved as meeting the provisions of this subsection (k). A certificate of training completion and a description of the course content must be submitted to the Department for approval.

3) A child care director who obtains approved training and moves from one day care facility to another shall not be required to take another training course as long as the child care director can provide documentation in the form of a certificate that the training was completed.

4) A training program approved by the Department in providing care for children with disabilities must include the following components:

A) Introduction to Inclusive Child Care;

B) Understanding Child Development in Relation to Disabilities;

C) Building Relationships With Families;

D) Preparing for and Including Young Children in the Child Care Setting; and

E) Community Services for Young Children With Disabilities (including Early Intervention Services).

l) By July 1, 2017, the following education requirements for licensed day care center staff shall be met.

1) All new child care directors hired on or after July 1, 2017 shall have a minimum of an associate degree in child development or early childhood education, or the equivalent (defined as 64 semester hours in any discipline with a minimum of 21 semester hours of college credit in child development, early childhood education or early childhood special education) and either a Gateways to Opportunity Level I Illinois Director Credential (see 89 Ill. Adm. Code 50.720(b) and http://www.ilgateways.com/en/illinois-director-credential-idc) or 3 semester hours of college credit or 3 points of credential approved training in administration, leadership or management.

2) Effective July 1, 2017, licensed child care centers must have an employee on site at all times with a minimum of an associate degree in child development or early childhood education or the equivalent (defined as 64 semester hours in any discipline with a minimum of 21 semester hours of college credit in child development, early childhood education or early childhood special education).

m) Directors shall submit to their local licensing office a certificate of completion of lead safety training consisting of instruction in the following topics:

1) Mitigation plan strategies for test results of 2.01 ppb or above; and

2) Impact of lead exposure.

(Source: Amended at 43 Ill. Reg. 224, effective January 1, 2019)

Section 407.140 Qualifications for Early Childhood Teachers and School-age Workers

a) Early childhood teachers and school-age workers shall be at least 19 years of age.

b) Early childhood teachers and school-age workers shall have a high school diploma or equivalency certificate (GED).

c) In addition to meeting the requirements of Section 407.100, the early childhood teacher responsible for a group of children that includes infants, toddler or preschool-age children shall have achieved:

1) Sixty semester hours (or 90 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or

2) One year (1560 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center and 30 semester hours (or 45 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six; or

3) Completion of credentialing programs approved by the Department in accordance with Appendix G of this Part.

d) School-age workers shall be at least 19 years of age and at least five years older than the oldest child with whom they work.

e) In addition to meeting the requirements of Section 407.100, the newly employed school-age worker responsible for a group of school-age children shall have achieved:

1) Thirty semester hours (or 45 quarter hours) of credit from an accredited college or university with six semester hours (or nine quarter hours) related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; or

2) 1560 clock hours of experience in a recreational program or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school, and six semester hours (or nine quarter hours) of credit from an accredited college or university related to school-age child care, child development, elementary education, physical education, recreation, camping or other related fields; or

3) A high school diploma or equivalency certificate plus 3120 clock hours of experience in a recreational program, kindergarten, or licensed day care center serving school-age children or a license exempt school-age child care program operated by a public or private school.

f) Completion of a training program accredited by the American Montessori Society or Association Montessori International may be substituted for the courses directly related to child care and/or child development required by this Section. Persons holding a Montessori pre-primary credential may supervise children through age six. Persons holding a Montessori primary or elementary credential may supervise children six years of age or older.

g) Persons who were deemed qualified as a child care worker or school-age worker prior to January 1, 1985, continue to be deemed qualified as an early childhood teacher or school-age worker.

h) Early childhood teachers and school-age workers shall be responsible for the planning and supervision of a group of children. Early childhood workers and school-age workers shall also be responsible for supervising persons assigned to assist their group who are not similarly qualified.

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)

Section 407.150 Qualifications for Early Childhood Assistants and School-age Assistants

a) Early childhood assistants shall meet the requirements of Section 407.100, with the exception of subsection (b).

b) Early childhood and school-age assistants shall have a high school diploma or equivalency certificate (GED).

c) Early childhood assistants shall work under the direct supervision of an early childhood teacher or school-age worker and shall not assume full responsibility for a group of children, except as allowed by Section 407.190(e)(2).

d) School-age assistants shall work under the direct supervision of a school-age worker and shall not assume full responsibility for a group of children, except as allowed by Section 407.90(e)(2).

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

Section 407.160 Students and Youth Aides

a) Students and youth aides may assist in the care of children provided that the student and youth aides:

1) Are 14 years of age or older and at least five years older than the oldest child in the group;

2) Assist only under the direct supervision of an early childhood teacher or a school-age worker; and

3) Are not counted for purposes of maintaining staff/child ratios, except as provided in Section 407.160(d) below.

b) The day care center shall maintain records on each student or youth aide that include:

1) The full name, home address and home telephone number of the student or youth aide.

2) A copy of the current school medical examination form for the student or youth aide.

3) The name of the person at the day care center who is responsible for supervising the student or youth aide.

4) When a student is placed as part of a practicum or vocational training program, or when a youth aide is placed as part of an agency leadership training program, the record shall also include:

A) The name of the school or agency arranging the placement.

B) The name, title and telephone number of the school or agency staff member responsible for the participation of the student or youth aide.

5) A plan for the participation of the student or youth aide shall be agreed upon in writing.

A) The plan shall be signed by the participant, the supervising child care staff member and the school or agency staff member.

B) The plan shall specify duties and hours and indicate the person and group to which the student or youth aide is assigned while in the center.

6) There shall be a written agreement regarding procedures for terminating an unsatisfactory student or youth aide.

c) Employment or use of student or youth aides shall be in compliance with the Illinois Child Labor Law [820 ILCS 205] and the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 214).

d) Students or youth aides may be counted as assistants for purposes of maintaining staff/child ratios when all of the following conditions are met:

1) They have completed one year of a vocational child care training program; and

2) They are 16 years of age or older and at least five years older than the oldest child in the group; and

3) They regularly work fewer than four hours per day, except during vacation periods when they may work up to six hours per day; and

4) The number of students or youth aides does not exceed one-third of the total staff required to meet the staff-child ratio requirements at any one time.

e) Students or youth aides shall not be considered as part of the attendance count when determining compliance with the capacity requirements.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.170 Substitutes

a) Substitutes shall have the same personal, health, administrative, and professional qualifications required of staff for whom they substitute, including completion of a background check as required by 89 Ill. Adm. Code 385.

b) The day care center shall maintain signed documentation certifying that persons agreeing to be available as substitutes or for use in emergencies are currently available, have agreed to serve in this capacity and have passed the background check required by 89 Ill. Adm. Code 385, Background Checks.

c) Substitutes shall visit the day care center to familiarize themselves with the program before they are called for duty.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.180 Volunteers

a) Volunteers whose duties require contact with children on a regularly scheduled basis of one or more times per month shall meet the same personnel qualifications required of other staff by Section 407.100(a).

b) Volunteers whose duties require contact with children or food one or more times per month shall present a health report as required for other staff.

c) Volunteers used to replace or supplement staff, as defined in Section 407.45, shall comply with the background check requirements of 89 Ill. Adm. Code 385, Background Checks.

d) Volunteers may serve in any capacity for which they are qualified.

e) When a required staff position is filled by a volunteer, the volunteer shall meet all standards that apply to an employed person in that position.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.190 Grouping and Staffing

a) The group sizes and ratio of child care staff to children present at any one time shall be as follows:

AGE OF CHILDREN	STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
Infants (6 weeks through 14 months)	1 to 4	12
Toddlers (15 through 23 months)	1 to 5	15
Two years	1 to 8	16
Three years	1 to 10	20
Four years	1 to 10	20
Five years (preschool)	1 to 20	20
School-age: Kindergartners present	1 to 20	30

b) The following exception to this Section is permitted: An early childhood teacher aided by an early childhood assistant may supervise a group of up to 30 children if all of the children are at least five years of age.

c) Whenever children of different ages are combined, as allowed by Section 407.190(d) below, the staff/child ratio and maximum group size shall be based on the age of the youngest child in the group.

d) Children may be combined in any of the following ways:

1) Infants, toddlers and two-year-olds may be combined; and/or

2) Two-year-old through five-year-old children may be mixed in any combination; and/or

3) Four-year-old through six-year-old children may be mixed; and/or

4) Children of all ages may be mixed during the first hour and last hour of programs that operate 10 or more hours per day.

Programs that combine children in any of the above ways shall have staff training activities and daily schedules to meet the needs of all children in the group.

e) With the exception of infants and toddlers, children may be under the direct supervision (staff in the same room) of 50% of the qualified staff required by this Section during nap times, provided the required staff-to-child ratio is maintained on the premises.

1) Infants and toddlers shall be under the direct supervision of staff required by this Section at all times.

2) When all of the children are two years of age or older, an early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher for a maximum of one hour per day while the children are all on cots.

f) Children shall not be left unattended at any time.

g) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent, staff, resource personnel and the Department.

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)

SUBPART E: PROGRAM REQUIREMENTS

Section 407.200 Program Requirements for All Ages

a) Each child shall be recognized as an individual whose gender, ability differences, personal privacy, choice of activities, cultural, ethnic, and religious background shall be respected.

b) The staff of the day care center shall have a written plan for encouraging parents to visit the center to observe and participate in their children's experience. Parents shall be allowed to visit the center without an appointment any time during normal hours of operation.

c) The program shall include opportunities for a child to have free choice of activities to play alone, if desired, or with one or several peers chosen by the child.

d) The facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served. The daily program shall be posted in the facility, and shall provide:

1) Regularity of such routines as eating, napping, and toileting with sufficient flexibility to respond to the needs of individual children;

2) A balance of active and quiet activity;

3) Daily indoor and outdoor activities in which children make use of both large and small muscles. The day care provider shall be required to encourage children of all ages to participate daily in at least 2 occasions of age-appropriate outdoor time, with active movement or play for children who are mobile, weather permitting, and in a safe environment. In inclement weather, active play shall be encouraged and supported in indoor play areas. For pre-school programs in which individual children receive care for less than 3 hours per day, outdoor activities are recommended to be encouraged by the day care provider, but not required;

4) Children who are mobile shall not be allowed to remain sedentary or to sit passively for more than 30 continuous minutes, except during scheduled rest or nap times, or as otherwise allowed in this Part;

5) Occasional trips and activities away from the facility (frequency to be determined by the day care center);

6) A supervised nap or rest period for children under 6 years of age who remain for 5 or more hours as required by Section 407.350;

7) Children younger than 2 years of age shall not be allowed passive screen viewing;

8) Children 2 years of age and older, who are in the program for 6 or more hours in a day, shall have a passive screen viewing limit of no more than 60 minutes per day of age-appropriate and educational media.

A) Each uninterrupted, passive screen viewing session shall be limited to a maximum of 30 minutes.

B) Children attending a program for less than 6 hours in a day shall be limited to a proportionate amount of passive screen viewing;

9) TV, video or DVD viewing shall not be allowed during meal or snack time;

10) All screen time must be related to educational program planning developed by the center.

e) The daily program of the facility shall provide experiences which promote the individual child's growth and well-being and the development of self-help and communication skills, social competence, and positive self-identity.

f) Program planning shall provide the following:

1) A variety of activities which takes into consideration individual differences in interest, attention span, and physical and intellectual maturity;

2) Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;

3) Sufficient materials and equipment to avoid excessive competition and long waits;

4) Program planning so that the children are not always required to move from one activity to another as a total group. Staff-initiated large group activities shall not be the predominant program option;

5) Smooth transition from one activity to another to avoid long waiting periods between activities and prolonged periods during which the children must stand or sit; and

6) Provision for privacy through arranging a small, quiet area that is easily accessible to the child who seeks or needs time to be alone.

g) The use of visual media, such as television, films and videotapes, shall be limited to developmentally appropriate programming, and an alternative activity shall be made available. Media may be used as a special event or to achieve a specific goal, but shall not be used as a regular daily routine.

h) The program shall take into account the stress and fatigue that result from constant pressures and stimulation of long hours in a group living situation.

i) Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.

j) Equipment shall be arranged in orderly, clearly defined areas of interest, with sufficient space in each area for the children to see various activities available to them.

k) Programs involving intergenerational activities shall conduct those activities according to Section 407.230.

l) Materials and equipment shall respect children's racial, cultural, ethnic, religious and gender identities, as well as age and ability.

m) Each child shall have access to the full variety of age-appropriate equipment on a daily basis.

n) When a specific plan is developed to meet a child's individual needs, the record shall include:

1) Any assessments by center staff or resource personnel;

2) Written program recommendations and goals for the child;

3) A written plan for implementing those recommendations within the program;

4) Periodic written evaluations of whether goals are being met;

5) Adjustments to the program plan as indicated by the evaluations.

o) Staff shall consult with parents before implementing any special procedures required to meet a child's individual needs.

p) Children shall not be left unattended at any time.

q) Staff assignments shall be such that children experience comfortable, ongoing relationships with adults. Every attempt shall be made to establish a primary relationship between each child and one adult.

r) Children shall receive supervision appropriate to their developmental age at all times. All children in the facility shall be protected from exploitation, neglect, and abuse.

s) There shall be a minimum of 35 square feet of activity area per child in facilities caring for children 2 years of age and older.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.210 Special Requirements for Infants and Toddlers

a) A center receiving children within the infant and toddler age range shall comply with standards for all day care centers, except when inconsistent with the special requirements prescribed by this Section.

b) A center serving infants and toddlers shall have a licensed physician, registered nurse, licensed practical nurse or licensed physician's assistant with training in infant care to instruct child care staff in the proper health care of infants and toddlers. The person shall visit the facility to observe the child care techniques of the staff and provide in-service training. Visits shall be at least weekly during the permit period and monthly thereafter.

c) A center for infants and toddlers shall have sufficient indoor and outdoor space and appropriate furniture and equipment to provide for support functions necessary to the program.

1) Separate space for infants and toddlers shall be available away from older children except in facilities enrolling 10 or fewer children or in programs combining infants, toddlers, and 2-year-olds.

2) The amount of space required for infants and toddlers shall be based on the sleeping and play area arrangements, as required by Section 407.370(d).

3) A sink or lavatory for the infant/toddler program shall be in the same room for the use of staff for hand washing and for use by the children.

4) A toilet for the infant/toddler program shall be easily accessible.

5) No extension cords shall be used in areas where children are permitted. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.

6) The means for warming bottles and food shall be accessible only to adults. Microwave ovens shall not be used for the purpose of warming bottles.

7) A refrigerator shall be available and easily accessible to the children's room.

d) Indoor and outdoor play materials and equipment suitable for staff to use with infants and toddlers to stimulate learning, growth, health, and overall development shall be provided in accordance with the equipment requirements in Appendix.

1) Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include sharp, rough edges, toxic paint, and objects small enough to be swallowed.

2) Toys and indoor equipment shall be cleaned and disinfected daily.

e) Child care shall be given in a manner that meets the children's health and safety needs, as well as their nurturing requirements.

f) Food for infants shall be handled and served according to the provisions of Section 407.330 and this Section, as applicable.

1) Daily food requirements for children under one year of age shall be offered to the child as detailed in Appendix D, unless otherwise indicated in writing by a physician, in consultation with the parent(s).

2) Food for infants not consuming table food may be provided by either the day care center or the parent, according to the center's written policy.

3) Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

4) Infants not consuming table food shall be fed in consultation with the parents. Feeding times and amounts consumed shall be documented in writing and available for review by the parents.

5) If provided by the day care center, formula shall be diluted according to the manufacturer's instructions using water from a source approved by the local health department.

6) Formula shall be milk-based, unless otherwise indicated in writing by the child's physician.

7) If the child's formula is provided by the parent, it shall be labeled, dated and refrigerated upon arrival at the center.

8) Bottles of breast milk and opened containers of unmixed concentrate shall be dated. When there is more than one bottle-fed infant, all bottles shall be labeled with the child's name.

9) All filled bottles of milk or formula shall be refrigerated until immediately before feeding. Contents remaining in a bottle after a feeding shall be discarded after 2 hours.

10) Formula prepared from powder or concentrate or an open container of ready-to-feed formula shall be labeled and dated. Prepared formula not used within 24 hours shall be discarded.

11) Breast milk may be stored up to 48 hours in the refrigerator or up to 2 weeks in the freezer before discarding.

12) Breast milk shall be used only for the intended child.

13) Frozen breast milk shall be thawed under running water or in the refrigerator. Bottles of formula or breast milk shall be warmed by placing them in a pan of hot (not boiling) water for 5 minutes or in a bottle warmer according to the manufacturer's directions, followed by shaking the bottle well and testing the milk temperature before feeding.

14) Bottles shall never be warmed or defrosted in a microwave oven.

15) Only sanitized bottles and nipples shall be used. Bottles and nipples reused by the day care center shall be sanitized by washing in a dishwasher, by boiling for 5 minutes or more just prior to refilling or by other method if approved by the Illinois Department of Public Health or local health department. Nipples are to be rinsed prior to washing.

16) No food other than formula, milk, breast milk, or water shall be placed in a bottle for infant feeding unless otherwise indicated by the child's physician, in consultation with the parents.

17) When children are exclusively bottle-fed or breast-fed, supplemental water shall be offered.

18) Juice may be fed from a cup when the infant is old enough to drink from a cup (approximately 12 months). No juice is permitted for children under 12 months of age. Juices shall be 100 percent fruit juice and limited to a 4 ounce daily serving.

19) Children under 2 years of age shall not be fed berries, candies, raisins, corn kernels, raw carrots, whole grapes, hot dogs, nuts, seeds, popcorn, raw peas or peanut butter, as these foods may cause choking.

20) Cooked carrots, corn, peas and bananas may be served to infants only if mashed, grated or pureed.

21) Human milk or infant formula shall be served to children younger than 1 year of age. Children between 1 and 2 years of age who are not on human milk or infant formula shall be served whole milk, unless low-fat milk is recommended in writing by the child's medical provider. Children 2 years of age and older shall not be served milk with a fat content higher than 1 percent, unless recommended in writing by the child's medical provider.

22) The use of honey for sweetening infant foods is not allowed.

23) Staff members shall wash their hands and the child's hands according to Section 407.320 before feeding each child.

24) Infants shall always be held for bottle feeding. Bottle propping and carrying of bottles or no-spill cups by young children throughout the day/night shall not be permitted, unless they contain plain water. The facility shall not permit infants to have bottles in the crib.

25) Foods stored or prepared in jars shall be served from a separate dish and spoon for each child. Any leftovers from the serving dish shall be discarded. Leftovers in the jar shall be labeled with the infant's name, dated, refrigerated and served within 24 hours or discarded.

26) In accordance with the American Academy of Pediatrics recommendations, solid foods shall be introduced generally between 4 and 6 months of age. The time of introduction shall be indicated by each child's nutritional and developmental needs after consultation with the parents.

27) Infants, according to their developmental ability, shall be allowed and encouraged to feed themselves. Staff shall provide supportive help for as long as each child needs such help.

g) Routines, such as naps and feeding, shall take into consideration parents' information and wishes about the routines followed in the home.

h) Infants and toddlers shall be provided a daily program designed to meet the developmental needs of children of this age.

1) The same staff member shall feed, diaper and play with the child every day to establish interaction and establish continuity in the child's relationship with as few adults as possible.

2) Children shall be free to creep, crawl, toddle and walk as they are physically able. Walkers are not permitted unless prescribed by a physician.

3) Toddlers shall be encouraged to explore and manipulate art materials and shall not be expected to produce a finished art product.

4) Except as allowed in Section 407.200(d)(3), children shall be taken outdoors for a portion of every day unless the weather conditions pose a danger such as lightning or extremely high or low temperatures.

5) A variety of toys shall be accessible on low open shelves for the children to use, and these shall be rotated with stored toys.

6) For awake infants who cannot move about the room, the staff shall hold, rock and/or carry the child at least every 30 minutes and change the place and position of the child and the selection of toys available.

7) Infants shall have supervised tummy time every day when the infant is awake. Staff shall interact with an awake infant on his or her tummy for short periods of time (3-5 minutes) and increase the amount of time as the infant shows enjoyment of the activity.

8) Information about feeding and elimination and other important information shall be recorded in writing and made available to parents when the child is picked up at the end of the day.

i) A written plan shall be provided prior to reassignment for children who are moved to a new group. The development of this plan shall involve the child's parents and the child care staff in both the sending and receiving rooms.

j) The daily program for infants and toddlers shall provide experiences that promote the individual child's growth and well-being in the development of gross and fine motor skills, sensory learning, language, cognition, and positive self-concept.

k) Self-care such as washing, dressing, toileting, brushing, and combing shall be encouraged as each child shows evidence of ability to do so.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.220 Special Requirements for School-Age Children

a) A center receiving children within the school-age range shall comply with standards prescribed for all day care centers except when inconsistent with the special requirements prescribed by this Section.

b) The facility shall provide a designated area so that the older children's presence shall not interfere with the needs and care of younger children. School-age children may be combined in the same group as younger children only as allowed by Section 407.190.

c) Clear definitions of legal responsibility and procedures shall be established among parent, facility and school when children move to and from school.

1) A parent shall be legally responsible for the child en route to the center unless transportation or escort service is provided by the center or the school.

2) Plans for transportation shall be established and agreed upon in writing by the parents, the school and the facility. Parents must sign a written consent allowing school-age children to be transported to another location or to their home where they are placed on their own supervision. Transportation plans may include, but are not limited to:

A) Children leaving the center to go to school;
B) Children leaving school to go to the center; and
C) Children leaving the center.

d) The day care center shall provide a program and activities that recognize the developmental and educational needs of school-age children who need group care before and after school.

1) Quiet activities such as, but not limited to, puzzles, table games, reading books, simple art or special projects, and opportunities to do homework shall be accessible to children on a free choice basis.

2) Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

3) Opportunity shall be available for the development of skills in areas such as, but not limited to, sports, art, and music.

4) Multiple formats for activities (individual, small group or large group) shall be available to children.

5) Special activities outside the confines of the center shall be provided, such as trips to the library. The frequency is to be determined by the center.

6) The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.

e) The daily and weekly schedule shall provide a balance of activities in consideration of each child's total daily and weekly experience.

f) A variety of developmentally appropriate activities and materials shall be provided to help children achieve the following goals:

1) Positive self-concept, sense of independence and wise use of leisure time;
2) Social skills, including an awareness of community;
3) Cognitive skills;
4) Physical development and skills;
5) Sound health, safety and nutritional practice;
6) Creative expression; and
7) Respect for diversity.

g) Opportunities for long-term projects for older children (eight years and up) or developmentally advanced children shall be provided at least quarterly.

h) Opportunities shall be provided for homework, if requested by the parents, that may include peer or adult assistance.

i) Developmentally appropriate materials and equipment shall be available and stored in an orderly, easily visible manner.

j) Equipment and materials shall offer a range of complexity to meet the specific needs and interests of school-age children. This shall be reflected both in the nature of the equipment and materials provided and in the length of time in which children are encouraged to complete projects.

k) Staff shall be aware of the whereabouts of each child at all times and shall regularly monitor all children.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.230 Intergenerational Programs

a) The requirements of this Section shall apply to programs in which children and adults who are enrolled in a structured care setting are co-participants in a program that occurs at least monthly on a regular basis.

b) When children and older adults are co-participants in an intergenerational program, a written statement shall be developed that includes:

1) The program's purpose and goals;
2) An outline of the activities or means of achieving program goals;
3) The expectations of the program.

c) There shall be a signed written agreement between the cooperating programs or facilities, defining the responsibilities of each.

d) Intergenerational activities shall be guided by written plans that address the following:

1) The goals and objectives of each activity;
2) Activity pre-planning, orientation of participant groups, implementation and follow-up;
3) Planning for group size, room arrangement and participant interaction;
4) The specific responsibilities of child care staff during each activity;
5) The supervision of adult participants during each activity;
6) Evaluation of each activity.

e) There shall be written policies addressing health and safety issues, including:

1) Health screening for adult participants;
2) Issues of infection control;
3) Selection and supervision of adult participants;
4) Screening out or termination of participants who display inappropriate or potentially harmful behavior.

f) During intergenerational activities the child care staff familiar to the child shall remain present. The ratio of child care staff to participating children shall remain in accordance with Section 407.190. Child care staff shall not be expected to supervise adult participants.

g) The day care center shall obtain and keep on file the following information from the adult program:

1) The names, titles and contact information for the adult program supervisors;

2) The plan for supervision of adult participants, including the names of staff and their direct responsibilities during program activities;

3) The full name, address, telephone number and responsible party, if applicable, for each adult participant.

h) Each time the intergenerational visit occurs, an attendance record shall be kept by the day care center which includes:

1) The full name of each child participating on that day;

2) The full name of each adult participant for that day;

3) The full name of every staff member present from both the child care and adult programs.

i) Prior to beginning an intergenerational program, the staff from the day care center shall receive orientation that includes:

1) Information about the purpose and goals of the program;

2) Specifics about how the program will operate;

3) Information about the role of the day care center staff during the program and the expected interactions between child care and adult program staff;

4) Information about the aging process, psycho/social needs of older adults and techniques for promoting the development of satisfying relationships between young children and older adults;

5) Specific guidance in preparing children for participation in the intergenerational program.

j) Signed permission shall be obtained from each child's parents, allowing participation in the intergenerational program. This permission shall be maintained in the child's record.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.240 Evening, Night, Weekend, and Holiday Care

a) A center receiving children for evening, night, weekend and holiday care shall comply with standards for all day care centers except when inconsistent with the special requirements prescribed by this Section.

b) A child shall be considered to be enrolled in evening and/or night care when a majority of his or her time at the center occurs between 6:00 p.m. and 6:00 a.m.

c) Family-like groups of mixed ages are allowed during evening, night, weekend and holiday care. The age of the youngest child present shall be used to determine the staff/child ratio and group size.

d) Staff counted for purposes of meeting child/staff ratio requirements shall be awake at all times and shall be in the sleeping area whenever children are sleeping. Nap time staff/child ratios may be applied to the children who are on their cots.

e) Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the indoor room temperature and maintained in sanitary and safe condition. Cots, cribs or beds used by other children during the day may be used for other children at night if separate sets of clean sheets and other bedding are provided to each user, and the cot or crib is washed and then sanitized with a germicidal solution between users.

f) Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleep-wear furnished either by the center or the child's parents.

g) The night care program shall facilitate a relaxed atmosphere characterized by informal quiet activities.

1) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.

2) Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, dramatic play, and art.

3) Self-care routines shall include:

A) Brushing teeth at bedtime or upon rising;

B) Grooming hair upon rising; and

C) Toileting scheduled at bedtime and upon rising.

4) Sleeping arrangements shall be such that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.

h) An evening meal shall be served at a regular time each evening to all children then in attendance, and shall be available to other children who may arrive without having first eaten.

i) A bedtime snack shall be served to each child.

j) Breakfast shall be provided for all children who have been at the facility throughout the night and are present between 6:30 a.m. and 8:30 a.m.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART F: STRUCTURE AND SAFETY

Section 407.250 Enrollment and Discharge Procedures

a) The day care center shall enroll only those children eligible under the center's written enrollment policies. The center shall not use eligibility criteria that screen out children with disabilities, and shall make reasonable modifications in policies, practices and procedures to accommodate children with disabilities.

b) Prior to enrollment, the parents shall be provided information about the program and given an opportunity to observe during the hours of operation.

c) The day care center shall provide publicly available written statements that include the following and that are given to parents at the time their child is enrolled in the facility:

1) Names, business address and telephone number of those persons legally responsible for the program and of those persons having immediate responsibility for the daily conduct of the program;

2) Statement of services, purposes and goals;

3) Description of the daily program;

4) Fees and plan for payment;

5) Policies regarding delinquent fees;

6) Types of insurance coverage for children;

7) Admission, enrollment, and discharge policies and procedures:

A) Hours of operation;

B) Information regarding part-time enrollment, if applicable;

C) Holiday and vacation schedules;

8) Arrangements for arrival and departure of children (time, location, transportation);

9) Provision for emergency medical care, treatment of illness and accidents, which includes:

   A) A plan to obtain prompt services of physician and hospitalization, if needed or a plan from the parent to access the services of a certified practitioner for a child exempt from medical care on religious grounds; and

   B) A plan for immediately notifying the parent of any illness, accident or injury to the child;

10) Formal religious observance or instruction, if any;

11) Visits, trips, or excursions off the premises and the transportation used for these visits, trips, or excursions;

12) Procedures concerning personal belongings brought to the center;

13) Policy regarding release of personal information on the child or family;

14) Guidance and discipline policy;

15) Planned means of communication between the center and the parents;

16) Day care centers subject to testing of water for the presence of lead shall inform parents where in the facility the results of all water testing (at, above or below 2.01 ppb) are prominently posted and any mitigation actions that are in place; and

17) Behavior Support and program transition policies.

d) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parents of each child at the time that the child is accepted for care in the facility. In addition, consumer information materials provided by the Department including, but not limited to, information on reporting and prevention of child abuse and neglect and preventing and reporting communicable disease shall be distributed to the parents or each child cared for when designated for distribution by the Department.

e) The day care center may ask parents to share professional evaluations during the enrollment process when necessary to determine how best to meet the needs of the child.

f) Parents shall be informed of and agree to any variations in regular procedures undertaken to meet the specific needs of their child.

g) The day care center shall give parents adequate information about the program so parents can make an informed decision regarding the enrollment of their child. At the time of enrollment, the parents shall receive a copy of all written policy statements required by Section 407.250(c).

h) Staff shall be informed of the child's enrollment before a child's first day of attendance and given the information necessary to make the child's initial adjustment as comfortable as possible.

i) The day care center shall maintain a record on all children enrolled in the center to help staff plan effectively to meet each child's individual needs.

1) A written enrollment application shall be on file for each child with the signatures of the enrolling parents. The application shall contain the following information:

A) Child's full name, date of birth and gender;

B) Date of enrollment and discharge;

C) Scheduled days and hours of care;

D) Name, home address and telephone number of parents;

E) Work hours of parents and name, address and telephone number of place of employment;

F) Name, address and telephone number of the child's physician or certified Christian Science practitioner, if applicable;

G) Name, address and telephone number of all persons authorized to pick up the child, which includes both:

i) A primary list of persons authorized to pick up the child regularly; and

ii) A contingency list of persons authorized to pick up the child occasionally, including conditions for releasing the child to such persons;

H) Name, address and telephone number (day and evening) of persons to be contacted in an emergency if the parents cannot be reached; and

I) Information regarding the child's individual development, habits, medical needs and other factors critical to the child's well-being and ability to participate in the program.

2) Written agreements and consents for the following shall be on file for each child:

A) Visits, trips or excursions off the premises, including transportation arrangements, when appropriate;

B) Health care and treatment, including emergency first-aid;

C) Child's involvement in research, if applicable;

D) Formal religious instruction or observances, if applicable;

E) Use of photographs, film or video of children;

F) School attendance away from the center, if applicable, including the time the child shall be released and the means of transportation the child shall use;

G) Participation in athletic activities such as swimming or gymnastics, if applicable; and

H) Use of facility transportation, if applicable.

3) Reports of health examinations, unless waived in accordance with Section 407.310(a)(7).

4) The day care center shall:

A) Provide a written notice to the parent of any child to be *enrolled for the first time that within 30 days* of enrollment the parent must *provide a certified copy of the child's birth certificate or other reliable proof of identity and age of the child.* The center shall make a duplicate and return the original certified copy to the parent no later than the end of the next business day after receipt. If a certified copy of the birth certificate is not available, the parent must submit *a passport, visa or other governmental documentation as proof of the child's identity and age and an affidavit* or notarized letter *explaining*

the inability to produce a certified copy of the birth certificate. The center's notice to parent shall also indicate that the center is required by law to notify the Illinois State Police or local law enforcement agency if the parent fails to submit proof of the child's identity within the 30 day time frame;

B) Notify the Illinois State Police or local law enforcement agency of the parent's failure to submit a certified copy of the child's birth certificate or other reliable proof of identity. The center shall also *notify the parent or guardian in writing that the* Illinois State Police or *local law enforcement* has been notified as required by law, advising the parent that he or she *has 10 additional days to comply* by submitting the required documentation;

C) *Report to the* Illinois State Police or local law enforcement agency *any affidavit received that appears inaccurate or suspicious in form or content*;

D) *Flag the record of* a child enrolled at the day care who is reported by the Illinois State Police as a missing person, and *shall immediately report to the* Illinois State Police *any request concerning flagged records or knowledge as to the whereabouts of any missing* child. [325 ILCS 50/5]

j) Infants, toddlers and preschool age children who, after documented attempts have been made to meet the child's individual needs, demonstrate an inability to benefit from the type of care offered by the facility, or whose presence is detrimental to the group, shall be transitioned to a different program.

k) For infants, toddlers and preschool age children, in all instances when a facility decides that it is in the best interest of the child to transition to a different program, the child's and parents' needs shall be considered by planning with the parents to identify the new program, and working with the parents and pending program on a transition plan designed to ensure continuity of services to meet the child's needs. Licensees shall adhere to the following requirements regarding program transition plans:

1) All day care centers shall have written transition policies that outline circumstances in which children may transition out of the program and what the transition process entails;

2) Providers shall notify the Department of transition plans;

3) Nothing shall preclude a parent's or legal guardian's right to withdraw his or her child from a day care center. A written statement from the parent or guardian shall be requested by the provider and kept on file, stating the reason for the decision to withdraw the child; and

4) If parents/guardians are unable to provide a letter, the licensee shall maintain documentation that includes the requestor's name and relationship to the child, along with the withdrawal date. The licensee must also sign and date the documentation.

l) Providers of childcare to infants, toddlers or preschool age children shall maintain documentation regarding steps taken to ensure that the child can participate safely in the program, in accordance with the behavior support plan and program transition policy. This shall include attempts to utilize qualified professional resources, including when parental consent is attempted and whether it is obtained.

m) Early intervention services received by children shall be documented in the behavior support plan. Providers shall also document whether children are evaluated by the Early Intervention Program and/or the school district and, with regard to those children evaluated, whether they are found eligible or ineligible to receive services.

n) Providers shall collect, and report annually to the Illinois State Board of Education, in compliance with 23 Ill. Adm. Code 235.340 (Reporting), information on children.

(Source: Amended at 44 Ill. Reg. 16138, effective September 18, 2020)

Section 407.260 Daily Arrival and Departure of Children

a) The daily arrival of children at the center shall be conducted in a way that protects each child's physical and emotional well-being. Information provided by the parents about a child's immediate daily needs shall be communicated in a timely manner to staff caring for the child.

b) Child care staff shall conduct a daily pre-admission screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the child's inclusion or exclusion for the day shall be determined in accordance with Section 407.310(b) and (c).

c) Children served in a day care center shall not remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment or training schedule requires more than 12 hours of day care and this has been confirmed in writing, by the parent. The written confirmation shall be kept on file for licensing review.

d) A daily attendance log shall be maintained in such a way that it is always possible to determine the number of children present at any given time.

e) The daily departure of children from the center shall be conducted in a way that protects each child's physical and emotional well-being.

1) The staff shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized by the parent or parents to receive the child. Persons not known to the staff shall be required to provide a driver's license (with photo), a photo identification card issued by the Illinois Secretary of State or other photo identification to establish their identity before the child is released to them.

2) When a child is released to a person authorized on the contingency list, the center shall maintain a record of the person's name and the date and time.

3) The time of each child's departure from the center shall be noted on a daily departure log and initialed, signed or otherwise documented by the person to whom the child is released.

4) When the center has a written policy or an individual plan for a specific school-age child, that child may be allowed to leave the center unaccompanied with written authorization from their parent or parents. The authorization must include:

A) the time of release from the center;

B) the means of transportation the child will use and, if applicable, the time the child is to return to the center;

C) the procedure to be followed if the child does not return at the expected time; and

D) the designated staff person to enter the time of the child's departure and initial the log.

f) All day care centers shall have a written policy that explains to parents and staff the actions the center will take if a parent or guardian does not pick up, or arrange to have someone pick up, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations clearly presented to the parent or guardian in the form of a written agreement that shall be signed by the parent or guardian and shall include at least the following elements:

1) The consequences of not picking up children on time shall be precisely communicated to parents, for example:

A) Amount of late fee, if any, and when those fees begin to accrue.

B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts, and so forth.

C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as, the child abuse hotline, police, and so forth.

2) Emphasis on the importance of having up-to-date emergency contact numbers on file.

3) Acknowledgement of the provider’s responsibility for the child’s protection and well-being until the parent or outside authorities arrive.

4) A policy that staff shall not hold the child responsible for the situation and that discussion of this issue will only be with the parent or guardian and never with the child.

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)

Section 407.270 Guidance and Discipline

a) The day care center shall develop a guidance and discipline policy for staff use that is also provided to parents. Expulsion due to a child's pattern of challenging behavior is prohibited. Planned transitions to settings better able to meet the child's needs are not considered expulsions. Staff shall sign the guidance and discipline policy at the time of employment and parents shall sign the policy when their child is enrolled. The policy shall include:

1) A statement of the center's philosophy regarding guidance and discipline;

2) Information on how discipline will be implemented by staff;

3) Information on how parents will be involved in the guidance and discipline process;

4) Information on how children will be involved in the guidance and discipline process; and

5) Behavior support and program transition policies.

b) Written rules for all children shall be established and available to children, parents and staff. These rules shall set the limits of behavior required for the protection of the group and individuals. The rules shall:

1) Pertain to important situations;

2) Be understandable to children;

3) Be stated in the positive form whenever possible; and

4) Be enforceable.

c) Child care staff shall help individual children develop self-control and assume responsibility for their own actions. Imposing physical activity or withholding active play shall not be used on children as a form of discipline.

1) Limits and consequences shall be clear and understandable to the child, consistently enforced and explained to the child before and as part of any disciplinary action.

2) Discipline shall be developmentally appropriate and logically related to the child's act and shall not be out of proportion to the particular inappropriate behavior. The child shall be made aware of the relationship between the act and the consequences.

3) Firm positive statements about behaviors or redirection of behaviors shall be the accepted techniques for use with infants and toddlers.

4) Removal from the group to help a child gain control shall not exceed one minute per year of age. Removal from the group shall not be used for children less than 24 months of age.

5) Children shall not be disciplined for toilet accidents.

6) The following behaviors are prohibited in all child care settings:

A) Corporal punishment, including hitting, spanking, swatting, beating, shaking, pinching and other measures intended to induce physical pain or fear;

B) Threatened or actual withdrawal of food, rest or use of the bathroom;

C) Abusive or profane language;

D) Any form of public or private humiliation, including threats of physical punishment; and

E) Any form of emotional abuse, including shaming, rejecting, terrorizing, or isolating a child.

d) Preschool and school-age children shall have reasonable opportunity to resolve their own conflicts.

e) Discipline shall be the responsibility of adults who have an ongoing relationship with the child.

f) When there is a specific plan for responding to a child's pattern of unacceptable behavior, all staff who affect the child shall be aware of the plan and cooperate in its implementation.

g) Clinical behavior management plans may be developed to meet the needs of a particular child if developed with the parent and a professional clinician. This must be documented in the child's file. All staff working with the child shall receive training on implementing the plan.

(Source: Amended at 44 Ill. Reg. 16138, effective September 18, 2020)

Section 407.280 Transportation

a) These requirements shall apply to any day care center that provides or arranges for the provision of transportation for children as follows:

1) To or from their homes or other pre-arranged sites and the center;
2) In connection with an activity conducted by or through the auspices of the center; and
3) From the center to a hospital, clinic or office for medical treatment (except in emergency situations).

b) A center providing transportation services shall comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5].

c) The driver of a vehicle transporting children on behalf of a day care center, whether paid or unpaid, shall comply with the following requirements:

1) is 21 years of age or older;

2) currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the three years immediately prior to the date of application;

3) demonstrates physical fitness to operate vehicles by submitting the results of a medical examination conducted by a licensed physician;

4) has not been convicted of more than two offenses against traffic regulations governing the movement of vehicles within a twelve month period;

5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past three years;

6) has signed and submitted a written statement certifying that he has not, through the unlawful operation of a motor vehicle, caused an accident which resulted in the death of any person within the five years immediately prior to the date of application.

However, any day care center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section. [225 ILCS 10/5.1(a)]

d) A child care facility driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of a day care center.

e) *Any individual who holds a valid* unrestricted *Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code, and who is currently employed by a school district or parochial school, or by a contractor with a school district or parochial school, to drive a school bus transporting children to and from school, shall be deemed in compliance with the requirements of* subsections (c) and (d) above. [225 ILCS 10/5.1(b)].

f) The driver and attendants shall meet the requirements of Section 407.100.

g) The driver shall not leave the vehicle unattended at any time while transporting children.

h) The driver shall see that each child boards and exits the vehicle from the curb side of the street and/or is safely conducted across the street. The route shall be planned so that, whenever possible, the child exits on the same side of the street as the child's destination.

i) The driver shall see that a responsible person as designated by the child's parents or guardian is present to take charge of a child when delivered to his or her destination.

j) The driver shall see that order is maintained in the vehicle for safety of the children in transit.

k) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.

l) The staff/child ratios as listed in this subsection shall be maintained.

1) A driver alone may transport two infants or three toddlers and shall be assisted by an adult attendant for each additional one to three infants or one to four toddlers.

2) A driver alone may transport eight children between two and five years of age and shall be assisted by an adult attendant for each additional one to eight children between two and five years of age.

3) A driver alone may transport ten children between three and five years of age and shall be assisted by an adult attendant for each additional one to ten children between three and five years of age.

4) When children under two years of age are transported with children two years of age or older, the staff/child ratio shall be in accordance with Section 407.190.

5) When school-age children are transported for program activities, the staff/child ratio shall be in accordance with Section 407.190.

m) Age-appropriate safety restraints which are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.

n) A vehicle used by the center to transport children shall be maintained in mechanically safe condition at all times. The driver must inspect the vehicle before use each day, both internally and externally, including all safety equipment and possible hazards, and ensure that the headlights, turn signals, stop arms, and windshield wipers are in sound operating condition, that the tires are inflated to correct pressure and the vehicle has more than an adequate supply of fuel for transportation that day.

o) The driver shall inspect the vehicle after each use to assure that no child is left in the vehicle.

p) Any vehicle used for the transportation of children on behalf of the day care center shall be equipped with a first-aid kit when used for transporting children. The first-aid kit shall consist of the items required by Section 407.380.

q) A written emergency plan to be followed in case of accidents, serious illness, severe weather alerts, and other pertinent information shall be maintained. The emergency plan shall remain in the possession of the driver while en route.

r) With the exception of school buses, vehicle doors shall be locked at all times when the vehicle is moving. The doors shall be opened and closed only by the driver or by another designated adult.

s) The driver shall not allow children to stand in a moving vehicle, sit on the floor of a vehicle in use or extend any part of their body through the vehicle windows.

t) The facility shall maintain a written plan for scheduled transportation of children, which shall include:

1) The schedule of the transportation route. When after-school transportation is provided, the schedule shall insure that children are not left waiting for a long period for the vehicle to arrive;

2) The name and address of the persons authorized to receive a child delivered to a place other than the child's residence;

3) Procedures to be followed when the parent or authorized adult is not present to receive the child; and

4) Written safety precautions to be followed, along with a written emergency plan.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.290 Swimming and Wading

a) Swimming and wading pools shall be appropriately maintained and supervised.

b) All swimming pools and wading pools, whether at the day care center or elsewhere, shall comply with the Illinois Department of Public Health rules 77 Ill. Adm. Code 820 (Illinois Swimming Pool and Bathing Beach Code).

c) All in-ground pools located in areas accessible to the children shall be fenced. The fence shall be at least 5 feet in height and secured with a locked gate.

d) All above-ground pools shall have non-collapsible, non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a fence in accordance with subsection (c) of this Section. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure they cannot be accessed.

e) When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool open to other persons and a lifeguard or lifeguards are provided by the pool or beach operator, an additional lifeguard is not necessary.

f) All adults counted in the staff/child ratio for swimming shall receive basic water safety instruction from a person certified as a lifeguard or water safety instructor per subsection (e) of this Section.

g) The following staff/child ratio shall be maintained when children are swimming, whether at the center or at other public or private swimming pools, lakes or recreational swimming facilities. A minimum of 2 adults must be present at all times.

AGE OF CHILDREN	NUMBER OF CHILDREN PER EACH STAFF
Infants/toddlers (under 2 years)	1
Two-year-olds	2
Three-year-olds	5
Four-year-olds	8
Five-year-olds	8
School-age children from 6 to 8 years of age	10
School-age children 9 years of age and older	15

h) In addition to the lifeguard and staff required in subsection (g) of this Section, one adult shall be present to serve as bathroom monitor and provide other general out-of-water supervision.

i) Whenever swimming is included in the program of the child care center, the program shall be offered on an optional basis with alternative activities available for children who do not participate in swimming.

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

Section 407.300 Animals

a) Healthy household pets that present no danger to children are permitted on the premises unless prohibited by local health regulations.

b) A licensed veterinarian shall certify that dogs and cats have been inoculated against rabies. This certification shall be obtained when the animal is acquired (if four months of age or older) as required by 8 Ill. Adm. Code 30, Animal Control Act. Gerbils, hamsters, and guinea pigs which appear healthy may be kept in the day care center if allowed by local health regulations.

c) All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member.

d) Immediate treatment shall be obtained for any child who sustains a bite or scratch from an animal, and the child's parent shall be notified. In addition, the center shall notify the county animal control administrator or designated agent and follow the provisions of the Illinois Animal Control Act [520 ILCS 5].

e) Animals and/or pets shall be properly housed, fed and maintained in a safe, clean and sanitary condition at all times.

1) Domestic animals, birds or fowl shall not be permitted at any time in areas where foods are prepared or maintained.

2) A responsible staff person shall be assigned to the care of any animal or pet on the premises.

3) The child care center shall be free of stray animals which may cause injury and/or disease to children.

f) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in the day care center.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART G: HEALTH AND HYGIENE

Section 407.310 Health Requirements for Children

a) A medical report on forms prescribed by the Department shall be on file for each child.

1) The initial medical report shall be dated less than 6 months prior to enrollment of infants, toddlers and preschool children. For school-age children, a copy of the most recent regularly scheduled school physical may be submitted (even if more than 6 months old) or the day care center may require a more recent medical report by its own enrollment policy. If a health problem is suspected, the day care center may require additional documentation of the child's health status.

2) If a child transfers from one day care center to another, the medical report may be used at the new center if it is less than one year old. In such a case, the center the child is leaving shall maintain a copy of the child's medical form and return the original to the parent.

3) The medical examination shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of the Illinois School Code [105 ILCS 5/27-8.1] and the Child Health Examination Code (77 Ill. Adm. Code 665), provided that copies of the examination are on file at the day care center.

4) The medical report shall indicate that the child has received the immunizations required by the Illinois Department of Public Health in its rules (77 Ill. Adm. Code 695, Immunization Code). These include poliomyelitis, measles, rubella, mumps, diphtheria, pertussis, tetanus, haemophilus influenzae B, hepatitis B, and varicella (chickenpox) or provide proof of immunity according to requirements in 77 Ill. Adm. Code 690.50 of the Department of Public Health rules (http://www.idph.state.il.us).

5) If the child is in a high-risk group, as determined by the examining physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children in the high- risk group begin elementary and secondary school.

6) The initial examination shall show that children from the ages of one to 6 years have been screened for lead poisoning (for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845)) or that a lead risk assessment has been completed (for children residing in an area defined as low risk by the Illinois Department of Public Health).

7) In accordance with the Child Care Act, a parent may request that immunizations, physical examinations and/or medical treatment be waived on religious grounds. A request for waiver shall be in writing, signed by the parent or parents, and kept in the child's record.

8) Exceptions made for children who should not be subject to immunizations or tuberculin tests for medical reasons shall be indicated by the physician on the child's medical form.

9) Day care centers shall maintain an accurate list of all children enrolled in the center who are not immunized, as required by Illinois Department of Public Health rules (77 Ill. Adm. Code 695.40, List of Non-Immunized Child Care Facility Attendees or Students). The number of non-immunized children on the list shall be available to parents who request it.

10) Medical records shall be dated and signed by the examining physician, advance practice nurse (APN) who has a written collaborative agreement with a collaborating physician authorizing the APN to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician, and include the name, address and telephone number of the physician responsible for the child's health care.

b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690) shall be excluded from the center.

c) Children shall be screened upon arrival daily for any obvious signs of illness. If symptoms of illness are present, the child care staff shall determine whether they are able to care for the child safely, based on the apparent degree of illness, other children present and facilities available to care for the ill child.

1) Children with diarrhea and those with a rash combined with fever (oral temperature of 101º F or higher or under the arm temperature of 100º F or higher) shall not be admitted to the day care center while those symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.

2) Children need not be excluded for a minor illness unless any of the following exists, in which case exclusion from the day care center is required:

A) Illness that prevents the child from participating comfortably in program activities;

B) Illness that calls for greater care than the staff can provide without compromising the health and safety of other children;

C) Fever with behavior change or symptoms of illness;

D) Unusual lethargy, irritability, persistent crying, difficulty breathing or other signs of possible severe illness;

E) Diarrhea;

F) Vomiting 2 or more times in the previous 24 hours, unless the vomiting is determined to be due to a noncommunicable condition and the child is not in danger of dehydration;

G) Mouth sores associated with the child's inability to control his or her saliva, until the child's physician or the local health department states that the child is noninfectious;

H) Rash with fever or behavior change, unless a physician has determined the illness to be noncommunicable;

I) Purulent conjunctivitis, until 24 hours after treatment has been initiated;

J) Impetigo, until 24 hours after treatment has been initiated;

K) Strep throat (streptococcal pharyngitis), until 24 hours after treatment has been initiated and until the child has been without fever for 24 hours;

L) Head lice, until the morning after the first treatment;

M) Scabies, until the morning after the first treatment;

N) Chicken pox (varicella), until at least 6 days after onset of rash;

O) Whooping cough (pertussis), until 5 days of antibiotic treatment have been completed;

P) Mumps, until 9 days after onset of parotid gland swelling;

Q) Measles, until 4 days after disappearance of the rash; or

R) Symptoms that may be indicative of one of the serious, communicable diseases identified in the Illinois Department of Public Health Control of Communicable Diseases Code (77 Ill. Adm. Code 690).

d) The center shall ensure that hearing and vision screening services are provided annually in accordance with Illinois Department of Public Health's Hearing and Vision Screening Codes (77 Ill. Adm. Code 675 and 685) and the Illinois Child Vision and Hearing Test Act [410 ILCS 205].

e) Space shall be provided for a child who becomes ill at the center. The space shall be ventilated and heated, within sight and hearing of an adult and equipped with a cot and materials that can be easily cleaned and sanitized.

f) The center shall report any known or suspected case or carrier of communicable disease to local health authorities and comply with the Illinois Department of Public Health's Control of Communicable Diseases Code (77 Ill. Adm. Code 690). The center shall maintain a file of reported illnesses that may indicate possible infectious disease.

g) If a child needs emergency care because of an accident or illness that occurs while the child is in care, the day care center shall attempt to contact the child's parent or parents at the phone numbers provided for that purpose. If unable to locate the parents, the day care center's attempts to do so shall be documented in the child's file.

h) Major and minor accidents or illnesses that happen to a child at the day care center shall be recorded in the file, and parents shall be notified.

i) Reports of all incidents and injuries involving children shall be prepared by the person responsible for the child at the time of the occurrence and shall include:

1) The time and place of the incident or injury and details about how it occurred;

2) When medical care is necessary, a statement signed by the physician attending the child, describing the nature and the extent of injury.

j) Employees shall wear disposable latex gloves when treating a wound. Employees shall wash their hands, as prescribed by Section 407.320, after removing the disposable gloves.

k) When a child's medical needs require special care or accommodation, the care shall be administered as required by a physician, subject to receipt of appropriate releases from the parent or parents. Medical consultation shall be available to the staff as needed for the health and medical needs of the children served.

l) The facility shall make potable drinking water freely available to all children by providing drinking fountains and/or disposable cups for individual use. Water shall be offered to children at frequent intervals and during meals and snacks.

m) A child's wet or soiled clothing shall be changed immediately. Universal precautions shall be followed when handling soiled clothing. During outdoor play, children shall be dressed appropriately for the weather and temperature.

n) Children shall have a shower, tub or sponge bath when necessary to ensure bodily cleanliness. Parents shall be notified when a child has received a shower or bath. Children under the age of 5 shall not be left alone when bathing.

o) When used by children at the child care center, toilet articles such as combs, brushes, toothbrushes, towels and washcloths shall be individually provided by the parent or the center. They shall be plainly marked with the child's name and stored individually in a sanitary manner in areas that promote drying. Single-use and disposable articles are permitted. Toothbrushes, if used, shall be replaced when they have lost their tone.

p) If toothpaste is used, care shall be taken to avoid cross-contamination when dispensing.

1) Each child shall be given a separate tube of toothpaste labeled with his or her name; or

2) If a single tube is used, the toothpaste shall be dispensed by placing a small amount on the rim of each child's rinsing cup or on a piece of waxed paper.

q) All new linens shall be laundered prior to use.

r) Staff and children shall wash hands as required by Section 407.320.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.320 Hand Washing

a) Children's hands shall be washed routinely and frequently with soap and water. Hand sanitizers or diaper wipes are not acceptable substitutes for soap and running water. Hand washing shall occur at least at the following times:

1) Upon arrival at the center;
2) Before and after each meal or snack;
3) After using the toilet or having diapers changed;
4) After handling pets or animals;
5) After wiping or blowing his or her nose;

6) After touching items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
7) Before and after cooking or other food experience;
8) After outdoor play time; and
9) Before and after using the water table.

b) Staff hands shall be washed routinely and frequently with soap and water, at least at the following times:

1) Upon arrival at the center;
2) After using the bathroom or helping a child use the bathroom;
3) After changing a diaper;
4) After wiping or blowing their nose, or helping a child to wipe or blow his or her nose;
5) After handling items soiled with body fluids or wastes (e.g., blood, drool, urine, stool or vomit);
6) After handling pets or other animals;
7) After handling or caring for a sick child;
8) Before and after eating or drinking;
9) Before preparing, handling or serving food;
10) Before dispensing any medication;
11) Before and after administering first aid; and
12) When changing rooms or caring for a different group of children.

c) The following technique for thorough hand-washing shall be used:

1) Wet hands under warm running water.
2) Lather both hands well and scrub vigorously for at least 15 seconds.
3) Rinse hands thoroughly under warm running water.
4) Dry both hands with a new single-use towel or automatic dryer.
5) For hand-held faucets, turn off the water using a disposable towel instead of bare hands to avoid recontamination of clean hands.

d) Automatic hand dryers shall be regularly inspected to insure that they are in proper working order so that children are not burned or receive electric shocks. Automatic dryers shall not be used for infants and toddlers. Other children under 6 years of age shall be closely supervised when using these dryers.

e) When children are too young to wash hands by themselves, staff shall wash their hands using the above technique. As children are developmentally ready, staff shall teach children the proper hand-washing technique and assist and supervise the procedure as needed.

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

Section 407.330 Nutrition and Meal Service

a) Food shall be cooked or prepared at the day care center in a kitchen which has been inspected and approved in accordance with the Illinois Department of Public Health's Food Service Sanitation Code (77 Ill. Adm. Code 750), unless the partially exempt program is exempt per Section 2.09(a)(ii) of the Child Care Act, or food may be purchased from a licensed catering service. Preparation of food, whether on or off site, shall comply with the Food Service Sanitation Code. A copy of these regulations shall be available to appropriate staff.

b) Food service shall be under the management of a State-certified food service manager as required by the Food Handling Regulation Enforcement Act [410 ILCS 625].

c) None of the operations connected with routine food preparation shall be conducted in a room used for sleeping, caregiving or laundry purposes.

d) Kitchen areas shall be clean and equipped for preservation, storage, preparation and serving of food.

e) Provisions shall be made for the cleaning and sanitization of dishes.

f) All food consumed by children under the supervision of the child care center shall be provided by the center, except as follows:

   1) Parents may provide food for infants not yet consuming table food or for any child requiring a special diet that cannot reasonably be provided by the center.

   2) Upon agreement of the staff, commercially prepared foods may be brought in occasionally by parents as part of holiday or birthday celebrations. Food brought in for this purpose must arrive unopened as packaged by the bakery or manufacturer, or it shall not be accepted.

   3) If food is to be catered rather than prepared at the center, a dated contract with the catering service specifying the number of food orders to be delivered shall be available for review.

g) Menus shall be planned at least one week in advance and shall be available for review. If substitutions are made for any food item, menus shall be corrected to reflect meals as served. Substitutions shall be nutritionally equal to the food items being replaced. Corrected menus shall be on file and available for review for one year after the meals were served.

   1) Menus shall be posted in the kitchen, the classroom or other area accessible to parents, and made available to parents upon request.

   2) Menu planning shall reflect consideration for cultural and ethnic patterns, and menus shall be nutritionally equivalent to the requirements of the Meal Pattern Chart in Appendix D and Appendix E, as appropriate.

3) From the months of October through May, the main meal shall be a hot meal, with occasional exceptions of no more than twice per month. During the months of June through September, a hot or a cold meal conforming to the Meal Pattern Chart (see Appendix E) shall be served.

4) Lunches served during field trips shall be provided by the center or purchased from a food vendor.

h) Adequate and appropriate food shall be served according to the amount of time the child spends at the center. The center shall provide ⅓ to ⅔ of the child's daily nutrient needs depending on length of stay, as outlined in the chart below. These nutrient needs are based on the current recommended dietary allowances set by the Food and Nutrition Board of the National Research Council and are outlined in Appendix D and Appendix E.

Time Present Per Day	Number of Meals and Snacks Per Day
Two to five hours	One snack
Five to ten hours	One meal and two snacks or two meals and one snack
More than ten hours	Two meals and two snacks or one meal and three snacks

i) Children shall be offered food at intervals of not less than 2 hours and not more than 3 hours apart, unless the child is asleep.

j) Provisions of this Section notwithstanding, a child requiring a special diet due to medical reasons, allergic reactions or religious beliefs shall be provided with meals and snacks according to the written instructions of the child's parents, clergy and/or the child's medical provider.

1) Information on special diets shall be obtained in writing from the parents and/or medical providers and maintained on file at the child care center.

2) Records of food intake shall be maintained when indicated by the child's medical provider.

3) When providing a special diet causes undue hardship or expense for the child care center, meals or portions of meals shall be provided by the parent upon written agreement of the parent and the center. The parent shall be responsible for the safety of food brought into the center.

4) Potentially hazardous and perishable food shall be refrigerated immediately upon arrival.

5) Special foods provided by parents shall be clearly labeled with the child's name, date and identity of the food and shall not be shared by other children.

k) Meals and snacks for children one year of age and older shall comply with the requirements of Appendix E. Meals shall be prepared so as to moderate fat and sodium content. Limit salty snack foods, such as pretzels or chips.

1) Meal components are as follows:

A) Milk: Grade A, pasteurized, fortified, fluid milk. Because low-fat and skim milks may not provide adequate levels of calories and fatty acids, these milks shall not be given to children under 2 years of age unless recommended in writing by the child's medical provider. Only milk with a fat content of 1 percent or less may be given to children over 2 years of age, unless recommended in writing by the child's medical provider.

B) Meat or meat alternative: Edible protein such as meat, fish or chicken or other protein sources such as eggs, cheese, dried beans or peas. A casserole or mixed dish must contain the required amount of protein per serving.

C) Fruits and vegetables: Cooked or raw. Each child shall have a total of 2 servings of fruits and/or vegetables for lunch. A good source of vitamin C shall be served daily. These include citrus fruits, melons and other fruits and juices that contain at least 30 mg of vitamin C per serving.

D) Bread or bread alternative: An equivalent serving of cornbread, biscuits, rolls, muffins, bagels or tortillas made of enriched or whole grain meal or flour may be substituted for sliced bread. Bread alternatives include enriched rice, macaroni, noodles, pasta, stuffing, crackers, bread sticks, dumplings, pancakes, waffles and hot or cold cereal.

E) Butter or margarine: As a spread for bread, if desired. Choose monounsaturated and polyunsaturated fats (olive oil, safflower oil) and soft margarines; avoid trans fats, saturated fats and fried foods.

F) Beverages with added sweeteners, whether natural or artificial, shall not be provided to children.

G) Children shall be offered water to rinse their mouths after snacks and meals when tooth brushing is not possible.

2) If any part of the nutritional requirements is designated as dessert, it shall be served as an integral part of the meal. Ice cream or milk-based pudding may be used occasionally. Cake, pastries, cookies or other foods with high sugar and/or fat content shall not be served to children enrolled in the day care program.

3) Vegetarian meals that meet protein requirements may be served. The main dish shall contain one or more of the following: cheese, eggs, legumes, or peanut butter.

4) Foods that cause choking shall not be served to children under 2 years of age as noted in Section 407.210(f)(19). Hot dogs and raw carrots may be served to children between 2 and 3 years of age only if cut into short, thin strips. Peanut butter shall only be served to children between 2 and 3 years of age if thinly spread on bread, crackers, or other foods or if mixed with other foods.

5) Children shall be permitted to have one or more additional servings to meet their individual needs.

l) Food shall be prepared and handled safely.

1) Hot foods shall be maintained at a temperature of 140º F or above and cold foods at 40º F or below, except that food may be held at a temperature of 45º F for a maximum of 3 days. See Section 750.140 of the Food Service Sanitation Code (77 Ill. Adm. Code 750).

2) Food returned from individual plates and family style serving bowls shall be discarded. Other unused food shall be promptly covered to avoid contamination, labeled, dated and refrigerated or frozen immediately. Leftover fresh food shall be used within 24 hours. Frozen food shall be used within 30 days.

3) Milk, formula and baby food shall be handled and served to infants who are not yet eating table food according to the provisions of Section 407.210.

m) Adequate numbers of appropriate durable dishes, glassware and eating utensils shall be provided to serve all of the children. These items shall be in good repair and free of breaks, cracks or chips. Disposable dishes and utensils may be used and shall be discarded after single use. Due to the danger of choking, disposable eating utensils shall not be used by children under 2 years of age.

n) The design and size of tables, chairs, dishes, glasses and eating utensils shall be appropriate to the ages of the children served.

o) All cooking and feeding utensils shall be washed and sanitized after each use.

p) Meals shall be relaxed and unhurried and provide time for socialization.

1) An adult shall sit at the table with the children during meal time, provide supervision and demonstrate good mealtime practices.

2) Delays in food service shall be avoided so that children do not have to sit and wait.

3) Children shall be encouraged to eat, but not forced or bribed.

4) Small portions of bite-sized pieces shall be provided for preschool children.

5) Children shall be encouraged to feed themselves. Staff shall provide supportive help for as long as the child needs such help.

6) Food shall be served onto plates or other sanitary containers.

7) Children shall be seated comfortably, with sufficient room to manage food and eating utensils.

8) School-age children may be served separately or with younger children, if this can be accomplished without disruption to the ongoing program.

q) Food shall never be used as a punishment or reward.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.340 Diapering and Toileting Procedures

a) Each area serving children wearing diapers or disposable pull-ups shall have a designated diapering area that includes at least the following:

1) An accessible hand-washing sink within the same room without barriers such as doors, unless the before and school program is exempt per Section 2.09(a)(ii) of the Child Care Act.

2) A changing surface that has an impervious, non-absorbent surface.

3) Covered receptacles conveniently located close to the changing surfaces for the disposal of soiled diapers. These receptacles shall be washable, plastic lined and tightly covered. There shall be separate containers for disposable diapers, cloth diapers (if used) and soiled clothes and linens.

4) A supply of disposable latex gloves.

5) Clearly posted procedures for diaper changing, consistent with the following:

A) Have the following supplies ready before bringing the child to the diapering area:

i) Disposable wipes or fresh, wet paper towels;

ii) Diapers;

iii) Skin preparations prescribed by the child's doctor or requested by the child's parent; and

iv) Disinfecting solution and paper towels for cleaning up.

B) Lay the child on the changing surface, taking care to minimize contact with the child if his/her outer clothes are soiled.

C) Put on protective gloves.

D) Remove diaper and any soiled clothes.

E) Clean the child's bottom from front to back with a fresh disposable wipe or a damp paper towel. Aerosol or roll-on products shall not be used.

F) Dispose of disposable diapers, paper towels and diaper wipes in covered receptacle. Put soiled clothes and cloth diapers into a plastic bag to be sent home with the parent.

G) Remove disposable gloves. Wash hands or wipe hands with a premoistened towelette and use another towelette to clean the child's hands.

H) Place clean diaper on the child. Make sure child's clothing is clean and dry. If not, change child's clothing.

I) Wash the child's hands in accordance with the requirements of Section 407.320.

J) Return the child to a supervised area.

K) Clean visible soil from the changing table with paper towels or disposable wipes.

L) Clean and disinfect the diapering area.

M) Wash adult hands, using procedures outlined in Section 407.320.

b) The diapering area shall be separate from any food preparation areas, and shall never be used for the temporary placement or serving of food.

c) Changing surfaces shall be cleaned and sanitized between each diaper change.

d) Diaper receptacles shall be cleaned and sanitized daily.

e) Diapers shall be able to contain urine and stool and minimize fecal contamination of the child, caregivers, environmental surfaces and objects of the child care center.

f) If cloth diapers are used, soiled cloth diapers and/or soiled training pants shall never be rinsed. The fecal content may be placed in the toilet, but the diaper shall not be rinsed.

g) Toilet-training equipment shall be provided for children being toilet-trained.

1) Child-sized toilets or safe and cleanable step aids and modified toilet seats shall be available.

2) If used, the contents of potty chairs shall be dumped in the toilet, and the potty chair shall be cleaned and sanitized between each use.

3) Toilet-training equipment shall not be counted as toilets in the toilet/child ratio.

h) Lavatories (hand-washing sinks) and toilet facilities shall be provided in the ratios specified below. Although potty chairs are allowed when children are being toilet-trained, potty chairs are not counted when determining compliance with these ratios. Partially exempt programs are exempt from this standard. For restrooms used exclusively by school-age children, urinals may constitute 25 percent of the required toilets in day care centers with restrooms shared by both genders and 50 percent of the required toilets in boys' restrooms in day care centers with gender-specific restrooms.

Capacity of Child Care Center (excluding infants)	Number of Toilets	Number of Lavatories
1 to 10	1	1
11 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5
101 to 125	6	6
126 to 150	7	7
151 to 175	8	8
Per every 25 more children	1 more	1 more

i) Toilets and lavatories shall be readily accessible to the children. If toilets are not located near the children's activity areas, an adult shall accompany children 4 years of age or younger.

j) If toilets and lavatories are not child-sized, non-absorbent safe steps shall be provided.

k) Hot and cold running water shall be provided.

1) Hot water supplied to plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 115° F.

2) In areas serving infants and toddlers, water shall be mixed through one mixing valve.

l) Mild liquid soap and single-use towels or automatic dryers shall be provided. Towels may be disposable. Automatic dryers shall not be used for infants and toddlers.

m) Toilet and hand-washing areas for school-age children shall be enclosed to provide for privacy.

n) Toilets and lavatories shall be readily accessible for staff use.

o) Children and staff shall wash hands thoroughly according to Section 407.320 after using the toilet or assisting in toileting, and after each diaper change.

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

Section 407.350 Napping and Sleeping

a) When a child's time in attendance at the day care center requires sleep or nap provisions, the center shall provide a separate crib, bed or cot and individual sheets and bedding.

1) Children under 6 years of age who are not enrolled in kindergarten or elementary school who remain 5 or more hours shall have the opportunity to rest or nap.

2) Infants and toddlers shall be allowed to rest or sleep according to each child's individual pattern, as determined in consultation with parents.

3) Children 3 years of age and older (until they are enrolled in kindergarten) generally shall not nap for more than 2 hours or rest without sleeping for more than 60 minutes. Children in this age group who do not sleep may be permitted to get up and shall be helped to have a quiet time with equipment or activities that will not disturb the napping children. When children are allowed to get up, the staff to child ratio shall comply with Section 407.190(a).

4) Kindergarten and school-age children shall not be required to sleep or nap. However, floor pillows, sofa, carpet, bean bag chairs, padded chairs or cots shall be provided for lounging or resting.

b) The crib, bed or cot provided for each child shall be appropriate to the child's level of development.

1) Infants shall sleep in cribs.

A) Safe, sturdy, well-constructed free-standing cribs or portable cribs used for sleeping shall be equipped with a good, firm, tight-fitting mattress.

B) Mattresses shall be at least 2 inches thick and made of washable materials. The center may only use the mattress supplied or recommended by the crib manufacturer.

C) There shall be no more than ½ inch of space between the mattress and the bed frame when the mattress is pushed flush to one corner of the crib.

D) When using cribs with slats, cribs slats shall be spaced no more than 2⅜ inches apart.

E) By December 28, 2012, the day care center shall obtain certification that all cribs used by the center meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

2) Toddlers may use either stacking cots or full-size cribs.

3) A cot or bed shall be provided for each toddler and preschool child in attendance for 5 or more consecutive hours. A crib shall be provided for each licensed infant slot, regardless of the amount of time the child is present.

c) Each cot, bed or crib shall be labeled with the name of the child.

d) Cribs, beds and cots shall be maintained in clean and sanitary conditions.

1) Cribs, beds and cots shall be wiped clean as often as necessary. Cribs shall be cleaned twice per week and then sanitized with a germicidal solution. Cots shall be cleaned once per week with a germicidal solution.

2) All cribs, beds or cots shall be thoroughly cleaned and then sanitized with a germicidal solution when a child is no longer enrolled, prior to use by another child.

3) At no time shall 2 children be allowed to share the same crib, bed or cot unless it is thoroughly cleaned and then sanitized with a germicidal solution before each child's use.

e) Freshly laundered tightly fitted sheets for infants and sheets and blankets for toddlers, shall be provided and changed at least twice per week for infants and toddlers and at least once per week for preschool children, or more frequently if wet or soiled.

f) Bed linens shall be tightly fitting and washable.

g) Waterproof mattress covers or under sheets for cribs, beds or cots shall be provided for all children who are enuretic.

h) Conveniently located, washable, plastic-lined, covered receptacles shall be provided for soiled bed linens.

i) To minimize the risk of sudden infant death syndrome, children shall be placed on their backs when put down to sleep according to the following guidelines:

1) When the infant cannot rest or sleep on his or her back due to a disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position or special sleeping arrangements for the infant. The caregiver shall put the infant to sleep in accordance with a physician's written instructions;

2) Infants that can easily turn over from the back to stomach position shall be placed down to sleep on their backs, but allowed to adopt their preferred position while sleeping;

3) 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;

4) No infant shall be put to sleep on a sofa, soft mattress, car seat or swing; and

5) When awake, an infant shall be placed on his or her stomach part of the time and observed at all times.

j) No positioning device that restricts movement within the child's bed shall be used without written instructions from the child's physician. Soft bedding, bumpers, pillows, quilts, comforters, sheepskins, stuffed toys and other soft products shall not be used or stored in cribs.

k) Staffing during nap times shall be in accordance with Section 407.190(e). When non-sleeping children are allowed to get up, staffing shall be in accordance with Section 407.190(a).

l) When children are sleeping or napping, the room shall have reduced light but shall not be dark.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

Section 407.360 Medications

a) The day care center shall maintain a written policy regarding medications.

b) Both prescription and non-prescription medication shall be accepted only in its original container.

1) Prescription medications shall be labeled with the full pharmacy label.

2) Over-the-counter (non-prescription) medication shall be clearly labeled with the child's first and last name. The container shall be in such condition that the name of the medication and the directions for use are clearly readable.

c) Medication shall be administered in a manner that protects the safety of the child.

1) A specific staff person shall be designated to administer and properly document the dispensation of the medication each day.

2) Prescription medication shall be administered as required by a physician, subject to the receipt of appropriate releases from parents which shall be on file and regularly updated. Prescription medication shall be used only for the child named on the label.

3) Over-the-counter medications may be dispensed in accordance with manufacturer's instructions when provided by the parent with written permission.

4) The day care center shall maintain a record of the dates, times administered, dosages, prescription number, if applicable, and the name of the person administering the medication.

d) Medications shall be safely stored.

1) Medication containers shall have child-protection caps whenever possible.

2) All medication, whether refrigerated or unrefrigerated, shall be kept in locked cabinets or other containers that are inaccessible to children and that are designated and used only for this purpose.

3) Medications shall be kept in a well-lighted area.

4) Medications shall be kept out of the reach of children.

5) Medication shall not be kept in rooms where food is prepared or stored, unless refrigerated in a separate locked container.

e) Medication shall not be used beyond the date of expiration.

f) When a child no longer needs to receive medication, the unused portion or empty bottle shall be returned to the parent.

g) Any topical products, such as diaper ointment, sunscreen or insect repellant, whether supplied by the parent or by the child care center, shall be approved by the parent in writing prior to use on the child.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART H: FACILITY AND EQUIPMENT

Section 407.370 Physical Plant/Indoor Space

Partially exempt programs are exempt from these standards.

a) Buildings used for day care center programs shall be in good shape and operable and must comply with all applicable fire safety standards.

1) The building housing a center shall be approved prior to occupancy and license renewal by the Illinois Department of Public Health and the Office of the State Fire Marshal or local agencies authorized by those State agencies to conduct inspections on their behalf. Otherwise, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

2) Day care centers that provide day care only for school-age children in a building currently being used as a pre-primary, primary, or secondary school do not need to obtain the fire clearance in subsection (a)(1) above if the day care center provides written documentation that a fire safety clearance has been received from the responsible party of the Illinois State Board of Education and/or the Regional School Superintendent and that all exit doors for the school remain unlocked. An acceptable fire safety clearance from the Illinois State Board of Education must be in writing and must indicate that the school complies with the applicable fire safety regulations adopted by the Illinois State Board of Education (23 Ill. Adm. Code 180).

b) The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. The space used for child care may be shared by other groups or persons outside of the hours of operation.

c) Infants and toddlers shall be housed and cared for at ground level unless otherwise approved through the exception process below. Travel distance between any point in a room used for infants and toddlers and an exit discharging directly outside shall not exceed 150 feet. Only a fire inspector from the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau may grant an exception to the requirement that infants and toddlers be housed and cared for at ground level.

d) There shall be sufficient indoor space to conduct the program.

1) There shall be a minimum of 35 square feet of activity area per child in centers for children 2 years of age and older. This space is exclusive of exit passages and fire escapes, which must be clear. This space is also exclusive of administrative space, storage areas, bathrooms, kitchen, space required for equipment that is not used for direct activities with children, and gymnasiums or other areas used exclusively for large muscle activity or active sports.

2) The amount of space required for infants and toddlers shall be determined according to the use of the space for sleep and play purposes.

A) Regardless of whether infants play and sleep in the same room or in 2 separate rooms, there shall be a minimum of 25 square feet of play space per child plus a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each crib and the next crib.

B) When toddlers play and sleep in the same room using cots that can be stacked, there shall be 35 square feet of space per child. When children are in their cots, there must be a minimum of 2 feet between the cots.

C) When toddlers play and sleep in the same room using cribs, there shall be a minimum of 55 square feet per child. When children are in their cribs, there must be a minimum of 2 feet between the cribs.

D) When toddlers play and sleep in separate rooms, there shall be minimum of 35 square feet of play space per child and a minimum of 30 square feet of sleeping space per child, with at least 2 feet between each cot or crib.

3) Storage space shall be provided for cots, bedding, and other equipment. Cots and cribs shall not be used for storage, including pillows and blankets, except when cots are stacked between uses.

4) One room, no matter how large, shall accommodate only one group, except that room dividers or program equipment at least 3'6" in height may be used to define and separate the space for each group of children up to age 5. Gymnasiums and similar sized areas may accommodate 2 groups, without dividers, when used for large muscle activity and active sports.

5) All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

e) The building and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.

1) Adjustable window shades, drapes, or blinds shall be provided in all rooms where children rest or nap or in rooms that receive direct sunlight while children are present.

A) All new and replacement window coverings shall be cordless (free of external cords in their operation).

B) All window coverings installed on or before August 15, 2014 may remain in place until replaced due to normal wear. Replacement window coverings shall be in compliance with ANSI/WCMA 100.1-2009.

C) Strings and cords (as found on some window coverings) capable of forming a loop greater than 7¼" in diameter shall be inaccessible to children.

2) The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

3) Toxic or lead paints or finishes shall not be used on walls, window sills, beds, toys or any other equipment, materials or furnishings that may be used by children or within their reach. Peeling or damaged paint or plaster shall be repaired promptly to protect children from possible hazards.

A) Lead paint removal shall be in accordance with Illinois Department of Public Health rules (77 Ill. Adm. Code 845.85(b)).

B) Asbestos shall only be removed by trained and licensed professionals in accordance with the Asbestos Abatement Act [105 ILCS 105].

4) *Effective January 1, 2013, the* center *shall be tested for radon at least once every 3 years* by a licensed Radon Measurement Professional *pursuant to rules established by the Illinois Emergency Management Agency* (32 Ill. Adm. Code 422). *The report of the most current radon measurement shall be posted next to the* center's *license,* along with *the following statement: Every parent or guardian is notified that this facility has performed radon measurements to ensure the health and safety of the occupants. The Illinois Emergency Management Agency (IEMA) recommends that all residential homes be tested and that corrective actions be taken at levels equal to or greater than 4.0 pCi/L. Radon is a Class A human carcinogen, the leading cause of lung cancer in non-smokers, and the second leading cause of lung cancer overall. For additional information about this facility contact the licensee and for additional information regarding radon contact the IEMA Radon Program at 800-325-1245 or on the Internet at www.radon.illinois.gov. The* center *shall provide copies of the report to parents or guardians of children attending the* center, *upon request.* [225 ILCS 10/5.8]

5) Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

6) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs, sharp instruments, power tools, cleaning supplies and any other such items which might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam© and similar products, and sponge, rubber or soft plastic toys.

7) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area that is inaccessible to children.

8) A draft-free temperature of 65º F to 75º F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68º F to 82º F shall be maintained during the summer or air-conditioning months. When the temperature in the center exceeds 78º F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.

9) If electric fans are used to control temperature, measures shall be taken to assure the safety of the children in the group:

   A) Stationary fans shall be mounted on the walls (at least 5 feet above the floor) or on the ceiling.

   B) When portable fans on stands are used, they shall be anchored to prevent tipping.

   C) All portable fans shall have blade guard openings of less than ½ inch and shall be inaccessible to children.

10) Exits shall be kept unlocked and clear of equipment and debris at all times.

11) Electrical outlets within the reach of children shall be covered.

12) The program shall be modified, as needed, when there are adverse conditions caused by weather, heating or cooling difficulties or other problems. When the conditions exceed a 24-hour period, the Department shall be notified regarding program modifications.

f) Drills for possible emergency situations including fire and tornado shall be conducted.

1) A floor plan shall be posted in every room indicating the following:

   A) The building areas that will provide the most structural stability in case of tornado; and

   B) The primary and secondary exit routes in case of fire.

2) Drills shall be conducted once a month for fire and twice a year (seasonally) for tornado.

3) Records shall be maintained of the dates and times that fire and tornado drills are conducted.

g) All areas of the center shall receive sufficient light.

1) Areas for reading, painting, puzzles or other close work shall be illuminated to at least 50 to 100 foot candles on the work surface.

2) Areas for general play, such as housekeeping and block building, shall be illuminated to at least 30 to 50 foot candles on the surface.

3) Stairways, walkways, landings, driveways and entrances shall be illuminated to at least 20 foot candles on the surface.

h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of a public water supply, the center shall supply written records of current test results indicating that the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants.

i) Any day care center currently licensed as of January 1, 2019 shall submit a survey provided by its day care licensing office that includes the construction date of the building in which the center operates. The construction date for new day care center applicants is captured on the CFS 597 form.

j) Any day care center serving children under 6 years of age housed in a building constructed on or before January 1, 2000 shall be subject to lead in water testing by an IEPA laboratory or an IEPA-certified laboratory. A current list of certified laboratories can be obtained by contacting the Day Care Information Line at 1-877-746-0829, or can be accessed online through https://sunshine.dcfs.illinois.gov/Content/Licensing/LeadTesting.aspx. Water sampling guidelines followed by certified laboratories may also be accessed through this link. Test results and mitigation plans, when required, shall be submitted to the local licensing office within 120 days after notification of test results of 2.01 ppb or above.

1) All lead in water test results (at, above or below 2.01 ppb) shall be posted in the center in a visible location and submitted by the applicant or licensee directly to the local licensing office.

2) A mitigation plan shall be made available to parents and submitted to the local licensing office if test results indicate the presence of lead for each drinking water supply with a result of 2.01 ppb or above and shall specify:

   A) Interim measures the applicant/licensee will take to ensure a safe drinking water supply during mitigation;

   B) Mitigation plan start and planned completion dates;

   C) Retesting dates to include one test to occur no later than six months following the completion of a mitigation plan and a second test no later than one year from the completion of a mitigation plan;

   D) Each drinking water source that tested at 2.01 ppb or above and the planned mitigation activity for each source. Examples of acceptable mitigation strategies include, but are not limited to, installation of mechanical flushing devices, replacement of lead-based lines or fixtures, or reverse osmosis filters installed at affected drinking water fixtures; and

   E) In extenuating circumstances in which mitigation cannot be readily undertaken (e.g., lead in the municipal water source), alternative external sources of water that tests below 2.01 ppb, such as bottled water with that test result, may be used subject to Department approval.

3) Following successful mitigation that results in two consecutive tests below 2.01 ppb, further testing is only required if there has been any change to the water profile of the building, including but not limited to replacement of the hot water heater, change in the water source, or change to, or replacement of, the water service lines.

4) The Department reserves the right to require testing upon suspicion of the day care center misrepresenting the construction date of the building, submitting false or altered testing results, failing to follow mitigation remedies, or committing other actions that may compromise the health and welfare of children. Any center facility that fails to insure testing and reasonable mitigation action when necessary may be subject to enforcement action, up to and including revocation of, or refusal to renew, the license.

k) There shall be no smoking or use of tobacco products in any form in the child care center or in the presence of children while on the playground or engaged in other activity away from the center.

l) Major cleaning shall not be done while children are present.

m) Basement or cellar windows used or intended to be used for ventilation, and all other openings to a basement or cellar, shall not permit the entry of rodents.

n) Openings to the outside shall be protected against the entrance of flies or other flying insects by doors, windows, screens, or other approved means.

o) Any extensive extermination of pest or rodents shall be conducted by a licensed pest control operator under the direct observation of a staff member to insure that residue is not left in areas accessible to children.

p) Pesticide Application

1) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present in the facility. Toys and other items mouthed or handled by the children must be removed from the area before pesticides are applied. Children must not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained at the facility.

2) Before a child is enrolled, the day care center shall provide a summary of its pest management plan and uses of pesticides to the child's parents or guardians. The center shall notify all parents or guardians before a pesticide application, or maintain a registry of parents or guardians who wish to receive written notification of when the facility will receive a pesticide application and send a written notification to them. Notification of the intended date of the application of the pesticide, which may be in the form of newsletters, bulletins, calendars, or other written communication methods presently used by the center, must be given at least 2, but not more than 30, days before the pesticide application. When economically feasible, the center must adopt an Integrated Pest Management (IPM) program as defined in Section 3.25 of the Structural Pest Control Act [225 ILCS 235/3.25], involving the cooperation between day care staff and pest control personnel or other specialists to use a variety of non-chemical methods as well as pesticides, when needed, to reduce pest infestations to acceptable levels and to minimize children's exposure to pesticides.

3) Prior notice of pesticide application is not required if the application is due to an immediate threat to health or property, in which case the pesticide must be immediately applied. Children shall not be present during the application and shall not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater. If such a situation arises, the appropriate day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided to parents or guardians as soon as practicable.

4) *Pesticides subject to notification requirements shall not include antimicrobial agents, such as disinfectants, sanitizers, or deodorizers, or insecticide baits and rodenticide baits* (Section 10.3 of the Structural Pest Control Act).

q) All garbage and refuse shall be collected daily and stored in a manner that will not permit the transmission of disease, create a nuisance or a fire hazard or provide harborage for insects, rodents or other pests.

1) An adequate number of covered, durable, water-tight, insect and rodent-proof garbage and refuse containers shall be provided for use.

2) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies shall be tightly covered and lined with plastic. Contents shall be covered immediately or removed for discarding.

r) The center shall be cleaned daily and kept in a sanitary condition at all times.

1) The center shall provide necessary cleaning and maintenance equipment.

2) Toys, table tops, furniture and other similar equipment used by children shall be washed and disinfected when soiled or contaminated with matter such as food, body secretions or excrement.

3) Cleaning equipment, cleaning agents, aerosol cans and other hazardous chemical substances shall be labeled and stored in a space designated solely for this purpose. These materials shall be stored in a locked place that is inaccessible to children.

s) Kitchen sinks used for food preparation shall not be used as hand-washing lavatories nor counted in the total number of hand-washing lavatories required.

t) There shall be means for communication in emergencies.

1) An operable non-coin telephone shall be on the premises, easily accessible for use in an emergency and for other communications.

2) A list of emergency telephone numbers, such as the fire department, police department, poison control and emergency medical treatment, along with the full address of the day care center, shall be posted next to each telephone.

3) In facilities where communication between groups is difficult due to the design of the day care center, operation in multiple buildings on the same site or on multiple floors, an intercom or a written plan for other effective means of communication between groups shall be provided.

4) During hours of operation and at all times that children are present, there shall be a means for parents of enrolled children to have direct telephone contact with a center staff person.

u) The center shall provide reasonable, private accommodations for breastfeeding mothers who may want to breastfeed during hours of operation, including a private area with an electrical outlet for mothers to pump their breast milk, and shall notify parents of these accommodations.

(Source: Amended at 438 Ill. Reg. 224, effective August 1, 2019)

Section 407.380 Equipment and Materials

a) Equipment and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served. The day care center may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. 386 (Children's Product Safety). *The day care center must post in prominent locations regularly visited by parents written notification of the existence of the comprehensive list of unsafe children's products available on the Internet and make the website address available to parents upon request.* [225 ILCS 10/5.2(b)]

b) Such equipment and materials for infants, toddlers and pre-school children shall be provided in the quantity and variety specified in Appendix A: Equipment for Infants and Toddlers, Appendix B: Equipment for Preschool Children and Appendix C: Equipment for School-Age Children.

c) The day care center shall have a method to communicate with persons who are hearing impaired such as a telecommunication device for the deaf (TDD) or the Illinois Relay Center (see Appendix F). Furniture and equipment shall be adapted, when necessary, for individual children's use.

d) Play materials shall be durable and free from hazardous characteristics, including sharp or rough edges and toxic paint. In areas where infants and toddlers play or sleep, there shall be no objects that are less than 1¼ inches in diameter or that have removable parts of this size.

e) Durable, safe and appropriately sized furnishings and equipment shall be provided, including:

1) Chairs of appropriate size for each age group served. If chairs are upholstered or padded, the furniture must meet the requirements of the Furniture Fire Safety Act [425 ILCS 45] and 41 Ill. Adm. Code 100 (Fire Prevention and Safety) and 41 Ill. Adm. Code 300 (Furniture Fire Safety Regulations).

2) Tables of height and size to accommodate comfortably a group of 10 or fewer children.

3) Low, open shelves for play materials and books within easy reach of the children.

4) Individual lockers, cubicles or separate hooks and shelves for children's personal belongings.

f) Storage shall be provided for surplus toys and supplies not currently in use.

g) Equipment, table tops, play materials and classroom surfaces shall be maintained in sound, clean conditions at all times.

1) Toys and equipment that are placed in children's mouths or are otherwise contaminated by body secretions or excretions shall be set aside to be cleaned with water and detergent, rinsed, sanitized and air-dried before handling by another child. Machine-washable cloth toys may be used and shall be machine-washed at least weekly and when contaminated.

2) Water tables and toys used in water tables shall be emptied daily and cleaned with a mild germicidal solution before being air-dried. Children and staff shall wash their hands before using the water table.

h) Extension cords meeting Underwriters Laboratories or equivalent standards may be used provided that they are inaccessible to children and do not present any safety hazard.

i) Poisonous or potentially harmful plants shall be inaccessible to children.

j) First-aid kits shall be maintained and readily available for use.

1) Centers with a capacity of fewer than 100 children shall maintain at least 2 first-aid kits, a kit for on-site use and a travel kit for use on outings. Centers with a capacity of 100 or more children shall maintain at least 3 first-aid kits.

2) When a program operates in various parts of a building or on more than one floor, a separate first-aid kit shall be maintained in each area or floor.

3) The supplies for each first-aid kit shall be stored in a closed container that is clearly labeled as first-aid supplies and stored in a place that is accessible to child care staff at all times but out of the reach of children.

4) The on-site first-aid kits shall contain the following supplies, at minimum:

A) Disposable latex gloves;
B) Scissors;
C) Tweezers;
D) Thermometer;
E) Bandage tape;
F) Sterile gauze pads;
G) Flexible roller gauze;
H) Triangular bandage;
I) Safety pins;
J) Eye dressing;
K) Pen/pencil and note pad;
L) Cold pack;
M) Adhesive bandages; and
N) Current American Academy of Pediatrics or American Red Cross standard first-aid text or an equivalent first-aid guide.

5) The travel first-aid kits for use on outings shall contain the above supplies (a first-aid chart may replace the required text) plus the following additional items:

A) Water;
B) Soap;
C) Antiseptic cream or solution;
D) Telephone number of the child care center (preferably on a laminated card); and
E) Coins for use in a pay phone.

6) First-aid kits shall be restocked after use and an inventory shall be taken at least annually and recorded.

7) In addition to the full first-aid kit maintained at the center, each individual classroom shall stock a supply of latex gloves and adhesive bandages and restock these supplies as needed.

8) The telephone number for Poison Control shall be posted at each telephone (1-800-942-5969).

k) Day care centers are not required to have a portable fire extinguisher. However, if the day care center installs a portable fire extinguisher of its own volition, the extinguisher must be installed, tested, maintained, and tagged by businesses licensed by the Office of the State Fire Marshal under the Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215] and 41 Ill. Adm. Code 250 (Fire Equipment Distributor and Employee Standards).

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

Section 407.390 Outdoor Play Area

Partially exempt programs are exempt from these standards.

a) An outdoor play area shall be provided unless the program operates less than three hours per day in accordance with Section 407.200(d)(3) or a waiver has been granted by the Department in accordance with subsection (q) of this Section.

b) The requirements for outdoor play areas shall be met immediately, except for equipment and protective surfaces installed by the center before January 1, 1998. Fences around play areas that are newly installed or replaced after January 1, 1998 must comply with the requirements of this Section.

c) The outdoor play area shall accommodate 25 percent of the licensed capacity at any one time.

d) There shall be a minimum of 75 square feet of safe outdoor area per child for the total number of children using the area at any one time. Children under the age of 24 months shall not use a common outdoor play area at the same time as children ages three or older.

e) Play space shall be in a well-drained area.

f) All play space shall be fenced or otherwise enclosed or protected from traffic and other hazards. Fences shall be at least 48 inches in height (for fences installed or replaced after January 1, 1998). Fences shall be constructed in such a way that children cannot exit without adult supervision. Corral-type fences and fences made of chicken wire shall not be used. Play areas for children under two years of age shall be enclosed so that the bottom edge is no more than 3½ inches above the ground and openings in the fence are no greater than 3½ inches.

g) The outdoor play area shall be adequately protected from traffic, water hazards, electrical transformers, toxic gases and fumes, railway tracks and animal hazards.

h) The outdoor play area shall be arranged so that all areas are visible to staff at all times.

i) Protective surfaces (wood mulch, bark mulch, wood chips, sand, gravel, rubber mats, etc.) shall be provided in areas where climbing, sliding, swinging or other equipment from which a child might fall is located.

1) The protective surface shall extend at least six feet beyond the perimeter of the equipment, except for swings.

A) For single-axis (traditional) swings, the protective surface shall extend both forward and backward a distance of at least two times the height measured from the supporting bar.

B) For tire swings which rotate, the protective surface shall extend six feet beyond the farthest reach of the tire in all directions.

2) The protective surface shall have a Critical Height value of at least the height of the highest accessible part of the equipment, unless rubber mats are used which have been manufactured specifically for this purpose and which comply with the requirements established by the Consumer Products Safety Commission or the American Society for Testing Materials. See Appendix H for Critical Height values.

3) The surface material shall be properly drained to prevent the growth of molds and bacteria.

4) When resilient materials become packed, they shall be raked and/or turned to restore resilience.

j) A surface shall be provided that is suitable for children's wheeled vehicles and pull toys.

k) There shall be a shaded area in the summer to protect children from excessive sun exposure. Equipment with smooth metal surfaces, such as slides, shall be in an area that is shaded during the summer or shall be placed in a north/south alignment. Equipment permanently affixed on January 1, 1998 shall be accepted if otherwise determined safe. Procedures shall be in place to prevent children from being burned if the metal surface is too hot.

l) Play areas and play equipment shall be maintained in good repair and in a safe, clean and sanitary manner.

1) The equipment in the outdoor play area shall be of safe design and in good repair.

2) The equipment shall be free of sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, broken glass, lead-based paint or other poisonous materials.

3) All bolts, hooks, eyes, shackles, rungs and other connecting and linking devices used on playground equipment shall be designed and secured to prevent loosening or unfastening.

4) Outdoor equipment shall be situated to avoid collisions and accidents while still permitting freedom of action by the children.

5) Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

6) Access to play equipment shall be limited to age groups for which the equipment is developmentally appropriate according to the manufacturer's instructions.

7) Swings, if used, shall have seats of rubber or impact-absorbing material and design. Wood or metal seats shall not be used.

8) Crawl spaces, such as tunnels, shall be short and wide enough to permit access by adults.

9) All pieces of playground equipment used by children five years of age and younger shall be designed to guard against entrapment or situations that may cause strangulation.

A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.

B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).

D) No opening shall form an angle of less than 55º unless one leg of the angle is horizontal or slopes downward.

E) No opening shall be between ⅜ inch and one inch in size (to prevent finger entrapment).

10) Sandboxes, if smaller than 100 square feet, shall be covered when not in use. Larger sand play areas shall be covered, or there shall be a written plan for the daily raking and cleaning of animal fecal matter, if present.

11) Areas for sand play shall be distinct from the landing areas surrounding slides and other equipment.

m) The center director or designee shall inspect the playground daily before children go out to play to ensure there are no hazards present.

n) Prior approval of the Department is required when play space not connected with the center is used to meet the requirements of subsections (a) through (1) of this Section in lieu of the center's own play space. Proposed use of a nearby park, school yard or other alternative shall be considered on a case-by-case basis in consultation with local health and safety officials, with consideration given to the following criteria:

1) Location;

2) Accessibility to children and staff by foot or the availability of push carts or other means of transporting infants and toddlers;

3) Age(s) of the children in the group(s);

4) Availability of appropriate equipment;

5) Traffic patterns of vehicles and people in the area;

6) Condition of the park in areas related to safety;

7) Usage of the park by other groups when the children would be most likely to use it;

8) Compliance with the requirements of subsections (a) through (m) of this Section.

o) If an area not connected with the center is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

p) Roof-top playgrounds are permissible only if the playground is completely surrounded by a non-climbable fence at least eight feet in height which has no openings of any kind, a structural clearance for the use of the roof as a play area has been obtained, and the Office of the State Fire Marshal or the Chicago Fire Department's Fire Prevention Bureau has approved in writing the use of the roof as a playground.

q) The Department may grant a waiver of the outdoor play area requirement under the following conditions:

1) The facility is located in an urban area where suitable, safe outdoor space is not available;

2) The facility has an indoor activity room that provides 75 square feet per child for at least 25% of the licensed capacity of the facility and is used for gross motor play in lieu of outdoor space; and

3) Parents are given notification of this waiver in writing upon enrollment of their children.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

SUBPART I: SEVERABILITY OF THIS PART

Section 407.400 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Renumbered from Section 407.35 at 22 Ill. Reg. 1728, effective January 1, 1998)

SUBPART J: EMERGENCY DAY CARE PROGRAM (EDC)

Section 407.500 Purpose

The purpose of this Subpart J is to describe the process for approving Emergency Day Care Programs to provide day care for essential and critical care workers during the federal, State or local government-declared public health crisis due to the outbreak of COVID-19.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

Section 407.505 Definitions

The following definitions apply to this Subpart:

"Emergency Day Care Program" or "EDC" means:

Day care centers currently licensed pursuant to Section 407.50 that are now closed pursuant to the Governor's Executive Order No. 2020-10; or

A new program that has never held a license to operate a day care center, such as a location within or near a medical facility, for the purpose of child care for essential and critical care workers, as defined in the Governor's Executive Order No. 2020-10, for the duration of the COVID-19 Gubernatorial Disaster Proclamation.

"Essential and critical care workers" are employees permitted to work and exempt from the Governor's Executive Order No. 2020-10.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

Section 407.510 Application for Emergency Day Care Program

a) Each applicant shall complete an application for licensure to operate an Emergency Day Care Program on a form prescribed by the Department. Applications can be obtained from any Day Care Licensing Representative and shall be available online. Applications may be submitted via email at Emergency.Daycare@illinois.gov.

b) The application for a license shall be completed by the officers of the governing body of the Emergency Day Care Program, or its authorized representative, on forms prescribed and furnished by the Department.

c) Day care centers currently licensed pursuant to Section 407.50 that are now closed pursuant to the Governor's Executive Order No. 2020-10 may submit partial applications, provided that the application is complete within 5 days after the initial submission. For any application to be considered complete, the following shall be attached to the application form:

1) Risk Management Plan (Section 407.70(k));

2) Staffing Plan (Section 407.90(a));

3) Guidance and Discipline Policy (Section 407.270);

4) Medication Policy (Section 407.360); and

5) All persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check (Section 407.110).

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

Section 407.515 Compliance with Licensing Standards

a) An applicant for an Emergency Day Care Program license shall demonstrate compliance with the following:

1) Section 407.70(k);

2) Section 407.90(a)(3) and (b);

3) Section 407.100(a), (b)(1), (g), (h), and (i);

4) Section 407.110;

5) Section 407.120(a)(1), (2), (4), and (6), (b), (c), (e)(1), (3), (4) and (5), and (f)(1);

6) Section 407.190(f);

7) Section 407.250(i)(1);

8) Section 407.260(b) and (d);

9) Section 407.270;

10) Section 407.310(b) and (c);

11) Section 407.320(a), (b), (c), and (e);

12) Section 407.330(j) and (k);

13) Section 407.340(c), (h), and (i);

14) Section 407.350(a) and (d);

15) Section 407.360(a), (b), (c), and (d);

16) Section 407.370(f)(1)(A) and (B), (r)(1), (2) and (3), and (t)(1);

17) Section 407.380(g) and (j)(4); and

18) Section 407.140 (minimum requirements for Emergency Day Care Program teachers, which will apply to Program Directors);

b) The applicant shall ensure compliance with the following requirements:

1) Each classroom shall be staffed with at least one Early Childhood Teacher or assistant, or School-age Worker Assistant;

2) Child care must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);

3) Infants and toddlers must maintain a ratio of 1 staff to every 4 children;

4) Children shall not change from one group to another;

5) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other;

6) Child care providers shall remain solely with one group of children;

7) Child care staff may work a maximum of 12 hours in a 24-hour period; and

8) All staff and children are compliant with up-to-date CDC Guidance about health and behavioral instructions as related to COVID-19. Visit www.CDC.gov for update guidance.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

Section 407.520 On Site Visit

a) For currently licensed day care centers, an on-site visit shall not be required when:

1) The day care center will continue to operate with the same capacity and age groupings except no room or group shall have more than 10 children; and

2) The day care center's licensing representative has visited the facility at least once in the most recent 12-month period.

b) For all other applicants, a licensing visit shall be conducted within 48 hours after the receipt of the application.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

Section 407.525 Approval of Application

a) Upon receipt of a complete, signed application for a license, the Department shall conduct a licensing study in order to determine that the Emergency Day Care Program meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.

b) Day care centers currently licensed pursuant to Section 407.50 (now closed pursuant to the Governor's Executive Order No. 2020-10) will be granted a five-business day grace period during which they may operate while pending approval of the Emergency Day Care Program license.

c) If the day care center, or another building or location not currently licensed, is approved as an Emergency Day Care Program, the Department will issue an emergency license to the applicant.

d) During the hours of operation, Department staff has discretion to visit the licensed Emergency Day Care Program to ensure the health and safety of children, and to provide support and resources for the program. Ninety days following the issuance of the license, a recertification visit will be conducted by licensing staff for operating Emergency Day Care Programs.

e) An Emergency Day Care Program that was not previously licensed under Section 407.50 shall surrender the license and close within 30 days after the expiration of the COVID-19 Gubernatorial Disaster Proclamation.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days)

SUBPART K: REOPENING OF DAY CARE CENTERS

Section 407.600 Reopening of Day Care Centers

Pursuant to the Restore Illinois Plan, day care centers may resume child care services beginning on May 29, 2020, subject to the requirements of this Part and the guidance issued by the Department of Children and Family Services (Department) entitled "Restore Illinois Licensed Day Care Guidance" and posted to the Department website at: https://www2.illinois.gov/dcfs/Pages/default.aspx#tabitem1. This guidance includes but is not limited to information regarding program planning, access to child care facilities, daily health screenings, cleaning, sanitization, and personal hygiene and will be updated as public health guidance from the Illinois Department of Public Health (IDPH) and the Centers for Disease Control (CDC) evolves.

(Source: Added by emergency rulemaking at 44 Ill. Reg. 10170, effective May 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11079, effective June 12, 2020, for the remainder of 150 days)

Section 407.605 Grouping and Staffing

EMERGENCY

During Phases III and IV of Restore Illinois:

a) Children must remain with the same group each day while in care.

b) Groups must not be combined at any time.

c) Required Ratios and Maximum Group Sizes. In order to provide the level of supervision necessary to adhere to the health and safety requirements established by the Illinois Department of Public Health in response to the COVID-19 pandemic, the following staff-to-child ratios must be maintained at all times during the program day.

Ages	Staff to Child ratio	Maximum Group Size (Children)
Infant	1:4	8
Toddler	1:5	12
Two	1:8	12
Three	1:10	15
Four	1:10	15
Five	1:15	15
School Age	1:15	15

d) Programs may staff classrooms with a qualified Early Childhood Assistant for up to 3 hours of their program day, provided that this arrangement is documented in a written staffing plan as required by Section 407.90(a).

e) Staff qualified to work as Early Childhood Teachers in an Emergency Day Care Center (EDC) under 89 IAC 407 (Emergency, March 20, 2020) and who served in the role from March 20 – May 29, 2020 may continue to work as an Early Childhood Teacher through July 31, 2020, provided that they work at the same program which was operating as an EDC and has since reverted to its' normal day care license

(Source: Added by emergency rulemaking at 44 Ill. Reg. 10170, effective May 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11079, effective June 12, 2020, for the remainder of 150 days; emergency amendment at 44 Ill. Reg. 11577, effective June 24, 2020, for the remainder of 150 days)

Section 407.610 On Site Visit (Repealed)

(Source: Added by emergency rule at 44 Ill. Reg. 10170, effective May 29, 2020, for a maximum of 150 days; repealed by emergency amendment to emergency rule at 44 Ill. Reg. 11079, effective June 12, 2020, for the remainder of 150 days)

APPENDIX A

MINIMUM EQUIPMENT AND SUPPLIES: INFANT AND TODDLER PROGRAMS

(For Every Group of 12 Infants and 15 Toddlers)

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is required to stimulate the development of each group of infants and toddlers. This list takes into account the following characteristics of infants and toddlers:

- short attention span;
- physical needs for active and quiet play over a short time period;
- need to learn through concrete activities; and
- inability to share.

Unless otherwise noted, all items on this list shall be available to the children at all times when they are active and awake.

	INFANTS	TODDLERS
FURNISHINGS	1) Seating appropriate for the children's developmental abilities; safe, sturdy, with backs (and sides/arms, as appropriate)	1) Same
	2) One crib with mattress, sheet & blanket per infant	2) Stackable cots with sheet & blanket may be used for napping
	3) Adult-sized chairs with backs for staff, including at least one rocking chair; no folding chairs are permitted	3) Same
	4) Low, open shelves & bookcases (one foot of shelving per child)	4) Same
	5) Space & equipment for maintaining children's records	5) Same
	6) Individual space for outer clothing	6) Same
	7) Infant seats	7) Not Required

FURNISHINGS	INFANTS	TODDLERS
	8) Bathing tub	8) Same
	9) Diaper-changing table with a non-porous, non-absorbent surface, & an accessible hand-washing sink	9) Same
	10) Separate tightly covered washable receptacles & disposable plastic liners for disposable diapers, cloth diapers & soiled clothes/linen	10) Same
	11) Area rug or carpeting	11) Same
	12) Portable gates, as needed (must be tested & certified by Juvenile Manufacturer's Association)	12) Same
	13) Refrigerator	13) Same
	14) Container for isolating, cleaning & disinfecting toys that have been in children's mouths	14) Same
	15) Safety mirrors placed where children can observe themselves	15) Same
LARGE MUSCLE-INDOORS	1) Safe (soft, no hard edges), large materials for stacking, such as blocks - at least 20	1) Safe, durable large building pieces or blocks, 20 per group of ten or fewer children, plus three per child for each additional child above the group of ten children
	2) One piece of durable, large-muscle equipment for every 3 infants, such as rocking toys, activity gyms, tunnels	2) One piece of durable, large-muscle equipment for every 3 children, such as two-step slide, rocking boat, indoor gym, swing, tunnel, climber
	3) Variety of large balls	3) Same
	4) Water-play equipment	4) Same
	5) Pull toys	5) Same

	INFANTS	TODDLERS
ART & MUSIC	1) Audio equipment, such as phonograph, cassette or compact disk player with at least six LP records, cassettes or compact disks)	1) Same, plus at least 1 musical instrument/toy per child
	2) Not required	2) Sufficient art materials, such as crayons, large paper and Play Dough; for older toddlers, 1 easel for every 10 children
FINE MOTOR	1) Two toys per child that are responsible to children's actions for sensory & manipulative activities, such as bells, busy boards, small balls, snap-together beads, nesting bowls, shape sorters, squeeze toys that squeak, mobiles, plastic clutch toys, shape toys, teething toys, rattles	1) Small blocks, including blocks that grip or lock together & other blocks which can be used for building; at least 100 pieces per group of ten or fewer children, plus ten blocks per child for each child over ten children
	2) None	2) One manipulative toy per child, such as puzzles, pegs and peg boards, bead and string sets, nesting blocks, shape sorters
LANGUAGE DEVELOPMENT	1) Two durable books (cardboards, vinyl, cloth) per child, with rounded edges & bright pictures of familiar objects	1) Same
	2) Pictures	2) Same
	3) Other visual/manipulative materials, such as flannel boards, magnetic boards, etc.	3) Same

SOCIAL/EXPRESSIVE	INFANTS	TODDLERS
	Not required	1) At least two sets of equipment plus accessories for dramatic/pretend play for each group of five or fewer children; more than one of the same set may be included in the number provides; for example, two kitchen sets with accessories could be provided; each set should have adequate pieces for use by at least two children at once Sets of equipment may include, but are not limited to, the following: Doll beds with dolls Kitchen set (stove and/or sink, and/or refrigerator, and/or cupboard with pots, pans, dishes, etc. At least five transportation toys of any size with pretend road, buildings, etc. Puppet stage with puppets. Sand or water table (dish pans are acceptable) with accessories, such as spoons and buckets. Dress-up clothes hung on safe hooks or in wardrobe, plus mirror.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

APPENDIX B

MINIMUM EQUIPMENT AND SUPPLIES: PRESCHOOL PROGRAMS

This list of minimum equipment and supplies and their arrangement is not intended to define nor limit any program's philosophical approach. A minimum quantity and variety of materials is require to stimulate the development of preschool children. This list takes into account the following characteristics of preschool children:

- short attention span
- needs for active and quiet play over a short time period
- need to learn through concrete activities

Unless otherwise noted, the same item may fit into more than one category. For example, a particular cognitive game may be acceptable under the Small Muscle category or the Cognitive category. A center may choose under which category to count an item, but may not count an item under more than one category.

Numbers of children refer to licensed capacity, not enrollment or attendance.

CATEGORY	ITEM/AMOUNT
FURNITURE	1) Tables & Chairs - Sufficient tables & chairs with backs for the children (one chair per child, no folding chairs), plus chairs with backs for staff.
	2) One cot per child for programs that operate at least 5 hours per day.
	3) One cot with blanket (for ill child).
	4) Shelving - Low, open shelves & bookcases with one foot of shelving per child.
	5) Personal Storage Space - Individual spaces for coats, boots & personal items.
	6) Area rug or carpeting for each group, or individual carpet squares or cushions for each child to sit on.
LARGE MUSCLE - INDOORS	1) Building Blocks - 20 large, durable building blocks per each group of 10 or fewer children.
	2) Large-Muscle Equipment - 2 pieces of durable, large-muscle equipment for every group of 10 or fewer children; 3 pieces for groups of 11 to 20 children. Examples include a climber, rocking boat, tunnel, walking plant, riding toys.

CATEGORY	ITEM/AMOUNT
SMALL MUSCLE	1) Small Blocks - Small blocks, including blocks that grip or lock together & other blocks that can be used for building. At least 100 pieces per group of 10 or fewer children, plus 10 blocks per child for each child over the 10 children.
	2) Manipulative Toys - One for every 3 children. Examples include pegboards with pegs, beat & string sets, nesting blocks.
	3) Art Materials - A sufficient supply of art materials so that each child can participate daily, including: clay or other molding material; tempera paints with paint brushes & paper; finger paints (non-toxic) with paper; paste, blunt scissors & crayons; collage materials; & aprons or smocks.
	4) Easels - Two easels or one double easel for each group of 20 or fewer children.
	5) Puzzles - One puzzle for every 2 children.
SOCIAL/EXPRESSIVE/ LANGUAGE DEVELOPMENT	1) Dramatic Play - At least 6 sets of equipment plus accessories usable for dramatic/pretend play for a group of 10 or fewer children. At least 9 sets for a group of 11 to 20 children. More than one of the same set may be included in the number provided. Each set should have adequate pieces for use by at least 3 children at once. Some examples of sets are:
	Doll bed with dolls.
	Kitchen set (stove and/or sink, and/or refrigerator, and/or cupboard) with pots, pans, dishes, etc.
	At least 5 transportation toys of any size, with pretend road, buildings, etc. (May be blocks.)
	Puppet stage with puppets.
	Sand or water table (dish pans are acceptable) with accessories (scoops, buckets, etc.)
	Dress-up clothes hung on safe hooks, or in a wardrobe, mirror, etc.

CATEGORY	ITEM/AMOUNT
SOCIAL/EXPRESSIVE/ LANGUAGE DEVELOPMENT	2) Music Items: Rhythm band or other group of instruments to be played by children (one instrument for every 2 children). One record player, cassette player, or compact disc player per group with at least 10 records, cassettes, or compact disks.
	3) Flannel Board/Velcro Board - One board per group with accessories.
	4) Language Development Pictures.
COGNITIVE DEVELOPMENT	1) Science Items - Five science items, such as magnets, magnifying glasses, pets, plants, etc., per group of 10 or fewer children, plus one for every 2 additional children in groups larger than 10.
	2) Books - At least 20 books per group of 10 or fewer children, plus 2 books per child for groups larger than 10. All books need not be displayed at all times; child care staff may rotate books on display.
	3) Cognitive Games - Five cognitive games to teach number concepts, letter shapes, size & color concepts per group of 10 or fewer children, plus one game for every 2 children in groups larger than 10.

LARGE MUSCLE - OUTDOORS

In the following chart, the numbers of children refer to one-quarter of the center's licensed capacity **OR** the number of children who use the playground at any one time, whichever is greater. Playgrounds are required to accommodate at least one-quarter of the center's licensed capacity. However, some playgrounds are big enough to accommodate more than one-quarter of the licensed capacity. A center licensed for 40 children with a playground that can accommodate 10 children would need enough equipment for 10 children, while a center licensed for 40 children with a large playground that all 40 children use at once would need adequate equipment for 40 children.

LARGE EQUIPMENT		MEDIUM EQUIPMENT		SMALL EQUIPMENT
Two items from this column for every 20 or fewer children: Climber* Slide Sand Box Building Blocks/Pieces (Set of 40 Large Blocks) Water Play Equipment (Water Trough, Hose, Sprinkler, Etc.)	**PLUS**	One item from this column for every 10 or fewer children: Wheel Toy (Tricycle, Wagon, Etc.) Balance Beam Tunnel Rocking Boat, Etc.	**PLUS**	One item from this column for every 7 or fewer children: Ball Jump Rope Hula Hoop, Etc.

*On a large climber with several sections, each section counts as 1 item.

EXAMPLE: A center with 37 children using the playground at the same time would require: 4 items from the large equipment column; 4 items from the medium equipment column; and 6 items from the small equipment column.

NOTE: Indoor large muscle equipment may also be counted as outdoor equipment, if it is available outdoors when the children are outdoors.

Programs that operate for 3 hours per day or less and provide outdoor play, programs that carry equipment to a remote outdoor play area and programs with playgrounds serving fewer than 20 children may substitute for the large equipment as follows: one medium equipment item for every 3 children, plus one small equipment item for every 7 children OR one small equipment item for each child.

(Source: Amended at 34 Ill. Reg. 4700, effective March 22, 2010)

APPENDIX C

MINIMUM EQUIPMENT AND SUPPLIES: SCHOOL-AGE PROGRAMS

The quantities of equipment and supplies for school-age programs may be defined in three possible ways:

1) The proportion for the total program size, as defined by the maximum daily attendance of the entire school-age program.

2) The proportion required for each functional group, defined as the maximum group size allowed in a defined space that can offer a certain activity.

   Example 1: If a school-age child care program had 60 participants in three self-contained rooms each containing 20 children and one or more staff, and the lead staff member in each room independently did program planning, the program would contain three functional groups.

   Example 2: A program with 60 participants divided into groups of 20 with a carefully planned curriculum based on rotating each group through specially equipped, limited-purpose rooms would have a functional group size of 20 to 60, depending on how many rooms would potentially have children utilizing a certain function simultaneously.

   - If Arts and Crafts could be done in only one of the rooms which held a maximum of 20 children, the functional group size for Arts and Crafts would be 20.

   - If Dramatic/Creative Play could occur simultaneously with a group of 20 in the gym and another group of 20 in a different room, the functional group size for Dramatic/Creative Play would be 40.

   - If Fine Motor Activities were potentially available in all three rooms, the functional group size for Fine Motor Activities would be 60.

3) The absolute number of items required regardless of program size or type of scheduling/space utilization.

CATEGORY: Furniture

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Seating at tables (type of seating to be based on the type of program).	One per child & staff.	
2) Individual spaces for outer clothing & children's belongings.	One per child.	
3) If children must sit on the floor, an area rug, mats, carpet squares or carpeting is required.	One cushioned area per child & staff.	
4) Lounging area with cushioning (floor pillows, sofa, mats, bean bag chairs). May be a mobile and/or expandable area.	Space in area for 20 percent of the children.	
5) Equipment for individual children who need naps. May include exercise mats or cots. Area may be separate from lounging area if non-sleeping children use that area.		One for each child requiring naps

CATEGORY: Active Large-Muscle Equipment - Outdoor

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Sports & large muscle development equipment. Sports equipment may include baseball/ softball, jump rope, soft foam football, volleyball, badminton, Frisbee, four-square, shuffle board, tug-of-war rope, scoops/ balls, parachute, logs, basketball, soccer ball, T-ball, croquet, hockey, hula hoop, roller skates, non-steel belted tires punctured to drain water.	Four	

CATEGORY: Active Large-Muscle Equipment - Indoor

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Sufficient equipment for the sport, number of children & length of program day. Indoor sports equipment may include the items listed under outdoor equipment, plus beach, ping pong & soft foam balls.	Four per group of 20 children, one for every five children over the group of 20	One piece for every additional 25 percent of children not included in functional group calculation

CATEGORY: Arts and Crafts

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Scissors/paint brushes (age appropriate).	One per child up to 10 children; one per three additional children in the functional group.	
2) Expendable art supplies for simple arts & crafts activities: paper (construction, computer, chalk, charcoal); drawing or doodling paper; paints, easel; crayons, markers, colored pencils; tape, paste, glue; collage materials; finger paints.	A sufficient supply of art materials so that each child can participate daily.	
3) Extended arts & crafts projects: sewing, knitting, woodworking, leather craft, model building, basket weaving, printing, calligraphy, jewelry-making, bead work, clay, weaving, lanyards, kite-making.		minimum of one project & sufficient materials & supplies for 100 percent of children age 8 & older

CATEGORY: Music

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Operable equipment to listen to, play or make music (e.g., phonograph, compact disk player, cassette player, radio, rhythm or other instruments, VCR.		at least one
2) Records, cassettes, compact disks or music videos.		ten from any categories for which the program has equipment

CATEGORY: Dramatic/Creative Play

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Dress-up clothing & accessories.		access to one set for 15 percent of the capacity
2) Prop and sets (e.g., occupations, restaurant, cheerleading).		access to one set
3) Small, interlocking blocks & accessories (e.g., cars, figures, animals.	Minimum of a full gallon-size container per 20 children	
4) Other blocks: one set of medium unit blocks (minimum of 60) & accessories **OR** one set of large shoe-box size or larger blocks (minimum of 40) **OR** large cardboard boxes suitable for building or creating structures.	Access to one set per 20 children	

CATEGORY: Literacy Materials

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Dictionary	One	
2) Materials representing literacy activities: •Writing supplies (pens, pencils and/or markers, paper) •Reading materials for children to read themselves or for staff to read to/with children (books, magazines, comic books, cassette read-along books). •Games that include literacy (Scrabble©, Hangman©, Jeopardy©. •Other media that improve literacy (cassette tapes & recorder, videotapes/film strips & VCR/projector, computer software with computer, flannel board with materials.		sufficient materials from at least 2 of the categories so that 25 percent of children may use them at any one time

CATEGORY: Science and Math Materials

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Science/math materials representing different activities, such as: plants & planting equipment; small animals (fish, ant farm, etc.); magnifying glass, microscope; rules; scales; clocks; pretend money; thermometers; rocks; water-pouring materials with accessories.		activities representing at least four different science items with sufficient quantities for 25 percent of children to be engaged at any one time

CATEGORY: Games and Puzzles

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Items must be selected from the following categories (no one item may exceed 25 percent of the requirement): •Puzzles •Table Games (such as: Candyland©, Chutes & Ladders©, Sorry©, Connect Four©, for younger children and/or shorter time periods; Backgammon, Monopoly©, Clue©, Chess, Yahtzee© for older children and/or longer time periods). •Card Games (Uno©, Rummy, Fish, War).		sufficient quantities for 25 percent of children to be engaged at any one time

CATEGORY: Fine Motor Activities

TYPE	QUANTITY PER FUNCTIONAL GROUP	QUANTITY PER PROGRAM
1) Manipulatives, including: small, interlocking blocks (minimum gallon-size container full), Tinker Toys©, jacks, marbles, Pick-Up Sticks©, dominoes, juggling equipment, erector sets, Bristle Blocks©, Lincoln Logs©.		sufficient quantities for 25 percent of children to be engaged at any one time

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

APPENDIX D

INFANT DAILY FOOD REQUIREMENTS

These feeding requirements are to be used as guidelines only. Food needs vary with each infant.

MEAL	Birth through 3 months	4 through 7 months	8 through 11 months
Breakfast	4-6 fl. oz. formula[1] or breast milk	4-8 fl. oz. formula[1] or breast milk 0-3 Tbsp. infant cereal (optional)	6-8 fl. oz. formula[1], breast milk, or whole milk 2-4 Tbsp. infant cereal[2] 1-4 Tbsp. fruit and/or vegetable
Lunch or Supper	4-6 fl. oz. formula[1] or breast milk	4-8 fl. oz. formula[1] or breast milk 0-3 Tbsp. Infant cereal[2] (optional) 0-3 Tbsp. fruit and/or vegetable (optional)	6-8 fl. oz. formula[1], breast milk, or whole milk 2-4 Tbsp. infant cereal[2] and/or 1-4 Tbsp. meat, fish, poultry, egg yolk, or cooked dry beans or peas or ½-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread 1-4 Tbsp. fruit and/or vegetable
Supplement	4-6 fl. oz. formula[1] or breast milk	4-6 fl. oz. formula[1] or breast milk	2-4 fl. oz. formula[1] or breast milk, whole milk or fruit juice[3] 0-½ bread[4] or 0-2 crackers (optional)

[1] Shall be iron-fortified infant formula.
[2] Shall be iron-fortified dry infant cereal.
[3] Shall be full strength fruit juice
[4] Shall be from whole grain or enriched meals or flour

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APPENDIX E

MEAL PATTERNS AND SERVING SIZES FOR CHILD CARE PROGRAMS

MEAL	FOOD ITEMS	AGE (1-2 years)	AGE (3-5 years)	AGE (6-12 years)
Breakfast	Fluid Milk	½ cup	¾ cup	1 cup
	Juice/fruit or vegetable[1]	¼ cup	½ cup	½ cup
	Grains/Breads	½ serving	½ serving	1 serving
	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice
	Or cereal cold/dry	¼ cup	⅓ cup or 0.5 oz.	¾ cup or 1 oz.
	Or cereal hot/cooked	¼ cup	¼ cup	½ cup
	Or cooked pasta/noodles	¼ cup	¼ cup	½ cup
Lunch/Dinner	Lean meat, fish or poultry	1 oz.	1½ oz.	2 oz.
	Or cheese	1 oz.	1½ oz.	2 oz.
	Or egg	1	1	1
	Or cooked dry beans and peas	¼ cup	⅜ cup	½ cup
	Or peanut butter*	2 Tbsp.*	3 Tbsp.	4 Tbsp.
	Or yogurt	½ cup	¾ cup	1 cup
	Fruits and/or Vegetables (2 or more total)	¼ cup total	½ cup total	¾ cup total
	Grains/Bread	½ serving	½ serving	1 serving
	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice or 1 oz.
	Or cooked pasta/noodles	¼ cup	¼ cup	½ cup
	Fluid milk	½ cup	¾ cup	1 cup
Snacks**	Fluid milk	½ cup	½ cup	1 cup

	Grains/Breads	½ serving	½ serving	1 serving
	Bread	½ slice or 0.5 oz.	½ slice or 0.5 oz.	1 slice
	Or cereal cold/dry	¼ cup	⅓ cup	¾ cup
	Or cereal hot/cooked	¼ cup	¼ cup	½ cup
	Lean meat, poultry or fish	½ oz.	½ oz.	1 oz.
	Or cheese	½ oz.	½ oz.	1 oz.
	Or cooked dry beans	⅛ cup	⅛ cup	¼ cup
	Or peanuts, peanut butter, nuts or seeds	1 Tbsp.*	1 Tbsp.	2 Tbsp.
	Juice/fruit or vegetable (full-strength juice)	½ cup	½ cup	¾ cup

* Shall not be served to children under two years of age. Spread thinly for children ages 2-3 years or mix with other foods.

** Mid-morning or mid-afternoon supplement; **select 2 of the 4 components**.

[1] No more that 4 ounces (½ cup) of 100% juice daily. Fruit juice shall be given only as part of a meal or snack.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)

407.APPENDIX F

RESOURCE REFERENCE LIST

Laws of the State of Illinois

- Abused and Neglected Child Reporting Act [325 ILCS 5]
- Child Care Act of 1969 [225 ILCS 10]
- Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]
- Food Handling Regulation Enforcement Act [410 ILCS 625]
- Furniture Fire Safety Act [425 ILCS 45]
- Illinois Animal Control Act [520 ILCS 5]
- Illinois Child Labor Law [820 ILCS 205]
- Illinois Environmental Barriers Act [410 ILCS 25]
- Illinois School Code [105 ILCS 5]
- Illinois Vehicle Code [625 ILCS 5]

Laws of the United States Government (federal)

- Americans with Disabilities Act (42 U.S.C. 12101)
- Fair Labor Standards Act (29 U.S.C. 214)

Administrative Rules of the Illinois Department of Children and Family Services

- 89 Ill. Adm. Code 377, Facilities and Programs Exempt from Licensure
- 89 Ill. Adm. Code 385, Background Checks

Administrative Rules of the Illinois Department of Public Health

- 77 Ill. Adm. Code 520, Treatment of Choking Victims
- 77 Ill. Adm. Code 690, Control of Communicable Diseases Code
- 77 Ill. Adm. Code 695, Immunization Code
- 77 Ill. Adm. Code 750, Food Service Sanitation Code
- 77 Ill. Adm. Code 820, Illinois Swimming Pool and Bathing Beach Code
- 77 Ill. Adm. Code 845, Lead Poisoning Prevention Act
- 77 Ill. Adm. Code 900, Drinking Water Systems Code

Administrative Rules of the Office of the State Fire Marshal

- 41 Ill. Adm. Code 100, Fire Prevention and Safety
- 41 Ill. Adm. Code 250, Fire Equipment Distributor and Employee Standards
- 41 Ill. Adm. Code 300, Furniture Fire Safety Regulations

Professionals Required to be Registered or Licensed and the Citation in the Illinois Compiled Statutes

- Clinical Social Worker - Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- Fire Equipment Distributor - Fire Equipment Distributor and Employee Regulation Act [225 ILCS 215]
- Nurses - Illinois Nursing Act of 1987 [225 ILCS 65]
- Occupational Therapist - Illinois Occupational Therapy Practice Act [225 ILCS 75]
- Pest Control Technicians - Structural Pest Control Act [225 ILCS 235]
- Physical Therapist - Illinois Physical Therapy Act [225 ILCS 90]
- Physicians - Medical Practice Act of 1987 [225 ILCS 60]
- Physician's Assistants - Physician Assistant Practice Act of 1987 [225 ILCS 95]
- Professional Counselor - Professional Counselor and Clinical Professional Counselor Act [225 ILCS 07]
- Psychologists - Clinical Psychologist Licensing Act [225 ILCS 15]

ILLINOIS RELAY CENTER - VOICE - 1-800-526-0857 TTY - 1-800-526-0844 Charges to access the center and standard phone charges will be added to the facility's telephone bill.

Child Abuse Hotline - 1-800-252-2873

Poison Control Center - 1-800-942-5969

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

407.Appendix G

Early Childhood Teacher Credentialing Program

The Department will use the following criteria to review and approve early childhood teacher credentialing programs:

Eligibility Requirements

1. Candidates must be at least 18 years of age.
2. Candidates must have at least a high school diploma or equivalency (GED).
3. The credentialing program must require a minimum of 640 clock hours of documented experience within the past five years working with children ages zero to six in a public or private school operated nursery school, kindergarten or licensed day care center.

Credentialing Process:

The credentialing process must include:

1. The child care director's recommendation in support of the candidate.

2. A review of the applicant's interaction with children under direct supervision by an impartial person.

3. A minimum of 120 clock hours of broad based training which has been completed successfully and which has been documented. One semester hour of college credits in early childhood education is equivalent to 15 clock hours of formal in-service training. This training may be completed through:

   A. Early childhood education courses at an accredited college or university, or
   B. Documented seminars and workshops pertaining to the growth and education of children zero to six years of age, at educational conferences of recognized National or State associations, agencies, or educational institutions.

4. Professional resource file or portfolio which demonstrates the understanding of core professional content areas including, but not limited to, the following:

   A. Principles of child growth and development.
   B. Planning a safe, healthy learning environment.
   C. Advancing children's physical and intellectual development.
   D. Supporting children's social and emotional development.
   E. Establishing productive relationships among family, school, and community.
   F. Managing an effective program operation.
   G. Maintaining a commitment to professionalism.
   H. Observing and recording children's behavior.
   I. Understanding the development of children's language.

5. An evaluation program which requires a professional review through observation and written assessment of:

   A. Competence in the core professional content areas;
   B. Interaction with children in the child care environment;
   C. Professional portfolio or file;
   D. Required training; and
   E. Verbal and written communication skills.

6. Observation and final assessment shall be done by an impartial committee or individual, not by the candidate's own director/employer.

7. A renewal of the credential shall be required at least every five years and shall require at least 20 additional clock hours of training. One semester hour of college is considered equivalent to 15 clock hours of formal in-service training.

8. All training shall be documented.

APPROVED CREDENTIALS

Child Development Associate Credential
Council for Early Childhood Professional Recognition
2460 16th Street, N.W.
Washington, DC 20009
1-800-424-4310

Certified Childcare Professional
National Child Care Association
1029 Railroad Street, N.W.
Conyers, Georgia 30207
1-800-543-7161

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407. APPENDIX H Playground Surfacing & Critical Height

Partially exempt programs are exempt from this standard.

Critical Height is a term used to describe the shock absorbing performance of a surfacing material and is used in this Part as an approximation of the maximum fall height from which a life-threatening head injury would not be expected to occur.

The surfacing material used under and around a particular piece of playground equipment should have a Critical Height Value of at least the height of the highest accessible part of the equipment.

Acceptable surfacing materials are available in two basic types, unitary or loose-fill.

Unitary materials are generally rubber mats or a combination of rubber like materials held in place by a binder that may be poured in place at the playground site. Persons wishing to install a unitary material as a playground surface should request test data from the manufacturer that should identify the Critical Height of the desired material. Site requirements should also be obtained from the manufacturer because some unitary materials require installation over a hard surface, while for others this is not required.

Loose-fill materials can also have acceptable shock absorbing properties. These materials include, but are not confined to, sand, gravel and shredded wool products. Loose-fill materials should not be installed over hard surfaces such as asphalt or concrete.

Many vendors are unlikely to have information on the shock absorbing performance of loose-fill materials. For that reason the U.S. Consumer Product Safety Commission has conducted tests to determine the relative shock absorbing properties of some loose-fill materials commonly used as surfaces under and around playground equipment. The table below identifies the Critical Heights of these materials when tested at various depths.

Critical Height of Tested Materials				
Material	6 inch uncompressed depth	9 inch uncompressed depth	12 inch uncompressed depth	9 inch compressed depth
Wood Mulch	7 feet	10 feet	11 feet	10 feet
Double Shredded Bark Mulch	6 feet	10 feet	11 feet	7 feet
Uniform Wood Chips	6 feet	7 feet	12 feet	6 feet
Fine Sand	5 feet	5 feet	9 feet	5 feet
Course Sand	5 feet	5 feet	6 feet	4 feet
Fine Gravel	6 feet	7 feet	10 feet	6 feet
Medium Gravel	5 feet	5 feet	6 feet	5 feet

The above material was reproduced with permission from the Handbook for Public Playground Safety by the U.S. Consumer Product Safety Commission.

(Source: Amended at 28 Ill. Reg. 3011, effective February 15, 2004)

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

ACTION TRANSMITTAL 2020.01

COVID-19 Response in Child Day Care

DATE: March 17, 2020

TO: All DCFS Day Care Licensing Staff, Supervisors

FROM: Marc D. Smith, Acting Director

EFFECTIVE: Immediately

I. PURPOSE

This Action Transmittal is being issued to implement temporary changes in protocol to the licensing standards listed below. These changes are in response to the current COVID-19 pandemic and its impact on day care services across the state.

II. PRIMARY USERS

All DCFS Day Care Licensing Staff, Supervisors and Managers

II. INSTRUCTIONS

All Day Care Licensing staff are to familiarize themselves and follow the guidelines of this Action Transmittal immediately.

1) The changes below serve to address the need to quickly accommodate the increase in child care as a result the COVID-19 social distancing mandated in the State of Illinois. The protocols listed below will remain in effect for 90 days.

2) Day care facilities are strongly urged to follow the guidance for child care centers provided by the Centers for Disease Control (CDC). Resources are available on the Governor's Office of Early Childhood Development web site.

3) The Department is taking the following action:

   a) Temporary increase (from three to six) the maximum number of unrelated children in a license-exempt child care home setting pursuant to **Ill. Admin Code tit. 89,** § **377.3(d) (2004)**.

   b) Temporary waiver in requirement for licensed child care center or home to have a physical form (immunizations, etc.) for a child prior to

enrollment/attendance pursuant to **Ill. Admin Code tit. 89,** § **406.14(c)(4) (2019), 407.310(a)(4) (2019), 408.70(a)(4) (2019)**.

c) Expedited verification of license-exempt status for programs serving small numbers (50 or fewer) of school age children in what would normally be a license-exempt setting to a facility operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available pursuant to the **Child Care Act [225 ILCS 10/2.09(e)]**. Licensing staff will review each request within six (6) hours of receipt of the request for exempt status.

d) 90-day extension on all requirements for training (e.g., first aid, CPR, annual professional development hours) for workers in licensed and license-exempt child care programs pursuant to **Ill. Admin Code tit. 89,** § **406.5(e) (1-2), 406.9(n), 406.9(t) (2019), 407.100(c)(1), 407.100(h), (2019), 408.15(e) (1-2), 408.35(i), 408.45(f), 408.45(j) (2019).**

e) 90-day extension of all licenses set to expire before June 30, 2020, **Ill. Admin Code tit. 89,** § **406.5(d) (2019), 407.55(d) (2019), 408.15(d) (2109).**

III. QUESTIONS

Questions regarding this Action Transmittals should be directed to the LaTonya Thomas at (312) 328-2464. Question may also be emailed to the Office of Child and Family Policy via Outlook at DCFS.Policy and non-Outlook users may send questions to DCFS.Policy@Illinois.gov.

IV. FILING INSTRUCTIONS

Please file this Action Transmittal immediately behind:

- Rules 377, Facilities and Programs Exempt from Licensure;
- Rules 406, Licensing Standards for Day Care Homes;
- Rules 407, Licensing Standards for Day Care Centers; and
- Rules 408, Licensing Standards for Group Day Care Homes.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.07

Rule 407, Licensing Standards for Day Care Centers

DATE: February 28, 2020

TO: All DCFS Day Care Licensing Staff and Licensed Day Care Centers

FROM: Marc D. Smith, Acting Director

EFFECTIVE: Immediately

I. PURPOSE:

The purpose of this "Interim Conditional Early Childhood Teacher" Policy Guide is to address, in the short term, what is an undisputed shortage of early childhood teachers who meet all licensing standards, except for the following educational and experiential requirements:

Qualifications for Early Childhood Teachers and School-age Workers Ill. Admin Code tit. 89, § 407.140 (2004).

407.140 (c)(1) – Requires early childhood teachers to have 60 semester hours (or 90 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age 6, with no experience required.

OR

407.140 (c)(2) – Requires early childhood teachers to have 1 year (1560 clock hours) of child development experience in a nursery school, kindergarten, or licensed day care center and 30 semester hours (or 45 quarter hours) of credits from an accredited college or university with six semester or nine quarter hours in courses related directly to child care and/or child development, from birth to age six.

This Policy Guide is intended to be used only when licensed day care centers are not able to meet their staffing needs by complying with Sections 407.140(c)(1) and (2).

II. PRIMARY USERS

The primary users of this Policy Guide are Department Day Care Licensing staff and licensed day care center owners, governing boards and staff.

III. BACKGROUND AND SUMMARY

There has been an ongoing and undisputed shortage of early childhood teachers in licensed day care centers. Day care centers have a growing number of vacancies for early childhood teachers which contributes to a lack of stability and consistency within their programming. One of the barriers identified in hiring early childhood teachers at day care centers is identifying candidates who meet day care center licensing standards specific to formal education and experience. The licensing standards identified are not related to health, safety and well-being as defined in Ill. Admin Code tit. 89, § 407.250 to 407.30 (structure and safety), and Ill. Admin Code tit. 89, § 407.310 to 407.360 (health and hygiene). Therefore, the Department's Division of Licensing will provide licensed day care centers flexibility and time for their staff to meet licensing standards related to formal education and experience.

The Department's Division of Licensing will allow modifications to the educational requirements in Sections 407.140 (c)(1) and (2) for a period of 12 months.

IV. TERMS, CONDITIONS & INSTRUCTIONS

During the period of March 1, 2020 through February 28, 2021, licensed day care centers may hire individuals who are in the process of completing the educational requirements in Sections 407.140 (c)(1) or (2) to be employed in the position of "Interim Conditional Early Childhood Teacher," for a period of 12 months. Individuals hired as "Interim Conditional Early Childhood Teachers" under this plan must provide documentation within four months of the date of employment as an "Interim Conditional Early Childhood Teacher" that shows they are enrolled in courses that meet the specifications in Section 407.140 (c)(1) or (2). Enrollment shall be in an accredited college or university and may include online courses.

Ongoing, on-site and in-person supervision shall be provided by the director of the licensed day care center, and ongoing mentoring/coaching by a teacher-mentor, education coordinator, other appropriate employee, or Quality Specialist from the Child Care Resource and Referral Agency or other professional development provider, to all "Interim Conditional Early Childhood Teachers." Documentation of at least monthly mentoring/coaching sessions addressing written professional development goals must be kept in each "Interim Conditional Early Childhood Teacher's" personnel file.

The following exceptions to Sections 407.140 (c)(1) and (2) are permitted during this 12-month period:

- "Interim Conditional Early Childhood Teachers" who are employed under this plan with 60 college semester credit hours (or 90 quarter hours) and who have completed the Gateways Level I Early Childhood Credential but lack the 6 credit hours of Early Childhood Education ("ECE"), can obtain the 6 credit hours of ECE during the 12 month period.

- "Interim Conditional Early Childhood Teachers" who are employed under this plan with 30 college semester credit hours (or 45 quarter hours) and have 1560 clock hours of documented work experience and have completed the Gateways Level I Early Childhood Credential but lack the 6 credit hours of ECE, can obtain the 6 credit hours of ECE during the 12 month period.

Licensed day care centers shall place all documentation related to proof of enrollment in college credit courses and clock hours in the respective employee's personnel file. Courses are required to be identified as early childhood or child development, with a focus on birth to age 6. After six months, DCFS will review the personnel files of the "Interim Conditional Early Childhood Teachers" to monitor progress and ensure that objective goals are satisfied.

Once the "Interim Conditional Early Childhood Teacher" reaches 12 months of "interim" conditional employment, the Department's Division of Licensing will review records related to education and experience. If all requirements are met, the Division of Licensing will make the recommendation for the "Interim Conditional Early Childhood Teacher" to become an Early Childhood Teacher pursuant to Section 407.140 (c)(1) or (2). The Division of Licensing is charged with the responsibility of making the final determination and verifying the documentation received by the licensed day care center.

Day care centers that use "Interim Conditional Early Childhood Teachers" shall post notification outside of each classroom in which an "Interim Conditional Early Childhood Teacher" is working. In order to promote transparency and the temporary exception to Sections 407.140 (c)(1) or (2), said posting will identify to parents and patrons that the class is being staffed by an "Interim Conditional Early Childhood Teacher."

A program can only use this "Interim Conditional Early Childhood Teacher" plan if it can show proof that it posted a lead teaching job for at least 30 days and was unable to hire a candidate.

"Interim Conditional Early Childhood Teachers" shall not make up more than 40% of the total teachers employed by the licensed day care in this 12 month.

This policy guide is in effect from March 1, 2020 to February 28, 2021 and is subject to and contingent upon any changes to Child Care Act.

V. QUESTIONS

Licensee holders may direct questions to their Licesning Representatiave. Applicants may direct questions to their local day care licensing office. Licensing staff should direct questions to their supervisory chain-of-command. All others may direct their questions to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

VI. FILING INSTRUCTIONS

File behind Rules 407, Licensing Standards for Day Care Centers.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.02

LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS IN CHILD WELFARE PRACTICE

DATE: January 3, 2020

TO: DCFS and Private Agency Licensing Staff

FROM: Marc D. Smith, Acting Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS Agency licensing staff.

Definitions:

"Cannabis" has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

"Cannabis-infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

"Child Care Facility" means a child care facility as defined in the Child Care Act. [225 ILCS 10]

"Medical cannabis" means cannabis products that are acquired for "medical use" as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]

III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;
Rules 402, Licensing Standards for Foster Family Homes;
Rules 403, Licensing Standards for Group Homes;
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;
Rules 406, Licensing Standards for Day Care Homes;
Rules 407, Licensing Standards for Day Care Centers;
Rules 408, Licensing Standards for Group Day Care Homes;
Rules 409, Licensing Standards for Youth Transitional Living Programs;
Rules 410, Licensing Standards for Youth Emergency Shelters; and
Rules 411, Licensing Standards for Secure Child Care Facilities.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2017.08

LICENSE EXEMPT SCHOOL-AGE AND YOUTH PROGRAMS

DATE: June 12, 2017

TO: Rules and Procedures Book Holders, DCFS Day Care Licensing Staff

FROM: George H. Sheldon, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to inform all day care licensing staff and day care providers of Public Act 099-0699 that amended the Child Care Act and was signed into law effective July 29, 2016. In the coming months, day care licensing rules will be amended to reflect these statutory changes.

II. PRIMARY USERS

The primary users of this Policy Guide are Daycare Licensing Staff.

III. BACKGROUND AND SUMMARY

Public Act 099-0699 expands programs that are exempt from licensure in the definition of "day care center", per Section 2.09. (j) of the Child Care Act as follows:

Programs or portions of programs that:

- *Serve only school-age children and youth (defined as full-time kindergarten children)*
- *Are organized to promote childhood learning, child and youth development, educational or recreational activities, or character-building*
- *Operate primarily during out-of-school time or at times when school is not normally in session*

Programs or portions of programs requesting Child Care Assistance Program (CCAP) funding and otherwise meeting requirements (described above) *shall request exemption from the Department and be determined exempt prior to receiving funding and must annually meet the eligibility requirements and be appropriate for payment under the CCAP*

In order for a program to be found exempt, the following stipulations apply:

The Department shall provide written verification of exemption and description of compliance with standards for health, safety and development of the children who receive the services upon submission by the provider of the following documentation:

Comply with the standards of the Illinois Department of Public Health or the local health department, the Illinois State Fire Marshal, and the following additional health and safety requirements:

a. *Procedures for employee and volunteer emergency preparedness and practice drills;*
b. *Procedures to ensure that first aid kits are maintained and ready to use;*
c. *The placement of a minimum level of liability insurance as determined by the Department;*
d. *Procedures for the availability of a working telephone that is onsite and accessible at all times;*
e. *Procedures to ensure that emergency phone numbers are posted onsite;*
f. *Restriction on handgun or weapon possession onsite, except if possessed by a peace officer,*
g. *Perform and Maintain authorization and results of criminal history checks through the Illinois State Police and*
h. *FBI and checks of the Illinois Sex Offender Registry, the National Sex Offender Registry, and*
i. *Child Abuse and Neglect Tracking System for employees and volunteers who work directly with children*
j. *Make hiring decisions in accordance with the prohibitions against barrier crimes as specified in Section 4.2 of this Act or in Section 21B-80 of the School Code*
k. *Provide parents with written disclosure that the operations of the program are not regulated by licensing requirements,*
l. *Obtain and maintain records showing the first and last name and date of birth of the child, name, address, and telephone number of each parent, emergency contact information, and written authorization for medical care.*
m. Notarized statement that the facility complies with:
    i. *Standards of the Department of Public Health or local health department,*
    ii. *Fire safety standards of the State Fire Marshal, and*
    iii. *If operated in a public school building, the health and safety standards of the State Board of Education.*

Out-of-school time programs for school-age youth that receive State or federal funds must comply with only those staff qualifications and training standards set for the program by the State or federal entity issuing the funds.

Programs or portions of programs (described above) *that do not receive State of federal funds must comply with staff qualification and training standards established by rule by the Department of Human Services* that are yet to be developed.

IV. NEW FORMS

CFS-672-5 License Exemption Request for School-age Child Care Programs Non-CCAP

CFS-672-6 License Exemption Request for School-age Child Care Programs CCAP

The above forms are available on the "T" drive and the DCFS website

V. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

VI. FILING INSTRUCTIONS

File this Policy Guide immediately following **Part 377: Facilities and Programs Exempt from Licensure** and **Part 407: Licensing Standards for Day Care Centers**

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2016.03

Staff Immunizations in Licensed Day Care Facilities

DATE: March 7, 2016

TO: Rules and Procedures Bookholders, DCFS and Private Agency Licensing Staff

FROM: George H. Sheldon, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to inform all day care licensing staff of recent legislation that requires specific child care staff to show proof/documentation of certain immunizations. In the coming months, day care licensing rules will be amended to reflect this statutory change.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS licensing and placement staff.

III. BACKGROUND AND SUMMARY

Any alleged violation of statute needs to be taken as a licensing complaint and processed accordingly. Until the rules are amended, violation codes will be identified per section of the Child Care Act as noted below:

Child Care Act, Section 4.6 (amended by P.A. 99-267)

Effective, 1/1/16, any staff person employed by a child care facility licensed to care for children ages 6 weeks through six years old is required to show proof/documentation of having received the following:

- One dose of the Tdap (tetanus, diphtheria, pertussis) and
- 2 doses of the MMR (measles, mumps, rubella), or
- Shows proof of immunity to MMR (DCFS will require physician's written signature)

Violation Codes

- Staff person does not have documentation of Tdap in file: CCASEC46i
- Staff person does not have documentation of MMR or proof of immunity: CCASEC46ii

Licensing staff shall immediately begin implementing the new standards outlined in this Policy Guide.

IV. Frequently Asked Questions

What is Tdap?

Tdap is short for tetanus (lockjaw), diphtheria and pertussis (whooping cough). If you're between the ages of 19 and 64, you should have had at least one single dose. If you're age 65 or older and have not previously had a Tdap vaccination, you will need to receive one Tdap vaccination. A Tdap usually lasts around 7 years, so if it's been longer than that since your last one, you will need a booster.

What is MMR?

MMR stands for mumps, measles and rubella. Anyone born after January 15, 1957 who has not had at least one measles vaccination after their first birthday OR who has never had the measles should be immunized. MMR immunizations are two doses, usually one month apart. Two doses of MMR vaccine should be all you need. If you had measles, discuss this with your healthcare provider—acquired immunity after illness is permanent.

Children cannot start receiving MMR vaccinations until they are 1 year of age, so it is especially important that their caregivers be health and protected themselves.

Who does this rule change affect?

Anyone employed by a child care facility that care for children ages six and under. This means:

Day Care/Group Day Care Homes	**Day Care Center**
Licensees	Directors
Substitutes	Teachers
Assistants	Assistants
Volunteers	Support Staff, Volunteers, Substitutes

When does this rule change take affect?

The change to the Illinois Child Care Act takes effect 1-1-16. The amendment process to add new rules to existing home and center standards minimally takes 9-12 months, so for a time, DCFS will continue to inform center and home licensees and their staff about the new law and the expectations that the coming rule change.

What does the new law require?

- Proof of having had 1 Tdap (tetanus, diphtheria and pertussis) vaccination AND
- 2 MMR (mumps, measles, rubella) vaccinations

How do I show I've had the shots before or that I'm immune?

Your physician will have your healthcare history and can sign off on the **CFS 602, Medical Report on and Adult in a Child Care Facility,** to attest that either your previous immunizations OR for MMR, that a blood test indicates you are still immune.

What if my doctor says I shouldn't get them?
DCFS will not require something that your physician or healthcare provider says is not medically indicated. The **CFS 602, Medical Report on an Adult in a Child Care Facility,** has been changed to include a section for your physician to record his or her medical recommendation that it is not in your best interest to receive one or both of these immunizations.

What if I don't want to get more immunizations?
There is no test which can substitute for the Tdap, however, there is a blood test which can indicate proof of immunity which would substitute for the MMR vaccinations—however, this test is very costly.

How do I prove I've had the immunizations in the past?
Talk with your healthcare provider. They should have your previous health and immunization records.

What if I'm pregnant?
Pregnant women should not receive the MMR and must wait for appx. 6-8 weeks after delivery to receive their immunizations. To be safe, talk to your healthcare provider.

What if I don't believe in vaccinations?
There is no exclusion for personal choice. The law requires all caregivers to be immunized or show proof of immunity. It is very important for the protection of children, especially infants, that caregivers be healthy. Numerous cases of whooping cough and measles were identified in Illinois last year so provider immunizations have been identified as an important line of defense—for children and adults.

What if I can't afford to get these immunizations?
Check with your insurance company, the local health Department, or your healthcare provider. There are some healthcare plans that will cover adult immunizations at a free or reduced price and there are some programs such as Vaccines for Adults through the IDPH, that can provide immunizations for the underinsured.

V. REVISED FORM

CFS 602, Medical Report on an Adult in a Child Care Facility (Rev 3/2016)

This form may be ordered from Central Stores in the usual way, and is also available on the "T" Drive and DCFS Website.

VI. FURTHER QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

VII. FILING INSTRUCTIONS

File this Policy Guide immediately following **Part 406, Licensing Standards for Day Care Homes, Part 407, Licensing Standards for Day Care Centers,** and **Part 408, Licensing Standards for Group Day Care Homes**.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2016.02

Legislative Update for Licensed Day Care Facilities

DATE: March 7., 2016

TO: Rules and Procedures Bookholders, DCFS and Private Agency Licensing Staff

FROM: George H. Sheldon, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to inform all day care licensing staff of recent legislation that provides new regulations for licensed day care facilities that the Department of Children & Family Services monitors. In the coming months, day care licensing rules will be amended to reflect these statutory changes.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS licensing and placement staff.

III. BACKGROUND AND SUMMARY

Any alleged violation of statute needs to be taken as a licensing complaint and processed accordingly. Amendments to respective rules will be proposed to add the language in the Policy Guide. Until the rules are amended, violation codes will be identified per section of the Child Care Act or Food Handling Regulation Enforcement Act as noted below:

Child Care Act, Section 5.5 (amended by P.A. 99-343)

Effective August 11, 2015, based upon U.S. government findings regarding second hand smoke and its special risks to children's health, the following shall be monitored, recorded and regulated:

- It is a violation for any person to smoke tobacco in any area of a licensed day care center, day care home or group day care home. This includes smoking in a licensed day care facility outside of times of operation and/or when children are not present. It also includes any area of a licensed day care facility that is not licensed specifically for childcare, but is part of the same structure.
- It is a violation for any person responsible for the operation of the licensed day care facility to knowingly allow, or encourage anyone to smoke in a licensed day care facility. This includes any person who is the owner, director and/or teacher of the licensed child care facility.

Violation Codes

- Smoking in a licensed day care center: CCASEC55b
- Smoking in a licensed day care home or group day care home: CCASEC55c
- Allowing or encouraging a person to smoke in any licensed day care facility: CCASEC55

Child Care Act, Section 7 (j) (amended by P.A. 99-143)

Effective July 27, 2015, the Department shall accept, in lieu of a high school diploma or GED, the following documentation from an applicant for a day care home license:

A degree, license or certificate earned from an institution of higher learning or vocational institution that is accredited by an agency recognized by the government.

Violation Code

No documentation of a valid post-secondary degree, license or certificate: CCASec7a.

Food Handling Regulation Enforcement Act, Sections 3, 3.05 & 3.06 (amended by P.A. 98-566 and P.A. 99-62)

Effective July 16, 2015, the following requirements pertain to all licensed day care facilities:

- Staff who work with unpackaged food, food equipment or utensils, or food-contact surfaces must have food handling training that is approved by IDPH;
- Exemption for staff with a Food Service Sanitation Manager Certificate and unpaid volunteers;
- Training courses must be approved by American National Standards Institute (ANSI) or the Illinois Department of Public Health;
- Local Health Departments must have their food handling training curriculum approved by the Illinois Department of Public Health;
- Training must be completed every 3 years;
- Proof of Training must be documented and kept on-site at the licensed day care facility;
- Food Handling Certificates are not issued by the State, so documentation of the approved training must be completed by the training entity;
- Trainers may be persons who have taken the training and passed an assessment, as long as the curriculum being used has been approved and there is an assessment component;

- Training taken by food handlers is not transferrable between licensed day care facilities;
- Employers are not "required" to pay for their staff's food handler's training
- Food Handler Training shall be completed by 7/1/16;
- Enforcement of Law shall consist of education and notification, from 7/1/16-12/31/16; and
- Full Enforcement begins on 1/1/17, i.e. violation substantiated, with corrective plan.

Violation Code

- No documentation of required food handling training: FHsec305

Licensing staff shall immediately begin implementing the new standards outlined in this Policy Guide.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following **Part 406, Licensing Standards for Day Care Homes, Part 407, Licensing Standards for Day Care Centers,** and **Part 408, Licensing Standards for Group Day Care Homes**.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2015.05

DAY CARE STAFF IMMUNIZATION GUIDELINES

DATE: March 18, 2015

TO: DCFS Child Welfare and Licensing Staff and Supervisors

FROM: George H. Sheldon, Acting Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to inform Day Care Licensing staff of new Department policy concerning immunizations of staff at licensed day care centers and homes, which are consistent with guidelines established by public health entities.

II. PRIMARY USERS

The primary users of this policy guide are DCFS Day Care Licensing Staff and Supervisors.

III. BACKGROUND

The Department's licensing standards currently require newly employed day care staff to submit a physical examination report, no more than six months from their employment date, that provides evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. Staff must have physical re-examinations every 2 years and whenever communicable disease or illness is suspected. The standards are silent on whether staff must be up-to-date on immunizations.

IV. SUMMARY

Through this Policy Guide, the Department now requires that day care centers and homes include a staff vaccination policy, consistent with guidelines from the Centers for Disease Control, in the written risk management plan described in subsection 407.70(k) for day care centers, or hazard protection plans described in subsections 406.4.(b)(1)(F) for day care homes or 408.10(b)(1)(G) for group day care homes. Form **CFS 602, Medical Report on an Adult in a Child Care Facility,** has been revised to ascertain whether the examining physician has discussed the importance of immunizations with the adult child care provider being examined. Licensing staff shall discuss this new policy with providers during licensing visits to ensure subsequent compliance.

The Department will propose amendments to **Part 407, Licensing Standards for Day Care Centers**, **Part 406, Day Care Home Licensing Standards,** and **Part 408, Group Day Care Home Licensing Standards** to comport with this Policy Guide. Licensing staff shall immediately implement this new policy. The revised **CFS 602, Medical Report on an Adult in a Child Care Facility,** may be ordered from Central Stores and is available thru Templates and D-net.

V. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

VI. FILING INSTRUCTIONS

File copies of this Policy Guide immediately following **Rules 407, Licensing Standards for Day Centers, Rules 406, Day Care Home Licensing Standards,** and **Rules 408, Group Day Care Home Licensing Standards**.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INFORMATION TRANSMITTAL

DATE: June 22, 2018

TO: All Department and Purchase of Service Agency Staff

FROM: Roxanne Lizcano, Deputy Director Licensing

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Information Transmittal is to provide DCFS Licensing with clarification of how licensing staff are to conduct practice regarding medical cannabis that is approved by a physician, per the Compassionate Use of Medical Cannabis Pilot Program Act.

II. DEFINITIONS

"Cannabis" as defined in the Cannabis Control Act [720 ILCS 550/3(a)]
"Child Care Facility" as defined in the Child Care Act [225 ILCS 10/2.05]

III. SUMMARY OF LEGISLATION

Medically prescribed cannabis is legal in Illinois under the Compassionate Use of Medical Cannabis Act [410 ILCS 130/1]. There is nothing in the Act that prevevents a user of medically prescribed cannabis from being a foster parent or child care licensee however, there are sections of that law that apply to foster parents and child care licensees.

The law requires that 1) no person may possess cannabis in a private residence used to provide *licensed child* care or other *similar social services* on the premises and 2) no person may use cannabis in a private residence used at any time to provide *day care* or other *similar social services* on the premises.

IV. PROCEDURES

For licensees, applicants for licensure, household members, employees, volunteers and contractual providers who are currently approved by a licensed physician to use medical cannabis, a written, signed and dated plan for compliance with Licensing Standards and The Compassionate Use of Medical Cannabis Pilot Program Act, is required.

The applicant or licensee shall provide proof of physician authorization for use and document where the medical cannabis will be stored and ingested. Documentation for foster family homes shall be placed on CFS 452-7. Documentation for day care centers shall be placed on the Risk Management Plan. Documentation for day care homes/group day care homes shall be placed on the Hazard Plan.

V. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non Outlook users may e-mail questions to DCFS.Policy@illinois.gov

VI. NEW FORM

The following form is available on templates and can be ordered in the usual manner**.**

CFS 452-7: Compliance with the Compassionate Use of Medical Cannabis Pilot Program Act – Child Care Facility

VII. FILING INSTRUCTIONS

File this Information Transmittal immediately following:
Rule 402, Licensing Standards for Foster Family Homes;
Rules 406, Licensing Standards for Day Care Homes;
Rules 407, Licensing Standards for Day Care Centers; and
Rules 408, Licensing Standards for Group Day Care Homes.