



P.A. 100-0105: Preventing Expulsion of Children Birth to Five – Frequently Asked Questions

What does Public Act 100-0105 do? P.A. 100-0105 prohibits early care and education (ECE) providers from expelling young children (ages 0-5) from their program because of the child's behavior. Providers must take documented steps to address the child's behavioral and other needs in order to keep the child in care, and if ultimately necessary, providers can work with the family on a 'planned transition' to a more appropriate setting; this 'planned transition' process is not considered an expulsion. Providers also have to report data related to transitions. More specific guidelines will be clarified through the rulemaking process.

Who has to comply with this requirement? Effective January 2018, this applies to the following early childhood programs:

- School- and community-based programs receiving Early Childhood Block Grant funds (PFA, PI)
- Licensed child care providers serving children ages 0-5
- Note: Expulsions are already prohibited for Head Start and Early Head Start programs

The Department of Children and Family Services (DCFS) and State Board of Education (ISBE) will put forth administrative rules with uniform guidance and requirements to ensure continuity across programs.

What documentation is required? When a child shows consistently challenging behaviors, the ECE provider must document their efforts to address the child's needs and keep him or her in the program, including but not limited to:

- Initial observations of challenging behaviors
- Communication with the family, family's input in any intervention, and family consent for or refusal of services
- Plan for addressing issues with the child, including resources/services/interventions contacted and used
- If and how the child is transitioned out of program (in situations where this is determined to be most appropriate)

What resources are available to help me address children's needs and behaviors? How do I find them?

Resources are available to help providers address the needs of a specific child and support the healthy development of all children in their program. Resources include:

- **Developmental and social emotional screenings for the child**
 - More information: [ExceleRate Illinois](#); [Child Find Project](#)
- **Consultation services from an infant/toddler specialist or infant/early childhood mental health consultant**
 - Contact: [Child Care Resource & Referral agency](#) or [ISBE](#)
- **Referrals to Early Intervention (0-3) or Early Childhood Special Education (3-5)**
 - Referral forms and information: [Early Intervention Clearinghouse](#); [ExceleRate Illinois](#)
- **Professional development trainings and other resources**
 - [CCR&R](#), [Gateways to Opportunity](#), [Early Intervention Training Program](#), [Early Choices](#), [STARnet](#)
- **Consultation with child's primary care physician**

Some resources may require parental consent. What if the parent does not consent to services? Providers should document when they talk to families about interventions and services, and whether or not the family agreed to services. If the family does not consent, and the provider is unable to effectively care for the child without those interventions, the provider may start the 'planned transition' process. At enrollment into the ECE program, it is important for providers to tell families about the program's discipline policy, including what steps they will take and resources they will use to address the child's needs. This helps families know what resources are available and how the family can get the services if they need them.

I requested a mental health consultant, but there is a long wait time before the visit. What do I do? Providers should document that they made a request and how long until the consultant can visit. In the meantime,

providers should try to get other resources, if available, and keep working with the family. If the provider decides they are unable to wait for the consultant's visit, they may start the 'planned transition' process.

I referred a child to EI and/or Special Education, but they did not qualify for services. What do I do? Providers should document the referral and any result. They should also work to ensure that parents are aware of their right to appeal a decision if they have concerns. Providers should also work to engage other available resources, including but not limited to, a local health department, the child's pediatrician, a mental health consultant, a local mental health provider, or the Child Care Resource and Referral Agency.

What is a planned transition? If the provider has tried many times to use all available resources and has come to a decision that keeping the child in the program is not in the best interest of the child or the child's peers, the provider should work with the family to transition the child out of the program. Providers should work with families to find a more appropriate setting by making referrals to other programs. If possible, the provider should work with the new provider to help plan a smooth transition.

Where will children be transitioned to? What if there is not another program available? ECE providers should offer referrals to other early childhood settings in the community, and work with families to identify the best setting for the child. If the family (with provider's help) does not identify an alternative center or home provider, the intent is not to require the current provider to continue caring for the child. The provider should still document their efforts to work with the family on the transition.

What if the child is an immediate threat to the safety of him/herself or others? In the case of serious safety threat, the child may be temporarily removed from the group setting. Providers should document the incident, and work with the family and available resources to return the child to a group setting as soon as possible. If the provider's professional judgment is to transition the child out of the program, they should start the process.

What is a temporary removal? The state agencies may choose to specify these terms in the administrative rules, but the legislation does not explicitly define temporary removals or where children should go. The intent is to allow providers to use their discretion based on the situation at hand. Therefore, temporary removal can be a range of things, such as taking a break from the classroom or being sent home. However, best practice is that any intervention be developmentally appropriate and the goal is for the child to return to the group setting as quickly as possible.

How will this new law be enforced? The monitoring process for licensed child care and ISBE-funded early childhood programs will be decided by DCFS, ISBE, and other state agencies, including the Office of Early Childhood Development. The state agencies are working together to develop these specifics through administrative rule. When the proposed rules are posted, providers and all those interested may submit public comments to weigh in on the proposed rules, including any specifics on enforcement.

How will data be collected? DCFS and the Illinois State Board of Education (ISBE) are currently working on the process for providers to report data related to this new law. The legislation called for reporting to begin July 2018; providers should look for further guidance from state agencies coming soon.