

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Centers
- 2) Code Citation: 89 III. Adm. Code 407
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
407.45	Amendment
407.250	Amendment
407.270	Amendment
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: These revisions contain standards to enact PA 100-105 (effective date January 1, 2018) that requires: limitations on expulsion of children from preschool settings for behavioral reasons, licensees to establish intervention and transition policies, notification to parents regarding these policies, documentation of interventions attempted and reporting of data on children transitioned out of preschool programs. The proposed amendments include:

Adding the following definitions:

"Challenging Behaviors" means any behavior, or perception of behavior, that interferes with optimal learning or engagement with peers and adults;

"Intervention Plan" means a written, planned schedule of action agreed upon by the program staff, parents/primary caregivers, and qualified professional resources to assist a child, family, and caregivers when a repeated pattern of challenging behavior is identified;

"Qualified Professional" is an individual with a publicly recognized certification, licensure, or degree in a particular field 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;

"Repeated Pattern of Challenging Behavior" means behaviors that do not respond to developmentally appropriate practice interventions that 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 or self-injury;

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"Serious Safety Threat" is a behavior that jeopardizes the physical safety of the child and/or his/her classmates and staff; and

"Transition Plan" means an individualized, written document developed by the departing and receiving early childhood programs, parents/primary caregivers, and qualified professional resources detailing tasks, and individual responsibilities required to prepare for and then execute the move of the child from the current child care arrangement to a more appropriate arrangement with as little negative impact and disruption as possible.

Requiring for the licensee to develop intervention and transition policies that include the facility document observations of on-going and challenging behavior, communication with parents and utilization of community resources;

Requiring that the facility develop a transition plan for all children transitioned out of the program to a different program better able to meet the needs of the child;

Requiring licensees to collect and report data annually to the Illinois State Board of Education on children transitioning out of the program; and

Prohibiting expulsion due to a child's repeated pattern of challenging behavior. Specifies that transition plans are not considered an expulsion.

- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection, Data Snapshot: School Discipline, Issue Brief No 1 (March 2014).
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this rulemaking:

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Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities or not-for-profit corporations affected: Day care centers licensed by DCFS
 - B) Reporting, bookkeeping or other procedures required for compliance: Licensees will be required to develop intervention and transition policies, share their policy with parents, document behaviors identified as repeated pattern of challenging behavior and serious safety threats, communicate with parents when a repeated pattern of challenging behavior is identified, utilize community resources in agreement with the parent(s), assist in transition planning for children not able to benefit from the type of care provided and report data to Illinois State Board of Education on an annual basis for all transitions of preschool children out of their program.
 - C) Types of professional skills necessary for compliance: Day Care Center licensees will be required to write their policy, document their observations, communicate with parents, utilize community resources, collect and report information regarding children transitioned out of their program.
- 14) Small Business Impact Analysis:

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- A) Types of businesses subject to the proposed rulemaking:
- 81 Other Services
- B) Categories that the Agency reasonably believes the rulemaking will impact, including:
- ii. regulatory requirements
 - viii. record keeping
- 15) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not included on either of the 2 most recent Regulatory Agendas because the need for the rulemaking was not anticipated.

The full text of the Proposed Amendments begins on the next page:

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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

Section

407.1	Purpose (Repealed)
407.2	Definitions (Repealed)
407.3	Effective Date of Standards (Repealed)
407.4	Application for License (Repealed)
407.5	Application for Renewal of License (Repealed)
407.6	Provisions Pertaining to the License (Repealed)
407.7	Provisions Pertaining to Permits (Repealed)
407.8	Organization and Administration (Repealed)
407.9	Finances (Repealed)
407.10	General Requirements for Personnel (Repealed)
407.11	Child Care Director (Repealed)
407.12	Child Care Workers and Group Workers (Repealed)
407.13	Child Care Assistants (Repealed)
407.14	Use of Students (Repealed)
407.15	Service Staff (Repealed)
407.16	Substitutes and Volunteers (Repealed)
407.17	Background Inquiry (Repealed)
407.18	Admission and Discharge Procedures (Repealed)
407.19	Discipline (Repealed)
407.20	Personal Care and Hygiene (Repealed)
407.21	Program (Repealed)
407.22	Equipment and Materials (Repealed)
407.23	Grouping and Staffing (Repealed)
407.24	Nutrition (Repealed)
407.25	Night Care (Repealed)
407.26	Children with Special Needs (Repealed)
407.27	Infants and Toddlers (Repealed)
407.28	School-Age Children (Repealed)
407.29	Health Requirements for Children (Repealed)
407.30	Transportation (Repealed)
407.31	Plant and Equipment (Repealed)

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- 407.32 Records and Reports (Repealed)
- 407.33 Confidentiality of Records and Information (Repealed)
- 407.34 Records Retention (Repealed)
- 407.35 Severability of This Part (Renumbered)

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

- Section
- 407.40 Purpose and Applicability
 - 407.45 Definitions

SUBPART B: PERMITS AND LICENSES

- Section
- 407.50 Application for License
 - 407.55 Application for Renewal of License
 - 407.60 Provisions Pertaining to the License
 - 407.65 Provisions Pertaining to Permits

SUBPART C: ADMINISTRATION

- Section
- 407.70 Organization and Administration
 - 407.80 Confidentiality of Records and Information

SUBPART D: STAFFING

- Section
- 407.90 Staffing Structure
 - 407.100 General Requirements for Personnel
 - 407.110 Background Checks for Personnel
 - 407.120 Personnel Records
 - 407.130 Qualifications for Child Care Director
 - 407.140 Qualifications for Early Childhood Teachers and School-age Workers
 - 407.150 Qualifications for Early Childhood Assistants and School-age Worker Assistants
 - 407.160 Students and Youth Aides
 - 407.170 Substitutes
 - 407.180 Volunteers
 - 407.190 Grouping and Staffing

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SUBPART E: PROGRAM REQUIREMENTS

Section

- 407.200 Program Requirements for All Ages
- 407.210 Special Requirements for Infants and Toddlers
- 407.220 Special Requirements for School-Age Children
- 407.230 Intergenerational Programs
- 407.240 Evening, Night, Weekend and Holiday Care

SUBPART F: STRUCTURE AND SAFETY

Section

- 407.250 Enrollment and Discharge Procedures
- 407.260 Daily Arrival and Departure of Children
- 407.270 Guidance and Discipline
- 407.280 Transportation
- 407.290 Swimming and Wading
- 407.300 Animals

SUBPART G: HEALTH AND HYGIENE

Section

- 407.310 Health Requirements for Children
- 407.320 Hand Washing
- 407.330 Nutrition and Meal Service
- 407.340 Diapering and Toileting Procedures
- 407.350 Napping and Sleeping
- 407.360 Medications

SUBPART H: FACILITY AND EQUIPMENT

Section

- 407.370 Physical Plant/Indoor Space
- 407.380 Equipment and Materials
- 407.390 Outdoor Play Area

SUBPART I: SEVERABILITY OF THIS PART

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Section

407.400 Severability of This Part

407.APPENDIX A	Equipment for Infants and Toddlers
407.APPENDIX B	Equipment for Preschool Children
407.APPENDIX C	Equipment for School-Age Children
407.APPENDIX D	Infant Daily Food Requirements
407.APPENDIX E	Meal Patterns and Serving Sizes for Child Care Programs
407.APPENDIX F	Resource Reference List
407.APPENDIX G	Early Childhood Teacher Credentialing Programs
407.APPENDIX H	Playground Surfacing and Critical Height

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

SOURCE: Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985; amended at 16 Ill. Reg. 7597, effective April 30, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 150 days; emergency expired December 28, 1996; amended at 21 Ill. Reg. 923, effective January 15, 1997; amended at 22 Ill. Reg. 1728, effective January 1, 1998; amended at 24 Ill. Reg. 17036, effective November 1, 2000; amended at 28 Ill. Reg. 3011, effective February 15, 2004; amended at 29 Ill. Reg. 4502, effective March 15, 2005; amended at 34 Ill. Reg. 4700, effective March 22, 2010; amended at 36 Ill. Reg. 13076, effective August 15, 2012; amended at 38 Ill. Reg. 17293, effective August 1, 2014; emergency amendment at 42 Ill. Reg. 8555, effective May 9, 2018, for a maximum of 150 days; emergency expired October 5, 2018; amended at 43 Ill. Reg. 224, effective January 1, 2019; amended at 43 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION, DEFINITIONS, AND APPLICABILITY

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

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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.

"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 behavior, or perception of behavior, that interferes with optimal learning or engagement with peers and adults.

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

"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

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maintained for the care of children. (Section 2.05 of the Child Care Act of 1969
{~~225 ILCS 10/2.05~~})

"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

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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.

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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 ~~{225 ILCS 10/2.09}~~)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969 ~~{225 ILCS 10/2.02}~~)

"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

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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-~~[225 ILCS 10/2.03]~~)

"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.

"Intervention plan" means a written, planned schedule of action agreed upon by the program staff, parents/primary caregivers, and qualified professional resources to assist a child, family, and caregivers when a repeated pattern of challenging behavior is identified.

"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 ~~of Children and Family Services~~ 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

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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 ~~of Children and Family Services~~.

"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~~Parents" or "~~Parents~~Parent", 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.

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"Permit", as used in this Part, means a one-time only document issued by the Department of Children and Family Services 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.

"Qualified professional" is an individual who possesses a current State-issued or State-recognized certification, licensure, or degree in a particular field 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. Certifications and degrees from nationally and regionally accredited colleges and universities are considered State-recognized.

"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 developmentally appropriate practice interventions that result 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, or self-injury

"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.

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"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

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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.

"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.

"Transition plan" means an individualized, written document, developed by the departing and receiving early childhood programs, parents/primary caregivers, and qualified professional resources, detailing tasks and individual responsibilities required to prepare for and execute the move of the child from the current child care arrangement to a more appropriate arrangement with as little negative impact and disruption as possible.

"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.

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"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 43 Ill. Reg. _____, effective _____)

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 ~~or guardian~~ 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;

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- 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 ~~or guardian~~ 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; ~~and~~
- 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

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actions that are in place; ~~and~~.

17) Intervention and transition policies.

- d) The facility shall distribute a summary of the licensing standards, provided by the Department, to the parents ~~or guardian~~ 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 guardian~~ or each child cared for when designated for ~~such~~ 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; ~~;~~

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- 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;~~;~~

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- 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 ~~or guardian~~ of any child to be *enrolled for the first time that within 30 days of enrollment the parent ~~or guardian~~ 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 ~~or guardian~~ 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 ~~or guardian~~ 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 ~~or guardian~~ shall also indicate that the center is required by law to notify the Illinois State Police or local law enforcement agency if the parent ~~or guardian~~ 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 ~~or guardian~~ that he or she has 10*

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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 which~~ 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) Any child who, after documented attempts have been made to meet the child's individual needs, demonstrates 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~~discharged from the facility~~.
- k) In all instances, when a facility decides that it is in the best interest of the child to transition to a different program~~terminate enrollment~~, the child's and parents' needs shall be considered by:
- 1) Planning~~planning~~ with the parents to identify the new program; and
 - 2) Working with the parents and pending program on a transition plan designed to ensure continuity of services to meet the child's needs~~when he or she leaves the facility, including referrals to other agencies or facilities~~.
- l) Providers shall document, on forms provided by the Department:
- 1) Steps taken to ensure that the child can participate safely in the program, in accordance with the intervention plan and transition policy, including observations of initial and on-going challenging behaviors;
 - 2) Strategies for remediation; and
 - 3) Communication with parents, including when parental consent is attempted and whether it is obtained, and attempts to utilize qualified professional resources.

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- m) Providers shall collect, and report annually to the Illinois State Board of Education, information on children from birth to age 5 transitioning out of the day care center, including:
- 1) The number of children served and the number of children who have left over the course of the program year;
 - 2) The number of planned transitions to another program due to a child's behavior over the course of the program year, by the children's race, gender, disability, language, class or group size, teacher-child ratio, and length of program day;
 - 3) The number of temporary removals of a child from attendance in group settings due to a serious safety threat over the course of the program year, by the children's race, gender, disability, language, class or group size, teacher-child ratio, and length of program day; and
 - 4) The number of hours of infant and early childhood mental health consultant hours over the course of the program year.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

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 repeated 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;

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- 4) Information on how children will be involved in the guidance and discipline process; and
 - 5) Intervention and transition policies, including guidelines on:~~Written procedures for termination of a child's enrollment in the day care center because of disciplinary issues.~~
 - A) Initial and ongoing observation of challenging behaviors;
 - B) Communication with parents; and
 - C) Utilization of a range of community resources, if available and deemed necessary, including, but not limited to, developmental screenings, referrals to programs and services administered by a local educational agency or early intervention agency under parts B and C of the federal Individuals with Disabilities Education Act (20 USC 1411 through 1444), and consultation with infant and early childhood mental health consultants and the child's health care provider. (Section 2-3.71(a)(7) of the School Code [105 ILCS 5])
- 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

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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.

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- 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 43 Ill. Reg. _____, effective _____)