


**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](mailto: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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