

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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].

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; emergency amendment at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days; emergency expired August 16, 2020; emergency amendment 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 the 150 days; emergency amendment to emergency rule at 44 Ill. Reg. 11577, effective June 24, 2020, for the remainder of the 150 days; emergency rule effective May 29, 2020, as amended June 12, 2020 and June 24, 2020, expired October 25, 2020; amended at 44 Ill. Reg. 16138, effective September 18, 2020; emergency amendment at 47 Ill. Reg. 8756, effective June 2, 2023, for a maximum of 150 days.

SUBPART D: STAFFING

Section 407.90 Staffing Structure

EMERGENCY

- 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.

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- 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, she or he 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 407.90\(e\)\(3\)](#), Section 407.190(e)(2), or [Section 407.190\(f\)](#).
 - 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.

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- 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 407.90\(e\)\(3\)](#), [Section 407.190\(e\)\(2\)](#), or [Section 407.190\(f\)](#).
 - 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 they~~ 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.
 - 3) ~~When all children are two years of age or older, a qualified early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher to a classroom for the first 90 minutes of the licensed program hours, and for the last 90 minutes of the licensed program hours.~~
 - A) ~~Early childhood assistants shall not be utilized for three consecutive hours.~~
 - B) ~~The use of an early childhood assistant without an early childhood teacher present shall not exceed three hours of the licensed program day, except as allowed in Section 407.190(e)(2) or 407.190(f) and shall not exceed 50 percent of the licensed classrooms that are in operation during that time frame.~~
 - i) ~~The director shall provide on-going on-site supervision of the early childhood assistant.~~
 - ii) ~~The day care center director shall post a notice outside of each classroom if that room is temporarily staffed with an~~

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~~early childhood assistant, and no early childhood teacher is present.~~

~~iii) The day care center shall maintain a daily log of names, dates, and times of usage of each early childhood assistant utilized in each classroom without an early childhood teacher present.~~

~~iv) There shall be a staffing plan that identifies each classroom where an early childhood assistant is utilized without an early childhood teacher present. The staffing plan shall be accessible on site, submitted to the licensing representative for their licensing file, and filed on-site in the staff personnel records.~~

- 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: Emergency amendment at 47 Ill. Reg. 8756, effective June 2, 2023, for a maximum of 150 days)

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Section 407.190 Grouping and Staffing
EMERGENCY

- 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

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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) When all children are two years of age or older, a qualified early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher to a classroom for the first 90 minutes of the licensed program hours, and the last 90 minutes of the licensed program hours if they meet all requirements listed in Section 407.90(e)(3).
- gf) Children shall not be left unattended at any time.
- hg) 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: Emergency amendment at 47 Ill. Reg. 8756, effective June 2, 2023, for a maximum of 150 days)