
RULE 406, LICENSING STANDARDS FOR DAY CARE HOMES

Proposed Amendments to Day Care Home Rules

From: Shontée Blankenship, Deputy Director of Licensing

Date: July 21, 2025

This notice is to advise Day Care Home licensees that a copy of proposed changes to Rule 406, Licensing Standards for Day Care Homes has been posted to the DCFS website.

A link to the draft changes may be accessed under the “Announcements for Providers” tab on the DCFS website at:

<https://dcfs.illinois.gov/about-us/notices/pr-policy-providers.html>

A link to the draft changes may also be accessed under the “News” tab on the DCFS Sunshine Site at:

<https://sunshine.dcf.illinois.gov/Content/Licensing/Welcome.aspx>

PLEASE BE ADVISED THAT THE PROPOSED CHANGES TO RULE 406, LICENSING STANDARDS FOR DAY CARE HOMES IS IN DRAFT FORM, AND HAS NOT BEGUN THE FORMAL RULEMAKING PROCESS.

Many changes to Rule 406 are required due to amendments to various Illinois Statutes, including but not limited to, the Child Care Act of 1969 and the Abused and Neglected Child Reporting Act. In addition, DCFS must align day care licensing rules with the federal mandates in the Child Care and Development Block Grant Act.

At this time, we are asking for feedback from the day care home community. You may submit comments to the DCFS Office of Child and Family Policy at: DCFS.Policy@illinois.gov. Please include your name and address in the written comment. **Comments will be accepted through August 11, 2025.** We look forward to hearing from you.

The following is a summary of proposed amendments to Rule 406, Licensing Standards for Day Care Homes. The summary does not include all changes or proposed rule language in its entirety. See the full context of proposed changes at the link provided above.

**PROPOSED CHANGES TO:
RULE 406, LICENSING STANDARDS FOR DAY CARE HOMES**

Updated Definitions and New Definitions – Proposed language includes updates to some existing definitions, including expanding the definition of Background Check, Initial Background Check, Persons Subject to Background Checks, Pre-School Age, Related, Swimming Pool, and Wading Pool; and adds new definitions for: Age-appropriate Safety Restraints, Cannabis, Cannabis-infused Product, Child, Child Care Facility, Early Childhood, Homeless Children and Youths, Passive Screen Viewing, Probationary Day Care Employee, State Central Register, Toddler, Tummy Time, and Universal Precautions.

Application for License – New applicants who have lived in Illinois less than three years must provide two additional references from previous state of residence; initial application packet must include an emergency preparedness and response plan as part of the hazard protection plan; and applicants must verify on a form prescribed by the Department that they will comply with Illinois statutes regarding prohibition of cannabis use and storage on the premises.

New Training Requirement for Initial Applicants – For initial applications, the applicants shall have completed no more than one year prior to application date, the Department of Human Services “Child Development, Health, and Safety Basics” training as part of the Child Care and Development Block Grant Act (CCDBG) required health and safety training topics.

Application for Renewal – During the renewal process, the Department shall conduct random surveys of parents whose children are enrolled in a day care home in order to assess the quality of care.

Provisions Pertaining to the License – Clarifies that child care services must be provided at the address listed on the license.

Planned Closures – Requires licensees to notify DCFS prior to a planned closure or temporary interruption of day care services that will exceed 2 weeks, or of a permanent closure.

Notification of Disasters – A Disaster Initial Assessment Tool will need to be completed by the licensee or DCLR when a serious occurrence occurs at the day care home including death of a child, a missing child, a natural disaster resulting in damage to the home, encounter with a violent individual, emergency medical treatment of a child, or legal action.

Emergency and Disaster Preparedness and Response Plan – An expanded emergency preparedness and response plan resulting from a natural disaster or a man-caused event (such as violence at a child care facility) to be part of the hazard protection plan. The

updated plan will include provisions for: evacuation, relocation, shelter-in-place, lock down procedures, procedures for communication and reunification with families, continuity of operation, and accommodations of infants and toddlers, children with disabilities, and children with chronic medical conditions. Staff members are to receive training annually on the plan.

Emergency Drills – New requirement for drills based on active threats of violence twice annually.

Smoke Detectors – Battery powered smoke detectors that are in existence and exceed 10 years from the date of manufacture, or less than 10 years but fail to operate or malfunction must be replaced with either detectors that are permanently wired into the structures AC power source, or replaced with a new battery powered smoke detector with a self-contained, non-removable, long-term battery.

Business Administration Training – After January 1, 2026, all new applicants must complete an approved training on child care business administration or management within 36 months of licensure. This requirement does not apply to day care homes licensed prior to January 1, 2026.

Background Checks – Includes all federal Child Care and Development Block Grant Act (CCCDBG) components of a criminal history check and explains the requirement for probationary employees hired by a day care home. Employees must have results of either ISP, FBI, or criminal history check from the state where employee resides before they may start as a probationary employee. Probationary employees must always be supervised by someone with a full background check clearance within the past 5 years. Staff cannot be left alone with children until a full comprehensive background check, with qualifying results, is received.

Education Requirements – Added Gateways to Opportunities Credentials Level 2 or higher to meet the education requirements of applicants.

Immunizations – Includes requirements for MMR (or proof of immunity) and Tdap vaccines, and acceptable proof/documentation of those immunizations for all caregivers in facilities that serve children under the age of six.

In-Service Training – Includes requirement for training on early childhood social emotional learning, infant and early childhood mental health, early childhood trauma, or adverse childhood experiences within 90 days after licensure or 90 days after employment date for staff. Training must be completed every 3 years.

Includes revisions to Mandated Reporter training (must include a section on implicit bias) to be completed within 90 days after licensure or 90 days after employment date for staff. Training must be completed every 3 years.

Food Handler Training – All caregivers and staff who work with unpackaged food will be required to complete ANSI or IDPH approved food handler training every three years. Meal Pattern Charts were updated to align with USDA Food Program components.

Additional Licensee and Staff Requirements – Persons, including members of the household, counted in the staff-to-child ratio required by Rule 406 must be awake and free from responsibilities other than those related to the care and supervision of children. Alcohol consumption is prohibited. Persons under the influence of alcohol or other drug shall not have the responsibility for the care of children.

Nutrition – Revised the Meal Pattern Charts to conform with USDA Child and Adult Care Food Program Requirements. Expanded meal provisions to include clarity on serving of various meal components. Proposed language for infant and toddler food preparation. Added provisions for special diets. And, for holiday or birthday celebrations only commercially prepared foods may be brought by parents for sharing with other children.

Homeless Children and Youths – Homeless children and youths will have 90 days to provide a birth certificate or other approved governmental documentation to verify the child's identity and 90 days to provide required medical exams/immunizations.

Health Requirements for Children – A medical action plan is required when necessary (such as for children with asthma, allergies, diabetes, etc.) Updated the requirements for the handling of infectious diseases. Adds a requirement for a plan for anaphylactic shock, including at least one person present at all times with training in recognizing and responding to anaphylaxis.

Exclusions for Illness – Added IDPH requirements for when to exclude a child due to illness.

Napping – Includes no blankets for infants (to comply with most up to date SIDS recommendations). No area accessible only by ladder or folding stairs or through a trap door shall be used for sleeping or napping.

No Smoking – Additional no smoking language includes no smoking of tobacco products including use of e-cigarettes, vape pens, other electronic nicotine delivery systems in any area of a day care home, including outside of times of operation or in vehicles while transporting children.

Possession or use of cannabis – Prohibits possession or use of marijuana/cannabis, or cannabis-infused products on the premises or in any vehicle.

New Provisions Regarding Section 406.8 General Requirements for Day Care Homes – With the exception of no smoking or ingesting tobacco or any product containing mood altering substances, the general requirements listed in this section are

applicable only during the hours of operation listed on the license document, or at any time day care children are present.

Day care homes licensed after January 1, 2026 must have 35 square feet of floor space per each child in care (minus any special use areas).

Unsafe Children's Products – Day care homes must post in their home a written notification of the existence of the comprehensive list of unsafe children's products on the internet, and maintain a file of written information accessible to staff and parents.

Discipline of Children – Expands section to include additional appropriate methods of discipline as well as expands the list of prohibited methods of extreme punishment.

Disposable Gloves – Gloves used for meal service, diaper changing, first aid kits, etc. must be non-latex.

Program Requirements – Includes restrictions on passive screen viewing, developmentally appropriate screen viewing, prohibition of passive screen viewing for children under the age of two, and ensuring children who are mobile do not remain sedentary or sit passively for more than 30 consecutive minutes.

Criminal Convictions That Prevent Licensure/Employment – Expanded the list of criminal convictions that prevent licensure, employment, or residence in a day care home.