

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2023.02

Rule 408, Licensing Standards for Group Day Care Homes

DATE: October 18, 2023
TO: All DCFS Day Care Licensing Staff and Group Day Care Home Licensees
FROM: Marc D. Smith, Director
EFFECTIVE: Immediately

I. PURPOSE:

The purpose of this Policy Guide is to address the issue of day care deserts in certain parts of the state of Illinois where there are not enough providers to meet the demand for day care services for children.

II. PRIMARY USERS

The primary users of this Policy Guide are Department Day Care Licensing staff and Group Day Care Home licensees and staff.

III. BACKGROUND AND SUMMARY

Group day care homes are currently allowed to care for up to 12 children, including their own children under the age of 12. An extended capacity of 4 additional school-age children may be granted if the licensee meets all requirements in Rule 408 Licensing Standards for Group Day Care Homes.

Due to day care deserts in certain parts of the state, there has been reduced availability of openings in group day care homes for day care children. Therefore, the Department's Division of Licensing has proposed an amendment to Rule 408, Licensing Standards for Group Day Care Homes that will provide licensed group day care homes flexibility to those with an extended capacity to allow for 2 additional children ages 30 months and older, plus two additional school-age children instead of an extended capacity that serves 4 additional school-age children.

The Department's Division of Licensing will allow modifications to the extended capacity age requirements until July 1, 2025.



IV. TERMS, CONDITIONS & INSTRUCTIONS

During the period of October 18, 2023 through July 1, 2025, licensed group day care homes with an extended capacity may enroll 4 additional children. The age range will be modified to allow for 2 additional children ages 30 months and older, plus 2 additional school-age children. "School-age" means children 6 to 12 years of age, and 5 year-olds who are in full-day kindergarten. Children must be currently attending kindergarten in order to be considered school-age.

Licensees must comply with all provisions of Rule 408, Licensing Standards for Group Day Care Homes in order to maintain an extended capacity. This includes, but is not limited to:

- A minimum of 35 square feet of floor space for each child in care; and an additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the use of only 35 square feet of space for each child shall be approved if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground, or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.
- Two adult assistants (age 18 and older) who meet the requirements of Section 408.50 must be utilized at all times when more than 12 children are present, and the extended capacity includes two children ages 30 months through five years of age (who are not enrolled in school). The number of children includes own children under the age of 12.
- When a caregiver, a full-time assistant (age 18 and older), and a part-time assistant (as described in Section 408.50(b)) are present, care may be provided for four additional school-age children who attend school full-time. The care of school-age children is limited to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer. The number of children includes own children under the age of 12.

This Policy Guide is in effect from October 18, 2023 to July 1, 2025 and is subject to and contingent upon any changes to the Child Care Act of 1969. The Department will pursue permanent rulemaking during this time period.

V. QUESTIONS

License holders may direct questions to their Licensing Representative. Applicants may direct questions to their local day care licensing office. Licensing staff should direct questions to their supervisory chain-of-command. All others may direct their questions to the Office of Child and Family Policy via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

VI. FILING INSTRUCTIONS

Please file this Policy Guide immediately after **Rule 408, Licensing Standards for Group Day Care Homes**.

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