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	Key Words: 89 IAC 407, Licensing Standards for Day Care Centers, Child Care Assistants	
	Approved by:	

Interpretation

Question: **May Child Care Assistants take children to the bathroom without violating subsections 407.90(d)(1) and 407.90(e)(1), which require children to be under the supervision of an Early Childhood Teacher at all times?**

Applicable To: **Licensed Day Care Centers**

Policy Citation: 407.90 Staffing Structure

- 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 407.190(e)(2).

- 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 407.190(e).

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Section 407.190 Grouping and Staffing

- a) The group sizes and ratio of child care staff to children present at any one time shall be as follows:

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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.

- 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.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)

Discussion:

The citations above indicate infant, toddler, preschool, and multi-age groups of children are to be under the direct supervision of the Early Childhood Teacher at all times. Early Childhood Assistants are to work under the direct supervision of the Early Childhood Teacher as needed to meet the staff/child ratios required by Section 407.190. Assistants taking a child to the bathroom are acting under the direction of the Teacher, who is still directly supervising the group of children that remain. There is nothing in these subsections that prohibits an Early Childhood Assistant from taking a child to the bathroom as long as staff/child ratios for the remaining children continue to be in compliance with Section 407.190 while is Assistant is gone.

Response:

Child Care Assistants may take children to the bathroom without violating subsections 407.90(d)(1) and 407.90(e)(1), as long as staff/child ratios do not fall below those required under Section 407.190.