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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 408

LICENSING STANDARDS FOR GROUP DAY CARE HOMES

Section

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2] and Section 5 of the Missing Children Records Act [325 ILCS 50/5].

SOURCE: Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006; amended at 32 Ill. Reg. 9164, effective June 20, 2008; amended at 34 Ill. Reg. 18411, effective December 15, 2010; amended at 36 Ill. Reg. 4114, effective March 5, 2012; amended at 36 Ill. Reg. 13105, effective August 15, 2012; amended at 36 Ill. Reg. 13403, effective August 15, 2012; amended at 37 Ill. Reg. 19149, effective November 30, 2013; amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 408.5 Definitions**

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

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"Accredited college or university" means a college or university that has been accredited by a regional or national institutional accrediting association recognized by the U.S. Department of Education or a non-governmental recognition counterpart.

"Adult" means a person who is 18 years of age or older.

"Applicant" means a person living in the residence to be licensed who will be the primary caregiver in the group day care home.

*"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])*

"Assistant" or "child care assistant" means a person (whether a volunteer or an employee) who assists a licensed home caregiver in the operation of the group day care home.

"Attendance" means the total number of children under the age of 12 present at any one time.

"Authorized representative of the Department" means the licensing representative or any person acting on behalf of the Director of the Department.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

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"Basement" means the story below the street floor where occupants must traverse a full set of stairs, 8 or more risers, to access the street floor.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Department. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Caregiver" means the individual directly responsible for child care.

"Children with special needs" means children who exhibit one or more of the following characteristics, confirmed by clinical evaluation:

- Visual impairment: the child's visual impairment is such that development to full potential without special services cannot be achieved.
- Hearing impairment: the child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication, or a hearing loss is exhibited that prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning.
- Physical or health impairment: the child exhibits a physical or health impairment that requires adaptation of the physical plant.
- Speech and/or language impairment: the child exhibits deviations of speech and/or language processes that are outside the range of acceptable variation within a given environment and prevent full social development.
- Learning disability: the child exhibits one or more deficits in the essential processes of perception, conceptualization, language, memory, attention, impulse control or motor function.
- Behavioral disability: the child exhibits an affective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.

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- Mental impairment: the child's intellectual development, mental capacity, and/or adaptive behavior are markedly delayed. Such mental impairment may be mild, moderate, severe or profound.

*"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])*

"Corporal punishment" means hitting, spanking, swatting, beating, shaking, pinching, excessive exercise, exposure to extreme temperatures, and other measures that produce physical pain.

"Cot" means a comfortable, safe and child-sized alternative bed made of resilient, fire retardant, sanitizable fabric that is on legs or otherwise above the floor and can be stored to allow for air flow.

*"Department" means the Illinois Department of Children and Family Services. (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10/2.18])*

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways.

"Disinfect" means to eliminate virtually all germs from inanimate surfaces through the use of chemicals or physical agents (e.g., heat). In the child care environment, a solution of ¼ cup household liquid chlorine bleach added to one gallon of water (or one tablespoon bleach to one quart of water) and prepared fresh daily is an effective disinfectant for environmental surfaces and other objects. A weaker solution of 1 tablespoon bleach to 1 gallon of cool water is effective for use on toys, eating utensils, etc. Commercial products may also be used.

"Extended capacity" means an addition of 4 school age children who may be accepted in accordance with 408.65(c). This allows the maximum capacity in a group day care home to reach 16.

"Family home" or "family residence" means the location or portion of a location where the applicant and his or her family reside, and may include basements and

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attics. It does not include other structures that are separate from the home but are considered part of the overall premises, such as adjacent apartments, unattached basements in multi-unit buildings, unattached garages, and other unattached buildings.

“Firearm” means any weapon from which a shot is discharged by an explosive such as gunpowder or projectiles by the action of an explosion, expansion of gas, or escape of gas.

"Gateways to Opportunity Registry" means a program administered by the Department of Human Services to track and maintain education and training credentials of primary caregivers and assistants that allows them to establish a profile in the registry of their educational and training development.

"Ground level" means that a child can step directly from the exit onto the ground, a sidewalk, a patio, or any other surface that is not above or below the ground.

*"Group day care home" means a family home which receives more than 3 up to 16 children for less than 24 hours per day. The number counted includes the family's natural, foster, or adopted children and all other persons under the age of 12. (Section 2.20 of the Child Care Act of 1969 [225 ILCS 10/2.20])*

"Guardian" means the guardian of the person of a minor. (Section 2.03 of the Child Care Act of 1969 [225 ILCS 10/2.03])

"Infant" means a child through 12 months of age.

"Initial background check" means fingerprints have been obtained for a criminal history check, and the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

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*"License applicant"*, for purposes of background checks, *means the operator or persons with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

"License study" means the review of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Licensed capacity" means the number of children the Department has determined the group day care home can care for at any one time, in addition to any children living in the home who are under the age of 12 years. Children age 12 and over on the premises are not considered in determining licensed capacity.

"Licensing representative" means a person authorized by the Department under Section 5 of the Child Care Act of 1969 to examine facilities for licensure.

"Licensing year", often called the anniversary year, means the period of time from the date a group day care home license is issued until the same date of the following year.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority that is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"Parents", as used in this Part, means those persons assuming legal responsibility for care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 6-month period to allow the individuals to become eligible for a license.

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"Persons subject to background checks" means:

- the operators of the child care facility;
- all current and conditional employees of the child care facility;
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in this Section.

If the child care facility operates in a family home, the license applicants and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Physician" means a person licensed to practice medicine in the State of Illinois or a contiguous state.

"Premises" means the location of the group day care home wherein the family resides and includes the attached yard, garage, basement and any other outbuildings.

"Preschool age" means children under 5 years of age and children 5 years old who do not attend full day kindergarten.

"Program" means all activities provided for the children during their hours of attendance in the group day care home.

"Protected exit from a basement" means an exit that is separated from the remainder of the group day care home by barriers (such as walls, floors, or solid doors) providing one-hour fire resistance. The separation must be designed to limit the spread of fire and restrict the movement of smoke.

"Resource personnel" means physicians, nurses, psychologists, social workers, speech therapists, physical and occupational therapists, educators and other technical and professional persons whose expertise is utilized in providing specialized services to children with special needs.

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"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that is replacing the Child Abuse and Neglect Tracking System (CANTS).

"School age" means children 6 to 12 years of age and 5 year olds who are in full-day kindergarten.

"Special use areas" means areas of the home that may not be included in the measurement of the area used for child care. Special use areas include, but are not limited to, laundry rooms, furnace rooms, bathrooms, hazardous areas, and areas off-limits to children.

"Story" means that level of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

"Street floor" means a story or floor level accessible from the street or from outside a building at ground level, with the floor level at the main entrance located not more than 4 risers above or below the ground level and arranged and utilized to qualify as the main floor.

"Substantiated violation" means that the licensing representative has determined, during a licensing complaint investigation or a monitoring or renewal visit, that the licensee has violated a licensing standard of this Part or the Child Care Act.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing which exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach Act and Code (77 Ill. Adm. Code 820). The term includes bathing beaches and pools at private clubs, health clubs, or private residences when used for children enrolled in a child care facility.

"Wading pool" means any natural or artificial basin of water less than 2'6" in depth that is intended for recreational bathing, water play or similar activity. The term includes recessed areas less than 2'6" in depth in swimming pools that are designated primarily for children.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 408.10 Application For License**

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) Contents of Application
  - 1) A complete application shall include:
    - A) a completed, signed and dated Application for Home License;
    - B) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
    - C) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
    - D) a completed, signed and dated Child Support Certification form;
    - E) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e);
    - F) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care;
    - G) a written hazard protection plan identifying potential hazards within the home and outdoor area accessible to the children in care. The written plan shall address the specific hazards and the adult supervision and physical means required to minimize the risks to children. Conditions to be addressed include, but are not limited to, traffic, construction, bodies of water accessible to the children, open stairwells, and neighborhood dogs;

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- H) a copy of high school diploma, ~~or~~ equivalent certificate, or degree from a regionally accredited institution of higher education or vocational institution;
  - I) ~~for applications submitted on or after September 1, 2012,~~ proof of membership in the Gateways to Opportunity Registry by the primary caregiver and assistants in the group day care home with all educational credentials and pre-service training entered into the registry; and
  - J) *for an initial application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon, as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*
- 2) ~~For initial applications submitted after January 1, 2011, the applicant~~ The applicants shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include the following topics for applicants and assistants who will care for newborns and infants:
- A) Sudden Infant Death Syndrome (SIDS);
  - B) Sudden Unexpected Infant Death (SUID);
  - C) Safe sleep recommendations from the American Academy of Pediatrics;
  - D) Shaken Baby Syndrome; and
  - E) Department approved Mandated Reporter training for all licensees and assistants regardless of the age of children in care.
- c) Fire Safety Inspection
- 1) For initial applications of group day care homes in multi-housing units, or single family dwellings in which care will be provided on other than ground level, the Department shall request a fire safety inspection from the

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Office of the State Fire Marshal (OSFM). OSFM shall submit its written recommendation to the supervising agency of the group day care home and to the applicant;

- 2) The fire safety inspection on single floor homes at ground level with no unusual or complex code considerations shall be completed following the list of items for fire safety inspection in Appendix I by a licensing representative trained by OSFM to conduct that fire prevention inspection;
  - 3) Prior to Department issuance of a permit or a license, the group day care home shall have written approval by OSFM or staff trained by OSFM, indicating the home meets fire safety requirements.
- d) Licensed group day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- e) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- f) New Applications
- 1) A new application shall be filed when any of the following occurs:
    - A) When an applicant or licensee seeks to reapply for a license after it has been withdrawn, surrendered or denied and the applicant or licensee seeks to reapply;
    - B) When there is a failure to submit a completed application within 14 days after a change of residence or location of the group day care home;

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- C) When 12 months have elapsed and the applicant seeks to reapply for a license after:
  - i) the Department has revoked or refused to renew a license;
  - ii) the previous license has been surrendered with cause; or
  - iii) The Department has refused to issue a full license to a permit holder.
- 2) For the application to be considered timely and sufficient, a new application shall be completed, signed by the licensee and submitted to the supervising agency within 30 days after the following changes:
  - A) When there is a change in the name of the licensee, the supervising agency or the legal status from a social security number to Federal Employer Identification Number (FEIN); or
  - B) When there is a change in the status of joint licensees, such as separation, divorce or death.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 408.15 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department at least 3 months prior to expiration of the current license, in order to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department at least 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.

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- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [225 ILCS 10/5(d)]*
- e) Prior to renewal, the licensee shall be current with the annual 15 hours of required training in accordance with Appendix G that for applicants and assistants licensed to care for newborns and infants shall include the following topics:
- 1) Sudden Infant Death Syndrome (SIDS), Sudden Unexpected Infant Death (SUID) and Safe sleep recommendations from the American Academy of Pediatrics; and
  - 2) Shaken Baby Syndrome.
- f) At the time of license renewal, the supervising agency shall review the fire emergency, tornado/severe weather emergency, and hazard protection written plans. Any revision or enhancement shall be part of the licensing renewal process. Licensed homes that do not have a written hazard plan (see Section 408.10(b)(7)) shall develop a plan and submit it to the supervising agency prior to renewal.
- g) Fire Safety Inspection
- 1) Fire safety inspections of homes licensed for multi-housing units or single family dwelling in which care will be provided on other than grade level shall be completed by OSFM or its designee;
  - 2) Fire safety inspection of homes licensed for a single floor with no unusual or complex code considerations shall be completed by a licensing representative trained by OSFM;
  - 3) The fire safety inspection shall be conducted in accordance with the requirements of Appendix I.

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- h) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.
- i) *For a renewal application effective January 1, 2014 or later, proof that the home has been tested within the last 3 years for radon as established by rules of the Illinois Emergency Management Agency (32 Ill. Adm. Code 422) [225 ILCS 10/5.8].*

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 408.25 Provisions Pertaining to Permits**

- a) A permit shall not be issued until:
  - 1) The application for ~~licensure~~license has been completed and signed by the applicants and all parts of the initial application requirements have been submitted to the Department;
  - 2) The background checks required by Section 408.40 have been completed and the results of the background check have been received for the operator of the group day care home;
  - 3) Character references have been requested regarding the primary caregivers, and at least 2 favorable references have been received;
  - 4) Medical reports as required in Section 408.35(f) have been received by the Department for all caregivers and assistants;
  - 5) ~~For initial applications submitted after January 1, 2011, the applicant shall have completed, not more than one year prior to the application date, at least 15 hours of pre-service training listed in Appendix G, which shall include:~~
    - ~~A) Sudden Infant Death Syndrome (SIDS);~~

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~~B)- Shaken Baby Syndrome; and~~

~~-~~

~~C)- Department approved Mandated Reporter training;~~

~~56)~~ The applicant who is the primary caregiver has been certified in first-aid, the Heimlich maneuver, and infant/child cardiopulmonary resuscitation (CPR) in accordance with Section 408.35(i);

~~67)~~ A personal visit to the home by a licensing representative has been completed. The purpose of this visit is to determine compliance with all the licensing requirements except the requirements for remaining character references, medical examination reports, and well water tests compliance that may be complied with within the 6 month period covered by the permit. However, when well water tests are required, applicants must agree to boil all drinking and cooking water and to provide only bottled water for children under 15 months of age until the test results are received;

~~78)~~ Proof of public liability insurance as required by Section 408.35(j) (such proof may consist of, but is not limited to, a copy of an insurance policy, binder or certificate; or a letter from the insurance carrier);

~~89)~~ Plan developed for emergency medical care as required by Section 408.70;

~~940)~~ Furnishings and equipment have been acquired for the number of children to be served during the 6 month permit period in accordance with Appendix C and D;

~~1044)~~ Medical reports and character references are on file for employed staff at the home;

~~1142)~~ A written fire safety inspection and approval has been completed in accordance with Section 408.10(c); and

~~1243)~~ A written plan has been submitted to the licensing representative that indicates that requirements for a license shall be met within the 6 month permit period.

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- b) A permit shall not be issued retroactively.
- c) A permit shall not be transferred to another person or other legal entity.
- d) A permit shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) A permit shall not be renewable.
- f) A current permit shall be prominently displayed in the group day care home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the 6 month period covered by the permit provided that the group day care home achieves and maintains compliance with the Department's licensing standards.
- h) The group day care home shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 408.30 General Requirements for Group Day Care Homes**

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
  - 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap.
  - 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

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- 3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
  - A) A smoke detector in operating condition shall be within each room where day care children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
  - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home. For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.
  - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

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- D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.
- 5) Carbon Monoxide Detector
  - A) A home that has an attached garage and/or relies *on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with a minimum of one approved carbon monoxide detector in operating condition within 15 feet of rooms where children nap or sleep.*
  - B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]*
- 6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.
- 7) A draft-free temperature of 65°F to 75°F shall be maintained during the winter months or heating season. For infants and toddlers, a temperature of 68°F to 82°F shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78°F, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.
- 8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 9) A facility in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide

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a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.

- 10) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas in which OSFM states, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler systems render the residence safe for the care of infants and toddlers.
- 11) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 12) When the basement area may be used for child care, 2 exits shall be provided.
  - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
  - B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
    - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
    - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.

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C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of OSFM.

- 13) All walls and surfaces shall be maintained free from lead paint and chipped or peeling paint.
- 14) Walls of rooms that children use shall be ~~maintained~~ free of ~~lead paint~~, carpeting, fabric or plastic products. ~~Inflammable~~**Flammable** or combustible artwork attached to the walls shall not exceed 20% of the wall area.
- 15) Furniture and equipment shall be kept in safe repair.
- 16) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam (trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 17) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 18) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1-800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 19) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- 20) ~~Radon Test~~  
Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department

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containing the required informative statement from Section 5.8(d) of the Child Act of 1969 [225 ILCS 10].

- b) Escape routes from the group day care home shall be designed and maintained for swift and safe exiting in the event of an emergency.
  - 1) All corridors and escape routes from the group day care home shall be kept clear of obstructions.
  - 2) Dead-end paths or corridors within the group day care home shall be a maximum of 20 feet in length.
  - 3) All escape routes from the group day care home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.
  - 4) Bathroom doors in areas accessible to day care children shall allow staff to open the door from the outside of the bathroom if necessary.
  - 5) All closet doors shall be able to be opened from inside of the closet without the use of a key.
  - 6) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.
  - 7) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open the door from the inside and exit to the outside.
  - 8) Exit doors and exit windows shall be kept clear of equipment and debris at all times.
  - 9) The licensee shall hold monthly fire safety inspections of the group day care home.

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- 10) The licensee or staff in the home shall inspect the group day care home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable.
  - 11) A log of these monthly and daily inspections shall be maintained for at least one year, and shall be available for review by the licensing representative. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.
- c) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
- 1) A minimum of 35 square feet of floor space for each child in care; and
  - 2) 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 licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- d) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- e) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.

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- 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet or linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- f) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
  - g) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
  - h) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
  - i) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
  - j) 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.

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- k) 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.
- l) There shall be safe outdoor space for active play.
  - 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
    - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
    - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

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- C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
  - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
  - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
- 6) The use of in-ground and/or above-ground pools is prohibited during day care hours unless the home has a current certificate to operate a swimming pool from the Illinois Department of Public Health.
- 7) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- ~~87~~) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 98) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 109) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

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- | 1140) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
- | 1244) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- m) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
- n) Insect and rodent control shall be maintained.
  - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
  - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- o) Healthy household pets that present no danger to children are permitted.
  - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
  - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
  - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.

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- 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
- 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- p) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- q) There shall be written emergency preparedness response plans that specify the actions to be taken in the event of a fire, and tornado or other emergency occurs. ~~All These plans shall be familiar to all~~ caregivers and assistants in the group day care home shall be familiar with these plans.

The emergency preparedness response plans shall include, but are not limited to:

- 1) ~~A~~The fire evacuation plan identifying~~shall identify~~ the exits from each area used for child care and specifying~~shall specify~~ the evacuation route.
- 2) ~~A~~The fire evacuation plan identifying~~shall identify~~ a safe assembly area outside of the home. It shall also identify a near-by indoor location for post-evacuation holding if needed.
- 3) ~~A~~The fire evacuation plan requiring~~shall require~~ that the home be evacuated immediately and the children's safety insured before calling the local emergency number 911 or attempting to combat the fire.

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- 4) ~~Monthly fire~~Fire drills ~~shall be conducted monthly~~ for the purpose of removing children from the group day care home as quickly as possible during an emergency.
- 5) ~~Monthly tornado~~Tornado drills ~~shall be conducted monthly~~ for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.
- 6) ~~A The written~~ tornado plan ~~specifying~~~~shall specify what~~ actions that will be taken in the event of tornado or other severe weather warning, including designation of those areas of the group day care home to be used as safe spots.
- 7) Specific procedures for notifying parents if evacuation is necessary and how they will be reunited with their children. ~~Fire and tornado drills shall be recorded on forms prescribed by the Department and maintained for a period of 3 years.~~
- 8) Specific procedures for evacuating children who are less than 30 months of age and/or for evacuating special needs children, when applicable.
- r) ~~Fire and tornado drills shall be documented and maintained for a period of 3 years.~~ The licensee shall hold monthly fire prevention inspections of the day care home and maintain documentation on file for a period of 1 year. ~~In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.~~
- s) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.* The licensee shall post a "no-firearms" sign pursuant to statute 430 ILCS 66/65(a-10) of the Firearm Concealed Carry Act on a visible location where parents pick up children.
- t) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (s), shall be kept in a disassembled state, without*

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ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.

- 1) *Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 2) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.
- x) ~~By December 28, 2012, the~~ A group day care home shall ~~obtain~~ have certification that all cribs used by the group home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 408.APPENDIX G Pre-Service and In-Service Training**

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- a) Entities that may provide pre-service and in-service training to meet the requirements of this Part include, but are not limited to:
- 1) colleges and universities
  - 2) child care resource and referral agencies
  - 3) Illinois Department of Public Health or local health departments
  - 4) Office of the State Fire Marshal or local fire department
  - 5) Illinois Department of Children and Family Services
  - 6) Illinois Department of Human Services
  - 7) state or national child care or child advocacy organizations
  - 8) national, state or local family day care home associations
  - 9) Child and Adult Care Food Program sponsors
  - 10) Healthy Child Care Illinois nurses
  - 11) American Red Cross, American Heart Association and other providers of first aid and CPR training that have been approved by the Illinois Department of Public Health
- b) Topics or courses to meet the in-service training requirements include, but are not limited to:
- 1) child care and child development
  - 2) guidance and discipline
  - 3) first aid and CPR
  - 4) symptoms of common childhood illness

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- 5) food preparation and nutrition
  - 6) health and sanitation
  - 7) small business management
  - 8) child abuse and neglect
  - 9) working with parents and families
  - 10) caring for children with disabilities
  - 11) information about asthma and its management
  - 12) Sudden Infant Death Syndrome (SIDS) education. Required training for new applicants to care for newborns and infants and every three years thereafter for the life of the license
  - 13) service obligations under the federal Americans With Disabilities Act (ADA)
  - 14) Shaken Baby Syndrome (required training for new applicants and assistants licensed to care for newborns and infants and every three years thereafter for the life of the license)
  - 15) Department approved Mandated Reporter Training available on the Department's website (required training for new applicants and assistants)
  - 16) Sudden unexpected infant death (SUID) (required training for new applicants and assistants licensed to care for newborns and infants and every three years thereafter for the life of the license)
- c) Pre-service and in-service training may be acquired through the following:
- 1) attending college or university or vocational school classes (clock hours spent in the classroom are counted)

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- 2) attending conferences or workshops (Certificate or other proof of attendance, clock hours and subject matter is required.)
- 3) attending state or local child care association meetings when a specific training program is provided by a guest speaker or group member (Documentation of attendance, subject matter and clock hours is required.)
- 4) in-home training by a Child and Adult Care Food Program sponsor representative, nurse or other trainer (Documentation must include the topic and the clock hours.)
- 5) self-study materials provided by a child care resource and referral (CCR&R) agency (Certification of clock hours must be secured from the CCR&R.)
- 6) internet home study programs if the internet site provides documentation of use and number of clock hours
- 7) mandated reporter training may be acquired through the Department's website at: <https://www.dcfstraining.org/manrep/index.jsp>
- 8) viewing of the approved video offered by the National Institutes of Health Back to Sleep Campaign for SIDS and sleeping position of infants

The training instructor, speaker or president of the child care organization sponsoring the training, may sign the documentation of completion. The child care resource and referral (CCR&R) agency must sign and provide documentation of completion for self-study materials, and the internet site must provide documentation for home study programs.

- d) Licensed providers shall meet the 15 Hrs. clock hour requirements for in-service training per period of licensing year. Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.
- e) Courses/training approved by the Department in carrying for children with disabilities must include the following component:

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- Introduction to Inclusive Child Care
- Understanding Child Development in Relation to Disabilities
- Building Relationships with Families
- Preparing for and Including Young Children in the Child Care Setting
- Community Services for Young Children with Disabilities (including Early Intervention services)

(Source: Amended at 39 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)