

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;

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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 amendment at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART K: REOPENING OF DAY CARE CENTERS

Section 407.600 Reopening of Day Care Centers
EMERGENCY

All providers who were issued EDC licenses under Subpart J during the period of March 21, 2020 to May 29, 2020, and were licensed prior to the issuance of the EDC licenses, shall revert to the license they held immediately prior to March 21, 2020. Those licensees shall comply with this Part's standards for all day care centers, except when those standards are inconsistent with the special requirements prescribed by this Subpart. These programs may reopen in Phases III and IV of Restore Illinois upon submission of a reopening plan consistent with this Subpart. The licensed capacity of these programs will be amended by the Department according to the requirements of this Subpart and based on square footage and staffing plans submitted in the centers reopening plan. Licensed centers seeking to amend their license to care for additional children during Phases III and IV of Restore Illinois will be considered if they can demonstrate changes to the room or facility to meet the requirements of this Subpart.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)

Section 407.605 Compliance with Licensing Standards During Reopening
EMERGENCY

Day care centers reopening under Phase III and IV of Restore Illinois must comply with the Centers for Disease Control and Prevention (CDC) and Illinois Department of Public Health (IDPH) guidance and the additional measures stated in this Subpart. Day care centers must submit an Agency Action Plan providing details on preventive measures and continuity of

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operations prior to reopening. The plan shall include, but is not limited to, the following measures, in addition to those contained in the cited Sections:

- a) The requirements of Section 407.70(k). Additionally, the center shall develop a written enhanced risk management plan (ERMP) that identifies potential operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in a declared emergency or crisis. All staff shall be trained in the implementation of the plan. The ERMP shall specifically address at least each of the following:
 - 1) Exclusion policies for staff and children shall address serious illnesses, contagious diseases, and reportable diseases in conformance with regulations and recommendations set by IDPH's Division of Communicable Disease Control (see Section 407.310(b) and (e)).
 - 2) Notification of all parents or legal guardians in accordance with IDPH recommendations when any communicable disease or condition has been introduced into the program (see Section 407.80(b));
 - 3) Signage posted outside all entrances restricting entry to anyone with symptoms of illness/respiratory infection (see Section 407.320);
 - 4) Daily health checks for all persons entering the day care center, including, but not limited to, all staff, children, parents, legal guardians, cleaning staff, caterers, nurses, visitors, and authorized representatives of the Department that enter the premises. These checks shall include temperature checks that are completed according to CDC guidance for child care programs that remain open;
 - 5) Day care centers shall limit all non-essential visitors to the day care.
 - 6) Facility shall supply personal protective equipment (PPE), including, but not limited to, face masks or face shields for staff and children and gloves (see Section 407.310(j)).
 - A) Staff shall wear a mask or face shield at all times when indoors;
 - B) Non-permeable gloves shall be worn while serving food, diaper changing and/or dealing with wounds. Frequent hand washing is required when gloves are not in use; and

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- C) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating.
- 7) Drop Off and Pick Up Procedures

 - A) Parents, legal guardians or authorized persons are permitted entrance to the day care center upon drop-off and pick-up but not permitted access to the classroom;
 - B) Parents, legal guardians, or persons authorized for pickup must wear a face mask when dropping off and picking up their children from the day care center.
- 8) The day care center must close each classroom one hour between part day programs, day care and night care shifts to clean and disinfect.
- b) A written plan of operation shall be provided to the Department that addresses PPE, including masks, face shields and gloves. The plan may also include additional measures such as changes of clothing or smocks. The plan shall state:

 - 1) Where the center's PPE supplies will be stored within the facility;
 - 2) A minimum supply list and plan for reorder of supplies;
 - 3) How and when PPE supplies are inventoried; and
 - 4) How staff are informed or trained on the availability, location and contents of PPE with procedures for reporting refilling low supplies.
- c) The requirements of Section 407.90(a), (d) and (f). Additionally, the center shall develop an enhanced staffing plan to address the following:

 - 1) Children should be kept in the same group with same staff every day including meal, snack, rest and play periods;
 - 2) Classroom interchanging or mixing is not permitted;

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- 3) Qualifications for Early Childhood Teachers shall comply with Section 407.140. Staff qualified to work as Early Childhood Teachers in EDC and served in that role during the months of March through May 2020, may continue to work as an Early Childhood Teacher through July 31, 2020; and
- 4) Staff shall take the temperature of parents, legal guardians, or other persons bringing a child to the day care center upon arrival. Individuals with a temperature of 100.4° F or higher shall be excluded.
- d) The requirements of Section 407.100. Additionally, day care staff shall take their temperatures before entering the facility at the beginning of their reported work period and shall maintain records of monitoring. Staff shall be rechecked for fever during their work period if they begin to feel ill or experience any sign of respiratory illness. Individuals with a temperature of 100.4° F or higher shall be excluded from the day care center.
- e) The requirements of Section 407.100. Additionally, the center shall develop and maintain a list of qualified substitutes in the event that staff are out sick. Staff holding first aid and CPR certification that has expired or will expire during COVID-19 response closures may utilize online certification extension programs through State of Illinois approved training sources to renew their certifications.
- f) The requirements of Section 407.190. Grouping and staffing limits shall be in accordance with CDC and IDPH guidelines during Phases III and IV as follows:
 - 1) Day care centers reopening under this Subpart that did not operate as an EDC are limited to no more than 10 children in a room during the first 4 weeks of operation.
 - 2) Infants: Maximum of 8 children (1 staff to 4 children);
 - 3) Toddlers: Maximum of 12 children (1 staff to every 5 children); a third staff is required when exceeding 10 children in a group;
 - 4) Age 2: Maximum of 12 children with 2 staff;
 - 5) Ages 3 to 5: Maximum of 15 children with 2 staff;
 - 6) School-agers: Maximum of 15 children with 2 staff;

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- 7) Each classroom must be afforded an additional qualified staff for the purpose of relieving primary staff. The additional staff must be qualified for the position being provided relief. The additional staff must be used between the same two classrooms.;
 - 8) Centers may allow programs to staff classrooms with Early Childhood Assistant qualified staff for up to 3 hours of their program day, provided this is documented in a written staffing plan;
 - 9) There shall be no mixing of groups or individuals within groups. If more than one group of children is cared for at one facility, each group shall be in a separate room;
 - 10) Child care staff and children shall be assigned to the same group every day, including meal, snack, rest and play periods; and
 - 11) A transition plan shall be developed when moving a child to a new group.
- g) The requirements of Sections 407.200 and 407.370. Additionally, the center shall comply with enhanced square footage requirements as follows:
- 1) When children are napping or sleeping, there shall be a minimum of 6 feet between each crib or cot; or
 - 2) Clear dividers may be used to separate cribs and cots when children are napping or sleeping, provided the dividers are commercially produced for this purpose.
- h) The requirements of Section 407.260. Additionally, the center shall develop an enhanced daily arrival and departure plan and communicate this plan to parents or legal guardians as day care services begin under this Subpart. This plan shall include, but is not limited to:
- 1) Daily temperature checks shall be conducted and recorded for each parent, legal guardian, or person bringing a child to day care upon arrival at the day care center. Individuals with a temperature of 100.4° F or higher, shall be excluded;

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- 2) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating;
 - 3) One person will be allowed entrance to the day care upon drop off and pick-up, but will not be permitted access to the classroom;
 - 4) Parents, legal guardians, or authorized persons shall wear a face mask when dropping off and picking up their children from the day care center; and
 - 5) Parents, legal guardians, or persons authorized for dropping off or picking up children from day care and staff shall not engage in hand shaking or physical contact.
- i) Section 407.310 requires that any child suspected of having COVID-19, diagnosed with COVID-19, or having been in contact with persons suspected of or diagnosed with COVID-19 shall be excluded from the day care center until written documentation is provided by the child's physician that the child is no longer communicable and may return to day care.
 - j) Section 407.320 requires staff and children to wash hands and follow a specific handwashing procedure. Staff are required to assist children not able to wash their hands independently. The COVID-19 emergency demands a continued vigilance in adhering to these guidelines, in addition to the following:
 - 1) Employees shall clean their hands according to CDC guidelines, including before and after contact with individuals, and after contact with contaminated surfaces or equipment; and
 - 2) Alcohol-based hand sanitizer shall be placed in every room and at the entrance to every child care room. Hand sanitizer is not an acceptable substitute for soap and running water.
 - k) The requirements of Section 407.370. Additionally, the center shall develop enhanced plans to ensure a safe indoor and outdoor space for children, staff and visitors. These plans shall include, but are not limited to:
 - 1) Removal of all soft plush toys that can harbor germs and cannot be readily cleaned;

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- 2) Increased sanitizing utilizing disinfection solution as defined in Section 407.45. cleaning all high touch surfaces including doorknobs, toys, phones, keyboards, computer mouse and keyboards and other items identified as frequently handled every hour and more often as needed;
 - 3) Toys and or items that are mouthed shall be removed for sanitizing immediately. For infant and toddler children, teething toys shall be removed for sanitizing once discarded by a child;
 - 4) Post signs throughout the facility describing ways to prevent the spread of germs;
 - 5) Clean and disinfect areas used, equipment and toys at the end of each day; and
 - 6) Encourage parents to leave a pair of shoes for their children's exclusive use at day care.
- l) Section 407.370 requires the day care center to have communication plans in emergencies. Centers reopening under Phase III and IV of Restore Illinois shall:
- 1) Develop a written communication plan to be shared with parents, guardians and staff to be implemented in the event a staff or child in attendance at the day care center tests positive for COVID-19;
 - 2) Notify IDPH, CDC, and the local Licensing Office immediately upon being informed of exposure to COVID-19 by telephone and follow-up in writing to the local Licensing Office; and
 - 3) Families must immediately notify the day care if someone in their home tests positive or if the child has been in close contact with a positive case
- m) The requirements of Section 407.390. Additionally, the center shall develop enhanced plans to ensure a safe outdoor space for children, staff and visitors. This plan shall include, but is not limited to:
- 1) playground space used during Phase III and Phase IV shall be used for one classroom at a time; and
 - 2) to the extent possible each group should utilize classroom assigned toys.

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(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)

Section 407.610 On Site Visit
EMERGENCY

For licensed day care centers operating under this Subpart, the Department may conduct on-site visits as needed to ensure the health and safety of children in care.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)