

BRIEF OVERVIEW:

Rule 407 Adopted Amendment 3 Hour Usage of Early Childhood Assistants

PURPOSE

In order to address staffing shortages in licensed day care center, the Department in collaboration with day care organizations has amended Rule 407, Licensing Standards for Day Care Centers to add provision to allow early childhood assistants to provide direct supervision to a classroom without the presence of an early childhood teacher for up to three hours per day.

Effective Date

The adopted amendments to Rule 407, Licensing Standards for Day Care Centers, became effective on October 30, 2023.

Children Two Years of Age or Older

When all children are two years of age or older, an Early Childhood Assistant 18 years of age or older may provide direct supervision without the presence of an Early Childhood Teacher to a classroom under the following conditions:

Children Two Years of Age or Older – Cont'd

- The use of an Early Childhood Assistant without an Early Childhood Teacher present **shall not exceed three consecutive hours or make up a majority of the hours an individual classroom is open in a single day.**
- The use of an Early Childhood Assistant without an Early Childhood Teacher present shall not exceed three hours per classroom except as allowed in Sec. 407.190(e)(2).

*When all of the children are two years of age or older, an early childhood assistant 18 years of age or older may provide direct supervision without the presence of an early childhood teacher for a **maximum of one hour per day while the children are all on cots.***

Children Under the Age of Two

When all children are under the age of 2,

- an early childhood assistant **18 years of age or older**
- with **one year experience** (1560 clock hours) providing childcare in a day care setting licensed pursuant to DCFS Administrative Code 406, 407 or 408, or a license-exempt childcare setting as defined in 89 Ill. Adm. Code 377,
- may provide direct supervision to a classroom without the presence of an Early Childhood Teacher for three hours per classroom,
- IF they have **successfully completed the Department of Human Services Child Development, Health, and Safety Basic training** which adheres to federal standards set forth in 45 CFR 98.41

Scenarios

Scenario #1

•An Early Childhood Assistant providing direct supervision to a classroom of eight two-year-olds, from 9am to 12 noon, can return to the classroom and provide direct supervision during nap time for 1 hour provided all children are on their cots (407.190 e)2).

Scenario #2

•An Early Childhood Assistant providing direct supervision to a classroom for children above 2, within ratio, at 10:30 am can provide direct supervision in the classroom until 2:30 pm if the scheduled nap times begins at 1:30 pm (407.190 e)2).

Scenario #3

•An Early childhood Assistant providing direct supervision of an infant/toddler classroom, within ratio, can only provide the supervision for 3 hours (407.90 e)4).

Moving Forward

- Illinois DCFS Department of Licensing recognizes that there has been a lot of confusion as it relates to the “three-hour rule” involving day care assistants being left unsupervised in the classroom, which includes the care of children under 24-months of age. The safety and well-being of children remains the primary interest of DCFS. It is the mission of DCFS to keep children safe, including the safety of those infants and toddlers which is of utmost importance.
- The entire Rule 407 is in the process of being amended and submitted for rulemaking where comments can be submitted during the first notice period.

QUESTION & ANSWERS



THANK YOU

**Keeping
children safe
is everyone's
responsibility**



**Thank you for
your
participation.**