**Section 407.70 Organization and Administration**

a) The members of the governing body of the day care center shall be legally responsible to the Department for maintaining the standards set forth in this Part. The members of the governing body shall be of reputable and responsible character. The governing body may delegate responsibility for day-to-day compliance with the standards to the day care center director.

b) The governing body shall file with the Department written policies outlining any delegation of responsibility for compliance with this Part and lines of communication among the governing body, facility staff and parents. This statement shall be signed by the governing body and the day care center director with updates as changes occur.

c) The governing body, or others designated in writing to represent the center, shall notify the Department immediately of major changes affecting any area of operation regulated by 89 Ill. Adm. Code 407, such as governance, location, physical plant, finances, staff, equipment, or a fire or natural disaster that affects the ability of the day care center to continue to operate.

d) The Department shall be notified in writing within 7 days after any notice of legal action against the center that may negatively affect its operation and/or ability to maintain licensing standards.

e) As a part of new staff orientation, the child care director and all staff shall review the following documents and the date of their review shall be recorded in the personnel files:

1) the Child Care Act of 1969 [225 ILCS 10];

2) the Abused and Neglected Child Reporting Act [325 ILCS 5]; and

3) the portions of 89 Ill. Adm. Code 407 (Licensing Standards for Day Care Centers) that affect their functions and responsibilities.

f) A complete and current set of licensing standards shall be available at all times in an area that is accessible to all employees.

g) The governing body shall insure that an adequate process is in place for recruiting, hiring, and maintaining staff as required by this Part.

h) A day care center shall have written personnel policies available to the staff at all times. These policies shall include, but are not limited to, job descriptions, compensation and benefits, pay dates, Social Security, worker's compensation, unemployment insurance, holidays, sick leave, vacations, probationary periods, grievance procedures, promotions, staff development, discipline, termination of employment and performance evaluation.

i) Each child's record shall contain a statement signed by the child's parents or guardian indicating that he/she has received a summary of licensing standards and other materials designated by the Department for distribution.

j) Suspected child abuse or neglect shall be reported immediately to the Child Abuse/Neglect Hotline as required by the Abused and Neglected Child Reporting Act. The telephone number for the reporting hotline is 1-800-252-2873.

k) The center shall develop a written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. All staff shall be trained in the implementation of the plan. This risk management plan shall specifically address at least the following:

1) training, including universal precautions, provided to staff to identify and minimize risks, particularly as it relates to the care and supervision of children;

2) the design and maintenance of the building and any vehicles used in day care;

3) maintenance and storage of food service and maintenance equipment, chemicals, and supplies, including an integrated pest management plan in accordance with Section 407.390;

4) selection, maintenance, and supervision of education materials, toys, pets, and playground equipment;

5) food service sanitation;

6) cleanliness of the building and grounds;

7) means of receiving information to alert the center of severe weather conditions or other emergency situations that may affect the safety of the children; and

8) emergency and disaster preparedness plans, including fire drills and evacuation plans.

l) The day care center shall carry public liability insurance in the single limit minimum amount of $300,000 per occurrence and any vehicle used by the center for *a purpose that requires a school bus driver permit under Section 6-104 of* the Illinois Vehicle Code *shall carry a minimum of liability insurance* *in the amount of $1,000,000 combined single limit per accident* [625 ILCS 5/12-707.01].

m) Any accident or injury requiring professional medical care, death or other emergency involving a child shall be entered into the child's record and orally reported immediately to the child's parent or guardian and to the appropriate local licensing office of the Department. If the center is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Oral reports to the Department shall be confirmed in writing within 2 business days after the occurrence.

n) The day care center shall maintain records essential for the operation of the facility. Records pertaining to children in care and to staff shall be maintained at the day care center.

1) Financial records shall be maintained in Illinois and produced immediately upon request for licensing review.

A) The day care center shall maintain financial records including projected and current operating budget.

B) The day care center shall maintain financial solvency to assure adequate care of children and compliance with the standards prescribed in this Part. A center is considered insolvent if the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors and property that may be exempted from property of the estate. (This definition is adapted from the U.S. Bankruptcy Code of 1978 (11 USC 101).)

2) Required general and financial records shall be maintained for 5 years. Required personnel records shall be maintained for 5 years after the date of the employee's termination of employment. Children's records shall be maintained for 5 years after the child has been discharged from care or services.

3) Accurate daily attendance records, by group, shall be maintained for one year. If a child attends on a part-time or irregular basis, this shall be recorded in the attendance records.

4) The provisions of this Section notwithstanding, records required by this Part shall be maintained until all audits have been completed and no litigation is pending or reasonably anticipated.

o) Authorized representatives of the Department shall be admitted to the center during the hours of operation for the purpose of determining compliance with the Child Care Act of 1969 and standards set forth in this Part.

(Source: Amended at 38 Ill. Reg. 17293, effective August 1, 2014)