P.A. 100-105: Preventing Expulsion of Children Birth to Five - Frequently Asked Questions

What does Public Act 100-105 do? Who has to comply with this requirement? PA 100-105 does not allow providers to expel young children (ages 0-5) from their program because of the child’s behavior. A provider can transition a child with challenging behavior from their program only after they have documented that they have tried to meet the child’s needs. Providers must help families plan for the child’s transition to a more appropriate setting; this ‘planned transition’ process is not considered an expulsion. Providers also have to report data related to transitions. Effective January 2018, this applies to the following early childhood programs:

- School- and community-based programs receiving Early Childhood Block Grant funds (PFA, PI)
- Licensed child care providers serving children ages 0-5 (specifics will be in licensing standards)
- Note: Expulsions are already prohibited for Head Start and Early Head Start programs

What documentation is required? When a child shows consistently challenging behaviors, the early care and education (ECE) provider must document their efforts to try to address the child’s needs, including:

- Initial observations of challenging behaviors
- Communication with the family, family’s interest in working with them, and family consent for services
- Plan for addressing issues with the child, including resources/services/interventions contacted and used
- If and how the child is transitioned out of program

What resources are available to help me address children’s needs and behaviors? How do I find them? Resources are available to help providers address the needs of a specific child and support the healthy development of all children in their program. Resources include:

- Developmental and social emotional screenings for the child
  - More information: ExceleRate Illinois Child Find Project
- Consultation services from an infant/toddler specialist or early childhood mental health professional
  - Contact: Child Care Resource & Referral agency or ISBE
- Referrals to Early Intervention (0-3) or Early Childhood Special Education (3-5)
  - Referral forms and information: Early Intervention Clearinghouse; ExceleRate Illinois
- Professional development trainings and other resources
  - CCR&R, Gateways to Opportunities, Early Intervention Training Program, Early Choices, STARNET

Some resources may require parental consent. What if the parent does not consent to services? Providers should document when they talk to families about services, and whether or not the family agreed to services. If the family does not consent, and the provider is unable to effectively care for the child without those interventions, the provider may start the ‘planned transition’ process. At enrollment into the ECE program, it is important for providers to tell families about the program’s discipline policy, including what steps they will take and resources they will use to address the child’s needs. This helps families know what resources are available and how the family can get the services, if they need them.

I requested a mental health consultant, but there is a long wait time before the visit. What do I do? Providers should document that they made a request and how long until the consultant can visit. In the meantime, providers should try to get other resources, if available, and keep working with the family. If the provider decides they are unable to wait for the consultant’s visit, they may start the ‘planned transition’ process.

What is a planned transition? If the provider has tried many times to use all available resources and has come to a decision that keeping the child in the program is not in the best interest of the child or the child’s peers, the provider should work with the family to transition the child out of the program. Providers should work with families to find a more appropriate setting by making referrals to other programs. If possible, the provider should work with the new provider to help plan a smooth transition.

What if the child is an immediate threat to the safety of him/herself or others? In the case of serious safety threat, the child may be temporarily removed from the group setting. Providers should document the incident, and work
with the family and available resources to return the child to a group setting as soon as possible. If the provider’s professional judgment is to transition the child out of the program, they should start the process.

**How will this new law be monitored?** The monitoring process for licensed child care and ISBE-funded early childhood programs will be decided by DCFS, ISBE, and other state agencies, including the Office of Early Childhood Development. The state agencies are working together to develop these specifics.

**How will data be collected?** DCFS and the Illinois State Board of Education (ISBE) are currently working on the process for providers to report data related to this new law. Reporting will begin in July 2018.