**Section 406.2 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.

"Adult" means any 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 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])

"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 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.

"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.

"Behavior Support Plan" means a written, planned and culturally and linguistically appropriate schedule of action agreed upon by the program staff, parents/guardians, and qualified professional resources assigned:

to assist a child, a family, caregivers, programs or teachers, and directors on how the program reflects on and modifies the program, classroom, and learning environment practices; and

to address the identification of serious and repeated patterns of challenging behavior.

The behavior support plan must be fully implemented before initiating the program transition plan.

"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.

"Challenging behavior" means any serious and repeated pattern of behavior, or perception of behavior, that interferes with a child's ability to engage in developmentally appropriate self-regulation and cognitive and prosocial engagement with peers or adults.

"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 effective disability and/or maladaptive behavior that significantly interferes with learning and/or social functioning.

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.

"Consultants" means those individuals providing technical assistance or advice regarding any aspect of the operation of the day care home.

*"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])

*"*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.

*"Day care homes" means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The maximum of 12 children includes the family's natural*, foster, *or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household.* (Section 2.18 of the Child Care Act of 1969 [225 ILCS 10])

*"Department" means the Illinois Department of Children and Family Services.* (Section 2.02 of the Child Care Act of 1969)

"Department of Public Health" or "DPH" means the Illinois Department of Public Health.

"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 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.

"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 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 device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:*

*any pneumatic gun, spring gun, paint ball gun, or BB gun that expels a single globular projectile not exceeding .18 inch in diameter or that has a maximum muzzle velocity of less than 700 feet per second;*

*any pneumatic gun, spring gun, paint ball gun, or BB gun that expels breakable paint balls containing washable marking colors;*

*any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;*

*any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and*

*an antique firearm (other than a machine gun) that, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.* [430 ILCS 65/1.1]

"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 surface that is not above or below the ground.

*"Guardian" means the guardian of the person of a minor.* (Section 2.03 of the Child Care Act of 1969)

"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.

*"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)

"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 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 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 in Illinois 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/Ch. 6].)

"Mitigation" means those activities or processes undertaken to reduce the level of lead in water below 2.01 ppb (parts per billion).

"Mitigation plan" means a written document prepared by a license applicant or licensee that identifies drinking water sources that have tested at or above 2.01 ppb for lead and the strategies and interim measures the applicant/licensee will take to reduce the lead level to below 2.01 ppb.

"Parent" or "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 for a 2-month period to allow the individuals to become eligible for a license.

"Person" means any individual, group of persons, agency, association, or organization.

"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 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 day care home.

"Program Transition Plan" means an individualized, written, and culturally and linguistically appropriate plan developed by the departing and receiving early childhood programs, detailing the individual responsibilities required to prepare for and then execute the child's move from the current program to a more appropriate arrangement with as little negative impact and disruption as possible.

"Protected exit from a basement" means an exit that is separated from the remainder of the 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.

"Qualified professional" is an individual with a recognized title such as, but not limited to, a child's health provider, early childhood mental health consultant, licensed clinical social worker, speech pathologist, or behavioral therapist. This individual should have expertise in early childhood education practices, children's behaviors, inclusion, applied behavioral analysis, infant/early childhood mental health, or the impact of trauma.

*"Related" means any of the following relationships by blood, marriage,* civil union, *or adoption: parent, grandparent, sibling, great-grandparent, great-uncle, great-aunt, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, or first cousin.* (Section 2.04 of the Child Care Act of 1969])

"Repeated pattern of challenging behavior" means behaviors that do not respond to repeated developmentally appropriate practice interventions and result in a disrupted learning environment for other children enrolled in the program. These behaviors can include, but are not limited to, extreme tantrums, physical and verbal aggression, property destruction, self-injury, injury to others, or withdrawal.

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

"Serious safety threat" is a behavior that jeopardizes the physical safety of the child and/or his/her classmates or staff.

"Special use areas" means areas of the home that may not be included in the measurements 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.

"Supervising agency", as used in this Part, means a licensed child welfare agency, a licensed day care agency, or the Department.

"Swimming pool" means any natural or artificial basin of water intended for public swimming or recreational bathing that exceeds 2'6" in depth as specified in the Illinois Swimming Pool and Bathing Beach 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.

"Temporary removals" means practices that involve removing the child from regular participation in the program as a result of a challenging behavior. A temporary removal should be developmentally appropriate and may only be used as a last resort if there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications. The program must help the child return to full participation in a group setting as soon as safety allows.

"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.

"Water profile" means a building's water heater, source of water, and water supply lines.

"Water source" means any faucet used to obtain water for drinking or food preparation for day care operations. Water sources include, but are not limited to, sinks, bathtubs, hoses, drinking fountains, bubblers, and refrigerator or freezer water or ice dispensers.

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