

# 2006

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



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Editors Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 16, 2006 to January 2, 2007 by noon as January 1, 2007 is a holiday and the office is closed.

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<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 27, 2005	January 6, 2006
2	January 3, 2006	January 13, 2006
3	January 9, 2006	January 20, 2006
4	January 17, 2006	January 27, 2006
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9	February 21, 2006	March 3, 2006
10	February 27, 2006	March 10, 2006
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14	March 27, 2006	April 7, 2006
15	April 3, 2006	April 14, 2006
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28	July 3, 2006	July 14, 2006
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30	July 17, 2006	July 28, 2006
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33	August 7, 2006	August 18, 2006
34	August 14, 2006	August 25, 2006
35	August 21, 2006	September 1, 2006
36	August 28, 2006	September 8, 2006
37	September 5, 2006	September 15, 2006
38	September 11, 2006	September 22, 2006
39	September 18, 2006	September 29, 2006
40	September 25, 2006	October 6, 2006
41	October 2, 2006	October 13, 2006
42	October 10, 2006	October 20, 2006
43	October 16, 2006	October 27, 2006

<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
44	October 23, 2006	November 3, 2006
45	October 30, 2006	November 13, 2006
46	November 6, 2006	November 17, 2006
47	November 13, 2006	November 27, 2006
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50	December 4, 2006	December 15, 2006
51	December 11, 2006	December 22, 2006
52	December 18, 2006	December 29, 2006

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Merit and Fitness
  - 2) Code Citation: 80 Ill. Adm. Code 302
  - 3) Section Number: 302.150      Adopted Action: Amendment
  - 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
  - 5) Effective Date of Amendment: November 13, 2006
  - 6) Does this rulemaking contain an automatic repeal date? No
  - 7) Does this Amendment contain incorporations by reference? No
  - 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
  - 9) Date Notice of Proposal was Published in the Illinois Register: 30 Ill. Reg. 12064; July 14, 2006
  - 10) Has JCAR issued a Statement of Objection to this Amendment? No
  - 11) Differences between proposal and final version: Language was added to Section 302.150(j) to clarify the term "merit compensation", and other nonsubstantive changes were made as suggested by JCAR.
  - 12) Have all of the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
  - 13) Will this amendment replace any emergency amendment currently in effect? Yes
  - 14) Are there any amendments pending on this Part? Yes
- | <u>Section</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u>     |
|----------------|------------------------|---------------------------------------|
| 302.300        | Amendment              | 30 Ill. Reg. 17691; November 13, 2006 |
- 15) Summary and Purpose of Amendment: This rulemaking creates a new type of appointment status for certified, non-bargaining-unit employees. Interim assignment

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

status will be used to monitor, control and track such employees performing on a full-time interim basis, the higher-level duties of another non-bargaining-unit position.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Gina Wilson  
Illinois Department of Central Management Services  
720 Stratton Office Building  
Springfield IL 62706

217/785-1793

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

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MERIT AND FITNESS

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- 302.20 Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
- 302.30 Veterans Preference
- 302.40 Announcement of Examination
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- 302.170 Programs
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- 302.210 Deductions From Continuous Service
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- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations On Promotions
- 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

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## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

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302.410	Intra-Agency Transfer
302.420	Inter-Agency Transfer
302.425	Merit System Transfer
302.430	Geographical Transfer (Agency Directed)
302.431	Geographical Transfer (Agency Directed) Procedures
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302.433	Effective Date of Geographical Transfer (Agency Directed)
302.435	Employee-Requested Geographical Transfer
302.440	Rights of Transferred Employees
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302.450	Limitations on Transfers
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302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
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302.498	Status of Demoted Employees

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302.505	Limitations in Voluntary Reduction
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302.510	Temporary Layoff
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302.680	Notice to Employee
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302.825	Reemployment Rights to Term Appointment
302.830	Expiration of Term Appointment
302.840	Renewal Procedures
302.841	Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
302.842	Effective Date of Reappointment or Termination (Repealed)
302.846	Change in Position Factors Affecting Term Appointment Exclusion
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302.863	Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15462, effective November 24, 1997; amended at 22 Ill. Reg. 14735, effective August 3, 1998; amended at 26 Ill. Reg. 15285, effective October 15, 2002; amended at 29 Ill. Reg. 11800, effective July 14, 2005; emergency amendment at 30 Ill. Reg. 12366, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18270, effective November 13, 2006.

## SUBPART B: APPOINTMENT AND SELECTION

**Section 302.150 Appointment and Status**

The following types of appointment and status may be made by the Director:

- a) Exempt: For persons in positions not subject to Jurisdiction B. If an exempt employee's position becomes subject to Jurisdiction B by reason of extension of Jurisdiction B, pursuant to Section 4b of the Personnel Code, such employee shall establish eligibility for such position by passing satisfactorily a qualifying examination prescribed by the Director within 6 months after the extension of Jurisdiction B to such position. In all other cases, if an exempt employee's position becomes subject to Jurisdiction B, such employee shall establish eligibility for such position within 6 months by successfully competing in the open competitive examination and receiving a probationary appointment according to applicable rules.
- b) Emergency: For persons selected by agencies to meet emergency situations. Such appointments shall not exceed 60 days, shall not be renewed and may be made without regard to an eligible list. Notices of selections and terminations shall be reported immediately to the Director.
- c) Temporary: For persons in positions to perform temporary or seasonal work. No position shall be filled by temporary appointment for more than 6 months out of any 12-month period.
- d) Provisional: For persons in positions for which there are fewer than 3 available eligibles on the open competitive eligible list. No positions shall be filled by provisional appointment for more than 6 months out of any 12-month period. If a provisional employee's position is allocated to a class for which there are available eligibles, eligibility for such position shall be established within 90 days

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

through successfully competing in the open competitive examination and receiving a probationary appointment according to the applicable rules herein.

- e) Probationary: For persons appointed from an eligible list, for persons receiving a promotion and for persons being reinstated. If a probationary employee's position is declared exempt from Jurisdiction B, the balance of the probationary period shall be served after which certified status shall be attained.
- f) Certified: For persons having successfully completed the required probationary period. If a certified employee's position is declared exempt from Jurisdiction B, certified status shall be retained in that position.
- g) Trainee: For persons in positions pursuant to established trainee and apprenticeship programs.
- h) Term: For persons appointed for a four year term. At the expiration of four years, the appointment automatically terminates unless renewed by the Director or Chairman of the employing department, commission or board. During the term of appointment, these persons shall be subject to Jurisdictions A, B, and C of the Personnel Code.
- i) Intermittent: For persons appointed pursuant to subsections (e) or (f) above whose work schedule varies from the regular work schedule of the operating agency as provided in an intermittent program established pursuant to Section 302.325. Incumbents in positions given intermittent status pursuant to such programs shall be allowed to remain in the position at the time the intermittent status is given.
- j) Interim Assignment: For a certified non-bargaining unit employee in a salary grade or merit compensation (including broad-band and medical administrator) position assigned to perform on a full-time interim basis and be accountable for the higher-level duties and responsibilities of a non-bargaining unit, salary grade or merit compensation (including broad-band and medical administrator) position. The position shall have higher-level duties and responsibilities within the same broadband position classification or a position classification with a higher pay grade or range. The interim assignment shall be to a position within the same agency. The agency shall provide written justification of the need for the interim assignment and the interim assignment occurs upon the approval of the Director of Central Management Services. The initial interim assignment of the employee to the position shall not exceed six months, but may be extended in six-month

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increments upon the approval of the Director of Central Management Services, for good cause shown. The agency shall ensure that the minimum training and experience qualifications are met for the position with higher-level duties and responsibilities. The employee must request a leave of absence from the current position to accept the interim assignment. An employee in interim assignment status cannot be transferred or promoted.

(Source: Amended at 30 Ill. Reg. 18270, effective November 13, 2006)

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Day Care Homes
- 2) Code Citation: 89 III. Adm. Code 406
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
406.4	Amend
406.5	Amend
406.8	Amend
406.12	Amend
406.14	Amend
406.APPENDIX C	Amend
406.APPENDIX E	New
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Amendments: November 13, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18180; November 14, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? Yes, JCAR Objected and Prohibited Filing of this rulemaking at the July 2006 JCAR meeting. The Filing Prohibition was lifted upon the Department's clarification of the proposed changes.
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Sections 406.4 and 406.5, the language notifying the local fire authorities of new daycare home applicants and homes renewing their license and giving local fire Department authorities the opportunity to inspect homes and report back to the Department was clarified.

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

In Section 406.8, the Department clarified the language of the proposed amendment to require a water temperature of 115°F at faucets designated for children washing hands and avoid the interpretation of requiring the water temperature of 115°F coming out of the water furnace of the house.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 406 as follows:

Sections 406.4 and 406.5 set the provision for the Department to notify the local fire prevention authorities after receiving a new or renewal application and to allow these authorities to inspect and make recommendations to the Department when considering the application.

Section 406.8 strikes the requirement of having in the home's first aid kit syrup of ipecac and activated charcoal as recommended by the American Academy of Pediatrics. In addition it requires that the water temperature at hand washing faucets in the home be regulated to no more than 115° Fahrenheit when children who are under 10 years of age or developmentally disabled are cared for.

Section 406.12 requires that a daily list of children in care be readily accessible in case of emergencies and fire drills.

Section 406.14 updates the minimum age of children's initial examination to meet the requirements set by the Department of Public Health [77 Ill. Adm. Code 845].

Appendix C updates the list of child abuse and neglect allegations and convictions barring licensure or employment in a child care facility.

Appendix E is added listing the items to be inspected in the fire prevention inspection.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff E. Osowski

---

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62701-1498

Telephone: 217/524-1983  
TDD: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

The full text of the Adopted Amendments begins on the next page:

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 406

## LICENSING STANDARDS FOR DAY CARE HOMES

## Section

406.1	Purpose
406.2	Definitions
406.3	Effective Date of Standards (Repealed)
406.4	Application for License
406.5	Application for Renewal of License
406.6	Provisions Pertaining to the License
406.7	Provisions Pertaining to Permits
406.8	General Requirements for Day Care Homes
406.9	Characteristics and Qualifications of the Day Care Family
406.10	Qualifications for Assistants
406.11	Substitutes
406.12	Admission and Discharge Procedures
406.13	Number and Ages of Children Served
406.14	Health, Medical Care and Safety
406.15	Discipline of Children
406.16	Activity Requirements
406.17	Nutrition and Meals
406.18	Transportation of Children By Day Care Home
406.19	Swimming
406.20	Children with Special Needs
406.21	School Age Children
406.22	Children Under 30 Months of Age
406.23	Night Care
406.24	Records and Reports
406.25	Confidentiality of Records and Information
406.26	Cooperation with the Department
406.27	Severability of This Part
406.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
406.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
406.APPENDIX C	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home
406.APPENDIX D	In-Service Training

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

**406.APPENDIX E**    **List of Items for Fire Prevention Inspection**

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 7855, effective July 1, 1983; amended at 8 Ill. Reg. 24951, effective January 1, 1985; amended at 9 Ill. Reg. 2454, effective March 1, 1985; emergency amendment at 15 Ill. Reg. 15088, effective October 8, 1991, for a maximum of 150 days; modified at 16 Ill. Reg. 2269; amended at 16 Ill. Reg. 7602, effective April 30, 1992; amended at 18 Ill. Reg. 5531, effective April 1, 1994; amended at 19 Ill. Reg. 2765, effective February 23, 1995; amended at 21 Ill. Reg. 4524, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4207, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17047, effective November 1, 2000; amended at 25 Ill. Reg. 5714, effective April 1, 2001; emergency amendment at 26 Ill. Reg. 13694, effective August 30, 2002, for a maximum of 150 days; emergency expired on January 26, 2003; amended at 27 Ill. Reg. 19180, effective December 15, 2003; amended at 30 Ill. Reg. 18280, effective November 13, 2006.

**Section 406.4 Application for License**

- a) A complete application shall be filed with the Department of Children and Family Services by the supervising agency on forms prescribed and provided by the Department.
- b) A complete application shall include:
  - 1) a completed, signed and dated Application for Home License;
  - 2) a list of persons who will be working in the day care home, including any substitutes and assistants, and members of the household age 13 and over;
  - 3) completed, signed and dated authorizations to conduct the background check for the applicants, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
  - 4) a completed, signed and dated Child Support Certification form; and
  - 5) the names, addresses and telephone numbers of at least 3 adults not related

## ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.

- c) The supervising agency shall study each day care home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a licensing representative and shall be reviewed and approved by his/her supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards prescribed by this Part. The study shall be in writing and shall be signed by the licensing representative performing the study and by his/her supervisor. A license may not be recommended without the receipt of at least 3 positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.

d) Fire Safety

- 1) In order for a home to be licensed as a day care home, a fire inspection report (Appendix E) must be completed using forms provided by the Department indicating that the home is safe.
- 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the day care home, the local fire department or the Office of the State Fire Marshal.
  - A) For each new application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
  - B) Department licensing staff and staff of child welfare agencies supervising licensed day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.

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- C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
- D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.
- 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
- 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- ed) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the licensee or agency seeks to reapply;
  - 2) When there is a change in the name of the licensee, the location of the day care home, or the supervising agency;
  - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
  - 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- fe) Written approval of the supervising agency is required to effect changes in the license capacity or the ages of children served in conformance with the requirements of Section 406.13. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

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**Section 406.5 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to day care home licensees by the supervising agency 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the supervising agency no later than 3 months from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed day care home seeks to change its name, location, or supervising agency, a new application reflecting the changes must be completed, signed by the licensees and submitted to the supervising agency 30 days prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final Department decision has been made (Section 5 of the Act).*
- e) Fire Safety
  - 1) In order for a home to be licensed as a day care home, a fire inspection report (Appendix E) must be completed using forms provided by the Department indicating that the home is safe.
  - 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the day care home, the local fire department or the Office of the State Fire Marshal.
    - A) For each renewal application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
    - B) Department licensing staff and staff of child welfare agencies supervising licensed day care homes shall keep a list of fire departments that receive this notification. For license applicants

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residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.

C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.

D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.

3) All fire inspection reports must be completed on forms prescribed and provided by the Department.

4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.

fe) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

**Section 406.8 General Requirements for Day Care Homes**

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
- 1) The home shall have a first aid kit consisting of adhesive bandages, scissors, ~~syrup of ipecac, activated charcoal,~~ thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 ~~or 800-942-5969~~), sterile gauze pads, adhesive tape, tweezers and mild soap.

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~~Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.~~

- 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
- 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
  - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
  - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home.
  - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

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- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.
- 6) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) When the basement area may be used for child care, 2 exits shall be provided.
  - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
  - B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.
    - ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
    - iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
  - C) If the basement area does not meet these exiting requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies

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authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.

- 8) All walls and surfaces shall be free from chipped or peeling paint.
- 9) Walls of rooms that children use shall be maintained free of lead paint.
- 10) Furniture and equipment shall be kept in safe repair.
- 11) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
- 12) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
- 13) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.*
- 14) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (a)(13), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- 15) *The operator of the home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are locked in storage inaccessible to children.* (Section 7 of the Act) Such notification need not disclose the location where the firearms and ammunition are stored.
- 16) There shall be written plans for immediate evacuation in case of

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emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Monthly fire drills shall be conducted for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado. Records shall be maintained of the dates and times required drills are conducted.

- 17) Exit doors shall be kept clear of equipment and debris at all times.
- 18) In the event of a fire, the day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- 19) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (~~1-800-942-5969~~ or 1-800-222-1222) and other emergency numbers shall be posted in an area that is readily available in an emergency.
- 20) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 21) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
- 22) Portable wading pools shall be emptied daily and disinfected before being air-dried.
- 23) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

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- 24) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- e) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- f) Insect and rodent control shall be maintained.
- 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
- 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.
- g) Healthy household pets that present no danger to children are permitted.
- 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been

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inoculated for rabies.

- 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
  - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, racoons, and other animals determined to be dangerous by local public health authorities.
- h) Indoor space shall consist of a clean, comfortable environment for children.
- 1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not acceptable as a protective covering.
  - 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- i) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the

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square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:

- 1) A minimum of 35 square feet of floor space per each child in care, and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.
- j) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
    - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
    - B) There shall be no openings in a play structure with a dimension

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between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

- C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
  - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
  - E) No openings shall be between ¾ inch and one inch in size (to prevent finger entrapment).
- 5) The use of a trampoline by children in care is prohibited.
  - 6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
  - 7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.
- l) Operation of other business on the premises must not interfere with the care of children.
  - m) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

**Section 406.12 Admission and Discharge Procedures**

- a) No child served in a day care home shall remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's work or training schedule, at no time shall children cared for in a day care facility remain on the premises for more than 18 consecutive hours.

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- b) Prior to acceptance of a child for care, the caregiver shall require that the parent or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under 6 years of age may be admitted to the day care home unless the health examination, complete with lead risk assessment, if the child resides in an area defined as low risk by the Illinois Department of Public Health or a screening for lead poisoning, if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.
- c) The parents or guardian shall be permitted to visit the home, without prior notice, during the hours their children are in care.
- d) A child shall be discharged from the facility only to the child's parents or guardian or to a person designated in writing by the parents or guardian to receive the child.
- e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized, in writing, by the parents or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.
- f) The facility shall maintain a list of persons designated, in writing, by the parents, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parents or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parents or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parents or guardian. The authorization shall include the time

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that the child is to be released and the means of transportation the child is to use.

- h) All day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian, in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:
- 1) The consequences of not picking up the child on time, including:
    - A) Amount of late fee, if any, and when those fees begin to accrue;
    - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and
    - C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
  - 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
  - 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.
  - 4) A reminder to the day care provider that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never the child.
- i) [The daily list of children in care shall be readily accessible in case of emergency evacuations and fire drills.](#)

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

**Section 406.14 Health, Medical Care and Safety**

- a) The caregiver shall conduct a daily, pre-admissions screening to determine if the

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child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child.

- b) Children with diarrhea and those with a rash combined with fever (oral temperature of 101 degrees Fahrenheit or higher or under the arm temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- c) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
  - 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] provided copies of the exam are on file at the facility.
  - 2) If the child is in a high risk group, as determined by the examining physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when the children in high-risk groups begin elementary and secondary school.
  - 3) The initial examination shall show that children from ~~6 months through the ages of one to~~ 6 years of age have been screened for lead poisoning for children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.
  - 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B,

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haemophilus influenza B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.

- 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
  - 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- d) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Diseases (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the day care home.
- e) Necessary medications shall be administered according to specific written instructions provided by the child's parents or guardians.
- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
  - 2) Non-prescription medication may be administered upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and, except for aspirin and aspirin substitutes, shall be labeled with the child's name and dated.
  - 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
  - 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.

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- 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
- 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- f) In order to reduce the risk of infection or contagion to others, space must be provided in the day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- g) When a day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- h) Personal hygiene standards, such as the following, shall be observed:
  - 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
  - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen, with individual bedding, shall be provided for each child who naps or sleeps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
    - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
    - B) Family beds may be used for children if separate linens are used.
    - C) Rubber sheets shall be used when necessary.
  - 3) The caregiver shall require parents to supply clothing suitable to weather

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conditions, as well as a complete change of clothing in case of need.

- 4) Caregivers and children shall use soap and running water to wash their hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall always supervise children's handwashing to ensure that children are not scalded by hot water.
- 5) Open cuts, sores or lesions on caregivers or children shall be covered.
- 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
- 7) Sheets shall be changed when soiled and at least weekly.
- 8) Clothing soiled due to toilet accidents shall be changed immediately.
- i) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
  - 1) Using only washable toys with diapered children;
  - 2) Washing washable toys at least once per day;
  - 3) Cleaning facility-provided stuffed toys;
  - 4) Washing toys mouthed by one child before they are used by another child; and
  - 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- j) There shall be an emergency plan for each child in case of accident or sudden illness.
  - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.

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- 2) There shall be a planned source of readily available emergency medical care: a hospital emergency medical room, clinic, or the child's physician.
  - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 406.11 must assume supervision of other children in the home.
  - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately, and the child shall be removed from the home as soon as possible.
- k) Children shall be supervised at all times. All children in the home shall be protected from exploitation, neglect, and abuse.

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

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**Section 406.APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home**

- A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work ~~that~~<sup>which</sup> allows access to children.

Death

~~Head injury, brain~~<sup>Brain</sup> damage, ~~or~~ skull fracture ~~or~~ hematoma  
Subdural hematoma

Internal injuries

Wounds (gunshot, knife, or puncture)

Torture

Sexually transmitted diseases

Sexual penetration

Sexual molestation

Sexual exploitation

Failure to thrive

Malnutrition

Medical neglect of disabled infant

A single indicated report of child abuse or neglect ~~that~~<sup>which</sup> resulted in serious injury to the child, regardless of the allegations involved

More than one indicated report involving any of the following allegations, regardless of severity:

Burns or scalding

Poison or noxious substances

Bone fractures

Cuts, bruises, ~~or~~ welts, abrasions and injuries

Human bites

Sprains or dislocations

Tying or close confinement

Substance misuse

Mental and emotional impairment~~injury~~

Substantial risk of physical injury

Inadequate supervision

Abandonment or desertion

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Medical neglect  
Lock-out  
Inadequate food  
Inadequate shelter  
Inadequate clothing  
Environmental neglect

If the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ believes there are unusual circumstances that should be considered to mitigate the presumption of unsuitability, the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility ~~that~~~~which~~ allows access to children as part of the duties.

The offenses ~~that~~~~which~~ serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment ~~that~~~~which~~ allows access to children in any child care facilities subject to licensing include:

## OFFENSES DIRECTED AGAINST THE PERSON

## HOMICIDE

Murder  
Solicitation of murder  
Solicitation of murder for hire  
Intentional homicide of an unborn child  
Voluntary manslaughter of an unborn child  
Involuntary manslaughter  
Reckless homicide

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Concealment of a homicidal death  
Involuntary manslaughter of an unborn child  
Reckless homicide of an unborn child  
Drug induced homicide

## KIDNAPPING AND RELATED OFFENSES

Kidnapping  
Aggravated kidnapping  
Aggravated unlawful restraint  
Forcible detention  
Child abduction  
Aiding and abetting child abduction  
Harboring a runaway

## SEX OFFENSES

Indecent solicitation of a child  
Indecent solicitation of an adult  
Public indecency  
Sexual exploitation of a child  
[Custodial sexual misconduct](#)  
[Presence within school zone by child sex offenders](#)  
[Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders](#)  
Sexual relations within families  
Prostitution  
Soliciting for a prostitute  
Soliciting for a juvenile prostitute  
Solicitation of a sexual act  
Pandering  
Keeping a place of prostitution  
Keeping a place of juvenile prostitution  
Patronizing a prostitute  
Patronizing a juvenile prostitute  
Pimping  
Juvenile pimping  
Exploitation of a child  
Obscenity  
Child pornography

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Harmful material  
Tie-in sales of obscene publications to distributors  
[Posting of identifying information on a pornographic Internet site](#)

## BODILY HARM

Heinous battery  
Aggravated battery with a firearm  
Aggravated battery of a child  
Tampering with food, drugs, or cosmetics  
Hate crime  
Stalking  
Aggravated stalking  
Threatening public officials  
Home invasion  
Vehicular invasion  
Criminal sexual assault  
Aggravated criminal sexual assault  
Predatory criminal sexual assault of a child  
Criminal sexual abuse  
Aggravated sexual abuse  
Criminal transmission of HIV  
Criminal neglect of an elderly or disabled person  
Child abandonment  
Endangering the life or health of a child  
Ritual mutilation  
Ritualized abuse of a child  
Drug induced infliction of great bodily harm

[Refer to Appendix A of Part 385 for additional convictions that bar licensure of or employment in a child care facility.](#)

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)

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**Section 406.APPENDIX E List of Items for Fire Prevention Inspection**

The Department shall notify the local fire prevention authority in the area where the applicant resides of the name and address of a day care home licensure applicant. Notification about a new applicant shall be on a form prescribed by the Department and shall include a space for comments and recommendations by the local fire prevention authority, the Department's or supervising agency's return address, and the following list of items for inspection:

1. Number of smoke detectors on each level of the home (see Section 406.8(a)(4))
2. Smoke detectors within 15' of each sleeping area (see Section 406.8(a)(4)(A))
3. All smoke detectors are less than 10 years old and functioning properly (see Section 406.8(a)(4)(A))
4. Secondary means of escape provided from all levels utilized for the home (i.e., windows/doors) (see Section 406.8(a)(7))
5. All exits are unobstructed (see Section 406.8(a)(17))
6. Emergency contingency plan and properly posted emergency floor plan (see Section 406.8(a)(16))
7. An available operational telephone with proper emergency numbers displayed (see Section 406.8(a)(19))
8. Proper all purpose portable fire extinguishers are functional and located in the kitchen (see Section 406.8(a)(2))
9. First aid kit with prescribed contents (see Section 406.8(a)(1))
10. Displayed CPR/first aid certificate for home child care provider and assistant (if applicable) (see Section 406.9(m))
11. All electrical outlets have protective covers (see Section 406.8(a)(3))
12. No exposed or damaged wiring (see Section 406.8(a)(3))
13. No space heaters used during hours of daycare operation (see Section 406.8(a)(5))

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14. Written operations plan for the use of wood burning fireplace (if applicable) (see Section 406.8(a)(6))

15. All medicines, cleaning supplies and chemicals are contained in a locked cabinet (see Section 406.8(a)(11))

Additional Items for Inspection at Renewal of Licensure

16. Fire drills conducted monthly (and properly posted) (see Section 406.8(a)(16))

17. Tornado drills conducted monthly (see Section 406.8(a)(16))

18. No evidence of smoking during the hours of daycare operation (see Section 406.8(j))

19. Number of children licensed for daycare operation is prominently displayed during hours of operation (see Section 406.6(i))

20. Actual number of children present at time of inspection (see Section 406.13).

(Source: Added at 30 Ill. Reg. 18280, effective November 13, 2006)

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- 1) Heading of the Part: Licensing Standards for Group Day Care Homes
- 2) Code Citation: 89 Ill. Adm. Code 408
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
408.10	Amend
408.15	Amend
408.30	Amend
408.60	Amend
408.70	Amend
408.APPENDIX E	Amend
408.APPENDIX I	New
- 4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10], the Child Product Safety Act [430 ILCS 125], and the Abused and Neglected Child Reporting Act [325 ILCS 5/3]
- 5) Effective Date of Amendments: November 13, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 30 Ill. Reg. 18207; November 14, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? Yes, JCAR Objected and Prohibited Filing of this rulemaking at its July 2006 JCAR meeting. The Filing Prohibition was lifted upon the Department's clarification of the proposed changes.
- 11) Differences between proposal and final version: In addition to editing and formatting corrections, the following amendments were made:

In Sections 406.10 and 406.15, the language notifying the local fire authorities of new daycare home applicants and homes renewing their licenses and giving local fire authorities the opportunity to inspect homes and report back to the Department was clarified.

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In Section 408.30, the Department clarified the language of the proposed amendment to require a water temperature of 115°F at faucets designated for children washing hands and avoid the interpretation of requiring the water temperature of 115°F coming out of the water furnace of the house.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In addition to formatting and grammatical corrections, the Department is amending Part 408 as follows:

Sections 408.10 and 406.15 set the provision for the Department to notify the local fire prevention authorities after receiving a new or renewal application and to allow these authorities to inspect and comment to the Department when considering the application.

Section 408.30 strikes the requirement of having in the home's first aid kit syrup of ipecac and activated charcoal as recommended by the American Academy of Pediatrics. In addition, it requires that the water temperature in the home be regulated to no more than 115° Fahrenheit when children who are under 10 years of age or developmentally disabled are cared for.

Section 408.60 requires that a daily list of children in care be readily accessible in case of emergencies and fire drills.

Section 408.70 updates the minimum age of children's initial examination to meet the requirements set by the Department of Public Health [77 Ill. Adm. Code 845].

Appendix E updates the list of child abuse and neglect allegations and convictions barring licensure or employment in a child care facility.

Appendix I is added listing the items to be inspected in the fire prevention inspection.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jeff Osowski  
Office of Child and Family Policy

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Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498

Telephone 217/524-1983  
TDD: 217/524-3715  
E-Mail: [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us)

The full text of the Adopted Amendments begins on the next page:

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## TITLE 89: SOCIAL SERVICES

## CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

## PART 408

## LICENSING STANDARDS FOR GROUP DAY CARE HOMES

## Section

408.1	Purpose
408.5	Definitions
408.7	Effective Date of Standards (Repealed)
408.10	Application For License
408.15	Application for Renewal of License
408.20	Provisions Pertaining to the License
408.25	Provisions Pertaining to Permits
408.30	General Requirements for Group Day Care Homes
408.35	General Requirements for Group Day Care Home Family
408.40	Background Checks
408.45	Caregivers
408.50	Child Care Assistants
408.55	Substitutes
408.60	Admission and Discharge Procedures
408.65	Number and Ages of Children Served
408.70	Health, Medical Care and Safety
408.75	Discipline of Children
408.80	Nutrition and Meals
408.85	Program
408.90	Transportation of Children
408.95	Swimming
408.100	Children with Special Needs
408.105	Children Under 30 Months of Age
408.110	School Age Children
408.115	Night Care
408.120	Records and Reports
408.125	Confidentiality of Records and Information
408.130	Cooperation with the Department
408.135	Severability of This Part
408.APPENDIX A	Meal Pattern Chart for Children 0 to 12 Months of Age
408.APPENDIX B	Meal Pattern Chart for Children Over One Year of Age
408.APPENDIX C	Minimum Equipment and Supplies – Preschool Programs
408.APPENDIX D	Minimum Equipment and Supplies – Infant and Toddler Programs

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408.APPENDIX E	Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home
408.APPENDIX F	Early Childhood Teacher Credentialing Programs
408.APPENDIX G	In-Service Training
408.APPENDIX H	Chart of Number and Ages of Children Served
<u>408.APPENDIX I</u>	<u>List of Items for Fire Prevention Inspection</u>

**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10], the Children's Product Safety Act [430 ILCS 125], Section 3 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3], and Sections 1 and 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/1 and 2].

**SOURCE:** Adopted at 13 Ill. Reg. 14828, effective October 1, 1989; emergency amendment at 15 Ill. Reg. 15104, effective October 8, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 8950, effective May 30, 1992; amended at 18 Ill. Reg. 5540, effective April 1, 1994; amended at 19 Ill. Reg. 2784, effective February 23, 1995; amended at 21 Ill. Reg. 4563, effective April 1, 1997; emergency amendment at 24 Ill. Reg. 4212, effective March 1, 2000, for a maximum of 150 days; emergency expired July 28, 2000; amended at 24 Ill. Reg. 17057, effective November 1, 2000; amended at 25 Ill. Reg. 5281, effective April 1, 2001; amended at 27 Ill. Reg. 19232, effective December 15, 2003; amended at 30 Ill. Reg. 18310, effective November 13, 2006.

**Section 408.10 Application For License**

- a) A complete application shall be filed with the Department of Children and Family Services on forms prescribed and provided by the Department.
- b) A complete application shall include:
  - 1) a completed, signed and dated Application for Home License;
  - 2) a list of persons who will be working in the group day care home, including any substitutes and assistants, and members of the household age 13 and over;
  - 3) completed, signed and dated authorizations to conduct the background check for the applicant, each employee or person used to replace or supplement staff, and each member of the household age 13 and over;
  - 4) a completed, signed and dated Child Support Certification form;

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- 5) documentation that the applicant meets the qualifications for a caregiver in Section 408.45(e); and
- 6) the names, addresses and telephone numbers of at least 3 adults not related to the applicants, nor living in the household, who can attest to their character and suitability to provide child care.

c) Fire Safety

- 1) In order for a home to be licensed as a group day care home, a fire inspection report (Appendix I) must be completed using forms provided by the Department indicating that the home is safe.
- 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the group day care home, the local fire department or the Office of the State Fire Marshal.
  - A) For each new application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.
  - B) Department licensing staff and staff of child welfare agencies supervising licensed group day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.
  - C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.

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- D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.
- 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
- 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- de) The license shall be issued when the standards prescribed by this Part have been met. Upon receipt of an application for a license, the Department shall conduct a license study to determine if the group day care home meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. A license may not be recommended without the receipt of at least three positive, written references, and a written study signed by the licensing representative and supervisor. The applicant shall receive a copy of the results of the on-site compliance review upon request.
- ed) A new application shall be filed when any of the following occurs:
- 1) When an application for a license has been withdrawn, and the applicant or licensee seeks to reapply;
  - 2) When there is a change in the name of the licensee or the location of the group day care home;
  - 3) When there is a change in the status of joint licensees, such as separation, divorce or death; or
  - 4) Not sooner than 12 months after the Department has revoked or refused to renew a license and a new license is sought.
- fe) Written approval of the Department is required to effect changes in the license capacity, the area of the home used for child care, or the ages of children served in conformance with the requirements of Section 408.65. Approval will not be granted unless the day care home's current operation is in compliance with the standards prescribed by this Part.

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(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

**Section 408.15 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to group day care home licensees by the Department 6 months prior to the expiration date of the license.
- b) The completed application shall be signed by the licensees and submitted to the Department no later than 30 days from the date mailed to licensees to be considered timely and sufficient.
- c) When a licensed group day care home seeks to change its name or location, a new application reflecting the changes must be completed, signed by the licensees and submitted to the Department 3 months prior to the effective date of the changes for the application to be considered timely and sufficient.
- d) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final Department decision has been made. (Section 5 of the Act).*
- e) **Fire Safety**
  - 1) In order for a home to be licensed as a group day care home, a fire inspection report (Appendix I) must be completed using forms provided by the Department indicating that the home is safe.
  - 2) The fire inspection may be conducted by the licensing representative conducting the licensure study, staff of the private agency that supervises the group day care home, the local fire department or the Office of the State Fire Marshal.
    - A) For each renewal application received, the Department's Central Office of Licensing will notify the local fire prevention authorities and give them the opportunity to inspect the home applying for licensure and make recommendations on its suitability based on the standards prescribed by this Part.

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- B) Department licensing staff and staff of child welfare agencies supervising licensed group day care homes shall keep a list of fire departments that receive this notification. For license applicants residing in areas not covered by a participating fire department, Department staff or staff of the supervising agency shall notify the Office of the State Fire Marshal.
  - C) Once notified, the fire prevention authority shall have 15 working days to return its recommendations to the Department or supervising agency. Any comments received by the Department or supervising agency shall be considered in the licensing study. Applicants must comply with all requirements of this Part, whether or not recommendations are received.
  - D) If the local fire prevention authority or OSFM does not conduct a fire inspection, the fire inspection report shall be completed by the Department licensing representative or staff of the private agency supervising the home.
  - 3) All fire inspection reports must be completed on forms prescribed and provided by the Department.
  - 4) Licensed day care homes that fail to comply with all applicable local, municipal and State regulations may be prohibited from operating.
- f) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group day care home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study. The licensees shall receive a copy of the results of the on-site compliance review upon request.

(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

**Section 408.30 General Requirements for Group Day Care Homes**

- a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.
  - 1) The home shall have a first aid kit consisting of adhesive bandages,

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scissors, ~~syrup of ipecac, activated charcoal~~, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 ~~or 800-942-5969~~), thermometer, sterile gauze pads, adhesive tape, tweezers, first aid cream and mild soap. ~~Syrup of ipecac and activated charcoal shall only be dispensed upon direction from a physician or the Poison Control Center.~~

- 2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.
- 3) Electrical outlets that are within reach of children under 5 years of age shall have protective coverings. There shall be no exposed or uninsulated wiring.
- 4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.
  - A) A smoke detector in operating condition shall be within 15 feet of rooms where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.
  - B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15 percent of the replacement cost of the group day care home.
  - C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or*

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*greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

- 5) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a group day care home during the hours that child care is provided.
- 6) A facility, in which a wood-burning stove or fireplace has been installed and that is used during the hours that child care is provided, shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.
- 7) In one and 2 family dwellings, children under 30 months of age shall be housed and cared for on the second floor or below. In other residential buildings, children under 30 months of age shall be housed and cared for only in areas that the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf state, in writing, that the combination of remote exits, fire detection, fire suppression, and/or automatic sprinkler system render the residence safe for the care of infants and toddlers.
- 8) No area accessible only by a ladder or folding stairs or through a trap door shall be used for sleeping or napping.
- 9) When the basement area may be used for child care, 2 exits shall be provided.
  - A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.
  - B) A second exit may be a window.
    - i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in

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area.

- ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.
  - iii) When the bottom of the window opening used as a second exit is more than 24 inches from the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.
- C) If the basement area does not meet these existing requirements, the basement may be used for child care only with the prior written approval of the Office of the State Fire Marshal or local agencies authorized by the Office of the State Fire Marshal to conduct inspections on its behalf.
- 10) All walls and surfaces shall be free from chipped or peeling paint.
  - 11) Walls of rooms that children use shall be maintained free of lead paint.
  - 12) Furniture and equipment shall be kept in safe repair.
  - 13) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam(trademark) and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.
  - 14) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.
  - 15) Exit doors shall be kept clear of equipment and debris at all times.
  - 16) There shall be an operable telephone available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222-~~or~~ ~~+~~)

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~~800-942-5969~~) and other emergency numbers shall be posted in an area that is readily available in an emergency.

- 17) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.
- b) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. There shall be:
  - 1) A minimum of 35 square feet of floor space for each child in care; and
  - 2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage space for the bedding materials and the bedding materials are removed before and after nap time.
- c) *No person may smoke tobacco in any area of the group day care home in which day care services are being provided to children, while those children are present on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed vehicle, to children who are receiving child care services. Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided. [225 ILCS 10/5.5]*
- d) Indoor space shall consist of a clean, comfortable environment for children.
  - 1) The group day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
  - 2) The dwelling shall be kept clean, sanitary, and in good repair.
  - 3) There shall be provision for isolating a child who becomes ill or who is suspected of having a communicable, infectious or contagious disease.
  - 4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet, linoleum. Paint or sealer alone is not

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acceptable as a protective covering.

- 5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to the stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.
- e) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.
- f) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.
- g) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for children under 15 months of age.
- h) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115° Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.
- i) The group day care home shall provide one toilet for each 10 persons or portion thereof who are present during the hours the group day care home is in operation. These 10 persons include caregivers, child care assistants, members of the household and children other than those under 30 months of age for whom a potty chair is provided.
- j) There shall be a minimum of 75 square feet of outdoor space per child for the total number of children using the area at any one time. At least 25% of the required space shall be on the premises of the group day care home. The remainder may be a public park, playground or other outdoor recreation area within walking distance (1000 feet) of the group day care home provided the caregiver or an adult assistant accompanies children to this outdoor area.

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- k) There shall be safe outdoor space for active play.
- 1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.
  - 2) Space shall be protected by physical means or by adult caregiver supervision against all hazards such as pools, ponds, standing water, traffic, and construction. Further, outdoor space shall be partitioned or supervised in such a manner that young children are not endangered by the activities of older children.
  - 3) Play areas shall be well drained and safely maintained.
  - 4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.
    - A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.
    - B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.
    - C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).
    - D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.
    - E) No opening shall be between ¾ inch and one inch in size (to prevent finger entrapment).
  - 5) The use of a trampoline by children in care is prohibited.
  - 6) In-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked

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gate. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

- 7) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Group day care homes that are licensed or have a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.
  - 8) Portable wading pools shall be emptied daily and disinfected before being air-dried.
  - 9) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.
  - 10) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.
  - 11) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 408.45 of this Part.
- l) A caregiver who relies upon outdoor space shared with other residents in a multiple family dwelling shall have a written agreement with the other residents or the owners of the outdoor area authorizing the use of the space by the group day care home and the children cared for.
  - m) Insect and rodent control shall be maintained.
    - 1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.
    - 2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control

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operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

- n) Healthy household pets that present no danger to children are permitted.
  - 1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.
  - 2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.
  - 3) There shall be careful supervision of children who are permitted to handle and care for the animals.
  - 4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.
  - 5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the group day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.
- o) The Department shall request that the Illinois Department of Public Health or a local health department authorized by it and/or the Office of the State Fire Marshal or the local fire department authorized by it inspect the group day care home and its premises whenever the Department has reason to believe that conditions in the home or its premises pose potential health or safety hazards to the children cared for in the home.
- p) There shall be written plans for immediate evacuation in case of emergency. The evacuation plan shall identify the exits from each area used for child care and shall specify the evacuation route. Fire drills shall be conducted monthly for the purpose of removing children from the home as quickly as possible. Tornado drills shall be conducted monthly for the purpose of getting children accustomed to moving to a position of safety in event of a tornado. Records shall be

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maintained of the dates and times required drills are conducted. The alphabetic card file required by Section 408.120(a)(2) shall accompany the caregiver during the drills.

- q) In the event of a fire, the group day care home shall be evacuated immediately and the children's safety insured before calling the fire department or attempting to combat the fire.
- r) *Handguns are prohibited on the premises of the group day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the group day care home.*
- s) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided in subsection (r), shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children. Ammunition for such firearms shall be kept in locked storage separate from that of the disassembled firearms, inaccessible to children.*
- t) *The operator of the group home shall notify the parents or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the parents or guardian that such firearms and ammunition are in locked storage inaccessible to children (Section 7 of the Act). Such notification need not disclose the location where the firearms and ammunition are stored.*
- u) A group day care home operator relying upon a cooperative or lending arrangement to meet the equipment requirements of this Part shall provide a copy of a written agreement specifying which equipment required by this Part is covered by the agreement. Further, the operator shall demonstrate to the satisfaction of the Department that the equipment covered by the agreement is both available and utilized by the group day care home as required by this Part.
- v) Operation of other business on the premises must not interfere with the care of children.
- w) A group day care home may not house bedridden or chronically ill persons except by permission of the Department. The Department shall grant such permission unless the person has a reportable contagious or communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

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(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

**Section 408.60 Admission and Discharge Procedures**

- a) No child served in a day care facility shall remain on the premises for more than 12 hours in any 24-hour period unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's education, or training schedule, at no time shall children cared for in a day care facility remain on the premises for more than 18 consecutive hours.
- b) Prior to acceptance of a child for care, the caregiver shall require that the parents or guardian accompany the child to the home to become acquainted with the caregiver and with the service to be provided. No child under 6 years of age may be admitted to the group day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Illinois Department of Public Health, or a screening for lead poisoning if the child resides in an area defined as high risk by the Illinois Department of Public Health (see 77 Ill. Adm. Code 845, Lead Poisoning Prevention Code), has been completed as required by Department of Public Health rules at 77 Ill. Adm. Code 665, Child Health Examination Code.
- c) The parents or guardian shall be permitted to visit the home, without prior notice, during the hours their children are in care.
- d) The caregivers shall conduct a daily, preadmissions screening to determine if the child has obvious symptoms of illness. If symptoms of illness are present, the caregiver shall determine whether or not to provide care for the child, depending upon the apparent degree of illness, other children present, and facilities available to provide care for the ill child in accordance with the requirements of Section 408.70.
- e) Children with diarrhea and those with rash combined with fever (oral temperature of 100 degrees Fahrenheit or higher) shall not be admitted to the group day care home while these symptoms persist, and shall be removed as soon as possible should these symptoms develop while the child is in care.
- f) A child shall be discharged from the facility only to the child's parents or guardian or to a person designated in writing by the parents or guardian to receive the child.
- g) The caregiver shall refuse to release a child to any person, whether related or

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unrelated to the child, who has not been authorized, in writing, by the parents or guardian to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.

- h) The facility shall maintain a list of persons designated, in writing, by the parents, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parents or guardian, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons designated, in writing, by the parents or guardian to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab or other means of transportation).
- i) Other discharge provisions of this Section notwithstanding, a child leaving the group day care home to attend school shall be released in accordance with the written authorization of the parents or guardian. Such authorization shall include the time that the child is to be released and the means of transportation the child is to use.
- j) All group day care homes shall have a written policy that explains the actions the provider will take if a parent or guardian does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent or guardian in the form of a written agreement that shall be signed by the parent or guardian, and shall include at least the following elements:
  - 1) The consequences of not picking up the children on time, including:
    - A) Amount of late fee, if any, and when those fees begin to accrue;
    - B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and

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- C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.
- 2) Emphasis on the importance of having up-to-date emergency contact numbers on file.
- 3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.
- 4) A reminder to staff that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent or guardian, never with the child.

k) The daily list of children in care shall be readily accessible in case of emergency evacuations and fire drills.

(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

**Section 408.70 Health, Medical Care and Safety**

- a) A medical report, on forms prescribed by the Department, shall be on file for each child, on the first day of care, and shall be dated no earlier than 6 months prior to enrollment.
  - 1) The medical report shall be valid for 2 years, except that subsequent examinations for school-age children shall be in accordance with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1], provided copies of the exam are on file at the facility.
  - 2) If the child is in a high risk group, as determined by the examining physician, a tuberculin skin test by the Mantoux method and the results of that test shall be included in the initial examination for all children who have attained one year of age, or at the age of one year for children who are enrolled before their first birthday. The tuberculin skin test by the Mantoux method shall be repeated when children in high risk groups begin elementary and secondary school.
  - 3) The initial examination shall show that children from the ages of 6 months through one to 6 years of age have been screened for lead poisoning for

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children residing in an area defined as high risk by the Illinois Department of Public Health in its Lead Poisoning Prevention Code (77 Ill. Adm. Code 845) or that a lead risk assessment has been completed for children residing in an area defined as low risk by the Illinois Department of Public Health.

- 4) The report shall indicate that the child has been immunized as required by the rules of the Illinois Department of Public Health for immunizations (77 Ill. Adm. Code 695). These required immunizations are poliomyelitis, measles, rubella, diphtheria, mumps, pertussis, tetanus, hepatitis B, haemophilus influenza B, and varicella (chickenpox) or provide proof of immunity according to requirements in Part 695.50 of the Department of Public Health.
  - 5) In accordance with the Child Care Act of 1969, a parent may request that immunizations, physical examinations, and/or medical treatment be waived on religious grounds. A request for such waiver shall be in writing, signed by the parent, and kept in the child's record.
  - 6) Exceptions made for children who for medical reasons should not be subjected to immunizations or tuberculin tests shall be so indicated by the physician on the child's medical form.
- b) A child suspected of having or diagnosed as having a reportable infectious, contagious, or communicable disease for which isolation is required by the Illinois Department of Public Health's General Procedures for the Control of Communicable Disease (77 Ill. Adm. Code 690.1000) shall be excluded from the home until the Illinois Department of Public Health or local health department authorized by it states, in writing, that the communicable, contagious or infectious stage of the disease has passed and that the child may be re-admitted to the group day care home.
- c) Necessary medications shall be administered according to specific written instructions from the child's parents or guardians.
- 1) Prescription medicine labels must bear the child's name, the physician's name, the name of the drug store or pharmacy, prescription number, date of the prescription, and directions for administering.
  - 2) Nonprescription medication provided by the parents may be administered

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upon written parental permission that specifies the duration and frequency of medication. Such medication shall be administered in accordance with package instructions, and shall be labeled with the child's name and dated.

- 3) There shall be a signed statement by the child's parent or guardian giving permission to the caregiver to administer medication to the child.
  - 4) The caregiver shall maintain a record of the dates, hours and dosages that are given.
  - 5) Medication shall be returned to the parents when it is no longer required. Additionally, medication provided for a child no longer cared for in the facility and medication that has reached its expiration date shall be destroyed.
  - 6) Medical services, such as direct medical care to the child, shall be administered as required by a physician, subject to the receipt of appropriate releases from parents.
- d) Personal hygiene standards, such as the following, shall be observed:
- 1) Each child shall be provided with an individual towel, washcloth, and drinking cup. Single-use, disposable articles are acceptable.
  - 2) A separate sleeping arrangement, such as a bed, cot, crib, or playpen with individual bedding, shall be provided for each child who sleeps or naps while in care. A twin size bed may be used for 2 children under age 4, provided each child shall have individual sheets.
    - A) The bed shall be kept in a clean and sanitary condition at all times, and bedding shall be suitable for the season.
    - B) Family beds may be used for children if separate linens are used.
    - C) Rubber sheets shall be used when necessary.
  - 3) The caregiver shall require parents to supply clothing suitable to weather conditions, as well as a complete change of clothing in case of need.
  - 4) Caregivers and children shall use soap and running water to wash their

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hands before meals, after toileting, after diaper changing, and after contact with respiratory secretions. Hand sanitizers or diaper wipes are not an acceptable substitute for soap and running water. Caregivers shall supervise children's hand-washing to ensure that children are not scalded by hot water.

- 5) Open cuts, sores or lesions on caregivers or children shall be covered.
  - 6) Caregivers shall wash their hands with soap and water prior to food preparation and after any physical contact with a child during food preparation. Hands shall be dried using single-use towels.
  - 7) Sheets shall be changed when soiled and at least weekly.
  - 8) Clothing soiled due to toilet accidents shall be changed immediately.
- e) In order to reduce the risk of infection or contagion to others, there must be space provided in the group day care home for the isolation and observation of a child who becomes ill. An ill child shall be provided a bed or cot away from other children and a caregiver or assistant shall supervise the child at all times he/she is in the home.
- f) When a group day care home admits ill or injured children, a plan for the care of such children must be agreed upon with the parents to assure that the needs of the children for rest, attention, personal care and administration of prescribed medication are met. No child requiring exclusion from the home in accordance with 77 Ill. Adm. Code 690 may be admitted.
- g) Caregivers shall take reasonable measures to reduce the spread of communicable disease among children in the facility by observing such procedures as:
- 1) Using only washable toys with diapered children;
  - 2) Washing washable toys at least once per day;
  - 3) Cleaning facility-provided stuffed toys;
  - 4) Washing toys mouthed by one child before they are used by another child; and

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- 5) Washing pacifiers and other items placed in the mouth if dropped to the floor or ground.
- h) There shall be an emergency plan for each child in case of accident or sudden illness.
  - 1) The caregiver shall have available at all times the name, address, and telephone number where the child's parents or guardian, relative, friend, or physician, and the Department can be reached.
  - 2) There shall be a planned source of readily available emergency medical care; a hospital emergency medical room, clinic, or the child's physician.
  - 3) When the caregiver accompanies a child to the source of emergency care, an adult who meets the standards prescribed by Section 408.55 must assume supervision of other children in the home.
  - 4) In case of illness or accident, the parent, guardian, or supervising agency responsible for the child shall be notified immediately.
- i) Children shall be supervised at all times. All children in the group day care home shall be protected from exploitation, neglect, and abuse.

(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

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**Section 408.APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home**

- A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work ~~that which~~ involves contact with children.

Death

~~Head injury, brain~~ ~~Brain~~ damage, ~~or~~ skull fracture or hematoma  
Subdural hematoma

Internal injuries

Wounds (gunshot, knife, or puncture)

Torture

Sexually transmitted diseases

Sexual penetration

Sexual molestation

Sexual exploitation

Failure to thrive

Malnutrition

Medical neglect of disabled infant

A single indicated report of child abuse or neglect ~~that which~~ resulted in serious injury to the child, regardless of the allegations involved

More than one indicated report involving any of the following allegations, regardless of severity:

Burns or scalding

Poison or noxious substances

Bone fractures

Cuts, bruises, ~~or~~ welts, abrasions and injuries

Human bites

Sprains or dislocations

Tying or close confinement

Substance misuse

Mental and emotional impairment ~~injury~~

Substantial risk of physical injury

Inadequate supervision

Abandonment or desertion

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Medical neglect  
 Lock-out  
 Inadequate food  
 Inadequate shelter  
 Inadequate clothing  
 Environmental neglect

If the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ believes there are unusual circumstances that should be considered ~~that~~~~which~~ mitigate the presumption of unsuitability, the ~~licensee~~~~licensee(s)~~/license ~~applicant~~~~applicant(s)~~ may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility ~~that~~ ~~which~~ allows access to children as part of the duties.

The offenses ~~that~~ ~~which~~ serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment ~~that~~ ~~which~~ allows access to children in any child care facilities subject to licensing include:

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder  
 Solicitation of murder  
 Solicitation of murder for hire  
 Intentional homicide of an unborn child  
 Voluntary manslaughter of an unborn child  
 Involuntary manslaughter  
 Reckless homicide  
 Concealment of a homicidal death

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Involuntary manslaughter of an unborn child  
Reckless homicide of an unborn child  
Drug induced homicide

## KIDNAPPING AND RELATED OFFENSES

Kidnapping  
Aggravated kidnapping  
Aggravated unlawful restraint  
Forcible detention  
Child abduction  
Aiding and abetting child abduction  
Harboring a runaway

## SEX OFFENSES

Indecent solicitation of a child  
Indecent solicitation of an adult  
Public indecency  
Sexual exploitation of a child  
Custodial sexual misconduct  
Presence within school zone by child sex offenders  
Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders  
Sexual relations within families  
Prostitution  
Soliciting for a prostitute  
Soliciting for a juvenile prostitute  
Solicitation of a sexual act  
Pandering  
Keeping a place of prostitution  
Keeping a place of juvenile prostitution  
Patronizing a prostitute  
Patronizing a juvenile prostitute  
Pimping  
Juvenile pimping  
Exploitation of a child  
Obscenity  
Child pornography  
Harmful material  
Tie-in sales of obscene publications to distributors

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Posting of identifying information on a pornographic Internet site

## BODILY HARM

Heinous battery  
Aggravated battery with a firearm  
Aggravated battery of a child  
Tampering with food, drugs, or cosmetics  
Hate crime  
Stalking  
Aggravated stalking  
Threatening public officials  
Home invasion  
Vehicular invasion  
Criminal sexual assault  
Aggravated criminal sexual assault  
Predatory criminal sexual assault of a child  
Criminal sexual abuse  
Aggravated sexual abuse  
Criminal transmission of HIV  
Criminal neglect of an elderly or disabled person  
Child abandonment  
Endangering the life or health of a child  
Ritual mutilation  
Ritualized abuse of a child  
Drug induced infliction of great bodily harm

Refer to Appendix A of Part 385 for a additional convictions that bar licensure of or employment in a child care facility.

(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)

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**Section 408.APPENDIX I List of Items for Fire Prevention Inspection**

The Department shall notify the local fire prevention authority in the area where the applicant resides of the name and address of a group day care home licensure applicant. Notification about a new applicant shall be on a form prescribed by the Department and shall include a space for comments and recommendations by the local fire prevention authority, the Department's or supervising agency's return address, and the following list of items for inspection:

1. Number of smoke detectors on each level of the home (see Section 408.30(a)(4))
2. Smoke detectors within 15' of each sleeping area (see Section 408.30(a)(4)(A))
3. All smoke detectors are less than 10 years old and functioning properly (see Section 408.30(a)(4)(A))
4. Secondary means of escape provided from all levels utilized for the home (i.e., windows/doors) (see Section 408.30(a)(7)-(9))
5. All exits are unobstructed (see Section 408.30(a)(15))
6. Emergency contingency plan and properly posted emergency floor plan (see Section 408.30(p))
7. An available operational telephone with proper emergency numbers displayed (see Section 408.30(a)(16))
8. Proper all purpose portable fire extinguishers are functional and located in the kitchen (see Section 408.30(a)(2))
9. First aid kit with prescribed contents (see Section 408.30(a)(1))
10. Displayed CPR/first aid certificate for group home child care provider and assistant (if applicable) (see Section 408.35(i))
11. All electrical outlets have protective covers (see Section 408.30(a)(3))
12. No exposed or damaged wiring (see Section 408.30(a)(3))
13. No space heaters used during hours of daycare operation (see Section 408.30(a)(5))

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14. Written operations plan for the use of wood burning fireplace (if applicable) (see Section 408.30(a)(6))

15. All medicines, cleaning supplies and chemicals are contained in a locked cabinet (see Section 408.30(a)(13))

Additional Items for Inspection at Renewal of Licensure

16. Fire drills conducted monthly (and properly posted) (see Section 408.30(p))

17. Tornado drills conducted monthly (see Section 408.30(p))

18. No evidence of smoking during the hours of daycare operation (see Section 408.30(c))

19. Number of children licensed for daycare operation is prominently displayed during hours of operation (see Section 408.20(i))

20. Actual number of children present at time of inspection (see Section 408.65).

(Source: Added at 30 Ill. Reg. 18310, effective November 13, 2006)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2007 REGULATORY AGENDA

a) Part: Pay Plan, 80 Ill. Adm. Code 3101) Rulemaking:

- A) Description: Projected amendments to the Department of Central Management Services' Pay Plan include the following revisions to the following sections:

In Section 310.130, Effective Date, changes will include advancing the effective date to the new fiscal year 2008 and the Section 310.Appendix A, Negotiated Rates of Pay tables to the contracted rates effective during fiscal year 2008.

In Section 310.280, Designated Rate, changes in salaries, the addition of new positions, and deletion of positions no longer utilized as approved by the Governor.

In Section 310.Appendix A, Negotiated Rates of Pay tables, changes based on bargaining unit agreements that are signed before July 1, 2007.

In various sections, changes to classifications either being established, revised or removed with the approval of the Civil Service Commission.

In various sections, changes to the format of the Pay Plan to reduce duplicate information and provide easier access to information contained within the Pay Plan.

- B) Statutory Authority: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- C) Scheduled meeting/hearing dates: Interested persons may send specific criticisms, suggestions, and/or comments to the Department of Central Management Services in writing during the First Notice Period of the Pay Plan amendments.
- D) Date agency anticipates First Notice: Proposed amendments to Section 310.130, Effective Date, and the Section 310.Appendix A, Negotiated Rates of Pay tables for the new fiscal year 2008 will be filed in late February or early March 2006 for adoption by the beginning of fiscal year 2008, July 1, 2007.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## JANUARY 2007 REGULATORY AGENDA

Amendments to Section 310.280, Designated Rate, will be filed as the Governor approves changes throughout the year.

Peremptory amendments based on new memoranda of understanding or other bargaining unit agreements will be filed as negotiations are completed.

Peremptory amendments based on new, revised, or abolished classifications represented by the bargaining units, and proposed amendments based on new, revised, or abolished classifications not represented by the bargaining units, will be filed as the classification actions are approved by the Civil Service Commission.

Amendments to sections to add clarity will be filed as the Governor approves changes.

E) Affect on small businesses, small municipalities or not for profit corporations: These amendments to the Pay Plan pertain only to state employees subject to the Personnel Code under the Governor. They do not set out guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Name: Mr. Jason Doggett  
Acting Manager  
Address: Compensation Section  
Division of Technical Services and Agency Training and  
Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

Telephone: 217/782-7964

G) Related rulemakings and other pertinent information: Other amendments may be necessary based on emergent issues regarding state employee salary rates and policies.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 8, 2006 through November 13, 2006 and have been scheduled for review by the Committee at its December 12, 2006 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
12/22/06	<u>Department of Financial and Professional Regulation-Division of Financial Institutions, Predatory Lending Database (38 Ill. Adm. Code 346)</u>	8/11/06 30 Ill. Reg. 13253	12/12/06
12/27/06	<u>Environmental Protection Agency, Procedures for Operation of the Non-Hazardous Solid Waste Fee System (35 Ill. Adm. Code 858)</u>	9/15/06 30 Ill. Reg. 14700	12/12/06

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PENALTY FEE IMPOSED UNDER

## THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banking, of the State of Illinois has issued a penalty fee of \$9,000 against Providential Bancorp, Ltd., License No. MB.0005744, of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 3, 2006. For further reference link to: [www.idfpr.com](http://www.idfpr.com)

## PROCLAMATIONS

**2006-387  
VETERANS' DAY**

- WHEREAS, through the generations, America's men and women in uniform have defeated tyrants, liberated continents, and set a standard of courage and idealism for the entire world; and
- WHEREAS, to protect the Nation they love, our veterans stepped forward when America needed them most. In answering history's call with honor, decency, and resolve, our veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation; and
- WHEREAS, all of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them; and
- WHEREAS, as we recall the service of our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, we are reminded that the defense of freedom comes with great loss and sacrifice; and
- WHEREAS, this Veterans' Day, we give thanks to those who have served freedom's cause; we salute the members of our Armed Forces who are confronting our adversaries abroad; and we honor the men and women who left America's shores but did not live to be thanked as veterans. They will always be remembered by our country:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 11, 2006 as **VETERANS' DAY** in Illinois, and encourage all Americans to recognize the valor and sacrifice of our veterans through ceremonies and prayers.

Issued by the Governor on November 6, 2006.  
Filed by the Secretary of State November 9, 2006.

**2006-388  
SLOVENIAN CULTURAL CENTER DAY**

- WHEREAS, thousands of people of Slovenian heritage have chosen Illinois as their home and have contributed much to the progress and development of the State; and

## PROCLAMATIONS

- WHEREAS, the Slovenian Cultural Center in Lemont, Illinois is a non-profit organization with over 600 members; and
- WHEREAS, the Slovenian Cultural Center is celebrating its 11<sup>th</sup> anniversary by setting aside time to enhance cultural awareness and to encourage Slovenian Americans of all ages to work together toward common goals; and
- WHEREAS, the Slovenian Cultural Center includes all age groups, provides educational programs strengthening cultural and spiritual roots, sponsors workshops, organizes youth activities, and offers cultural events in the arts; and
- WHEREAS, Slovenian-Americans living in Illinois, joined in spirit by Slovenian-Americans living nationwide, and by numerous persons with a mien toward Slovenian traditions and values, will celebrate the 11<sup>th</sup> anniversary of the founding of the Slovenian Cultural Center in Lemont, Illinois, on November 12, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 12, 2006 as **SLOVENIAN CULTURAL CENTER DAY** in Illinois, and encourage all citizens to join in celebration of the rich Slovenian culture and heritage.

Issued by the Governor on November 6, 2006.

Filed by the Secretary of State November 9, 2006.

**2006-389****NATIONAL GEOGRAPHIC INFORMATION SYSTEM DAY**

- WHEREAS, Geographic Information System (GIS) technology is a growing industry used around the world to help solve problems in such areas as environmental protection, pollution, health care, land use, natural resources, conservation, business efficiency, education, and social inequities; and
- WHEREAS, people benefit from GIS technology when they use an automated teller machine, pull a map off the Internet, call emergency services such as 911, or have a pizza delivered; and
- WHEREAS, GIS is an important part of geography awareness; and
- WHEREAS, this year, the National Geographic Society is holding the eighth annual global GIS Day on November 15, 2006; and

## PROCLAMATIONS

WHEREAS, the principal sponsors of this year's event are the National Geographic Society, Association of American Geographers, University Consortium for Geographic Information Science, the Library of Congress, the U.S. Geological Survey, Sun Microsystems, Hewlett-Packard, and ESRI; and

WHEREAS, GIS Day is part of the National Geographic Society's exciting initiative, "Geography Action! Geography Action!" with the focus and theme this year as African in 3-D: Demographics, Diversity, Discovery:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 15, 2006 as **NATIONAL GEOGRAPHIC INFORMATION SYSTEM DAY** in Illinois, and encourage all citizens to participate in GIS Day activities.

Issued by the Governor on November 6, 2006.

Filed by the Secretary of State November 9, 2006.

**2006-390****MARINE CORPS BIRTHDAY**

WHEREAS, since its creation on November 10, 1775, the United States Marine Corps has protected our citizens and guarded our freedoms; and

WHEREAS, through their superb skills in carrying out integrated land, sea, and air operations, the officers and enlisted men and women of the United States Marine Corps have earned the respect and gratitude of all Americans; and

WHEREAS, as our country has established a position of world leadership, the Marines have proven themselves dedicated professionals willing to defend lives and protect the rights we value as Americans; and

WHEREAS, the 2006 observance of the Marine Corps Birthday calls attention to the courageous deeds of Marines across Illinois and the nation while honoring the legacy of valor and distinction exhibited by the members of the United States Marine Corps throughout its history:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim and recognize November 10, 2006 as the Marine Corps Birthday and encourage all Illinoisans to thank the brave men and women who serve and have served as United States Marines.

Issued by the Governor on November 8, 2006.

Filed by the Secretary of State November 9, 2006.

## PROCLAMATIONS

**2006-391****POLISH-AMERICAN HERITAGE MONTH**

- WHEREAS, October is a national observance focusing on the many contributions of Polish-Americans to the fields of science, medicine, business, law, industry, public service, education, and the arts; and
- WHEREAS, during this month, more than one million Illinois residents of Polish descent celebrate their heritage of love of democracy, humanitarianism, and appreciation of the arts and education; and
- WHEREAS, with Chicago boasting the largest Polish population of any city outside of Poland, it is fitting that we take the time to recognize the amazing contributions that Polish-Americans have made to our State; and
- WHEREAS, the Polish American Congress, Illinois Division, salutes Polish-Americans at the 37<sup>th</sup> Annual Heritage Award Gala Celebration bestowing the prestigious 2006 Heritage Award to Mr. Wallace Ozog, President of the Polish Roman Catholic Union of America. Additional awards will be presented to Rev. Michael Osuch of Saint Hyacinth Basilica, Rev. Pawel Bandurski of Holy Trinity Mission Church, Charlie Wojeiechowski of Channel 5, Lew Kuczynski, Esq of the Polish American Congress, and Commander Ralph Price of the Chicago Police Department; and
- WHEREAS, the State of Illinois is proud to join with the Polish-American community in celebrating this month with the opening of the "Roads to Freedom-to Europe through Solidarity" exhibition at the St. Hyacinth Basilica. The exhibition commemorates the 25<sup>th</sup> Anniversary of the Solidarity Movement - the movement that marked the beginning of the end of the Communist system in Eastern Europe and the former Soviet Union:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2006 as **POLISH-AMERICAN HERITAGE MONTH** in Illinois, and encourage all citizens to join their fellow citizens of Polish descent in observance of this month.

Issued by the Governor on November 9, 2006.

Filed by the Secretary of State November 9, 2006.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 30, Issue 47 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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