**Section 377.2 Definitions**

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

*"Child" means any person under 18 years of age* [225 ILCS 10/2.01].

*"Child care facility" means any person, group of persons, agency, association, or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Act, established and maintained for the care of children.* [225 ILCS 10/2.05].

"Church" means "religious institution" as defined in this Section.

*"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include:*

*• programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning that serve children who shall have attained the age of 3 years; or*

*• private entities on the grounds of public or private elementary or secondary schools that serve children who have attained the age of 3 years, except that this exception applies only to the facility and not to the private entities’ personnel operating the program;*

*• programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education;*

*• educational program or programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multistate educational organization or association which regularly recognizes or accredits schools;*

*• programs which exclusively serve or that portion of the program which serves handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education and applicable fire marshal standards;*

*• facilities operated in connection with a shopping center or service, religious services or other similar facility where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available;*

*• any type of day care center that is conducted on federal government premises;*

*• special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations;*

*• part day child care facilities, as defined in Section 2.10 of Act; or*

*• programs or that portion of the program which:*

*• serves children who shall have attained the age of 3 years,*

*• is operated by churches or religious institutions as described in Section 501(c)(3) of the federal Internal Revenue Code,*

*• receives no governmental aid,*

*• is operated as a component of religious, nonprofit elementary school,*

*• operates primarily to provide religious education, and*

*• meets appropriate State or local health and fire safety standards.*

*For purposes of this Section, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.* [225 ILCS 10/2.09]

*"Department" means the Illinois Department of Children and Family Services* [225 ILCS 10/2.02].

"Elementary school" for purposes of this Part, means an educational program or facility which offers classes through the sixth grade and which satisfies the compulsory school attendance requirements of the School Code [105 ILCS 5] and either offers classes for the first through the sixth grade or offers classes from the levels of nursery school or kindergarten through at least the first grade with a plan to offer classes through the sixth grade within five years.

"Fee" means any charge that a parent is required to pay or agrees to pay directly or indirectly whether as money, goods, or services, for the care of a child.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"Parent" or "parents" means persons assuming legal responsibility for the care and protection of a child on a 24-hour basis; includes guardian or legal custodian.

*"Part day child care facility" means a facility conducted by a church, religious organization or social service agency in which individual children are provided care, on an intermittent basis, for up to* *10* *hours per 7 day week* [225 ILCS 10/2.10], and which has notified the Department of its operation in accordance with Section 377.4 of this Part.

"Partially exempt program" means a child care program for children who have attained the age of three years and is operated by a private entity on grounds of a public or private elementary or secondary school where children have been attending school during the day. In a partially exempt program, the physical facility is exempt from Department regulations; however, the Department regulates the personnel and operating programs.

"Religious institution" or "religious organization," for purposes of the Part, means an entity which declared its intent to operate for religious purposes in securing its tax exempt status pursuant to 26 USC 501(c)(3) of the Internal Revenue Code.

"School", for purposes of this Part, means an educational program or facility which satisfies the compulsory school attendance requirements of the School Code [105 ILCS 5].

"School system" means one or more schools operated by a public or private board of education or other central administrative body which exercises control over curriculum, staffing, admissions, and other educational policies.

"Social service agency", for purposes of this Part, means an organization exempt from taxation pursuant to 26 USC 501(c)(3) of the Internal Revenue Code that provides social services directed toward the accomplishment of one or more of the following purposes:

*Protecting and promoting the welfare of* *children, including* *homeless, dependent, or neglected children;*

*Preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;*

*Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing* the *break-up of the family where the prevention of child removal is desirable and possible;*

*Restoring to their families children who have been removed, by the provision of services to the child and the families;*

*Placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;*

*Assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption*;

*Providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried*;

*Providing shelter and independent living services for homeless youth; and*

*Placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:*

*who are in a foster home; or*

*who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or*

*who are female children who are pregnant, pregnant and parenting or parenting; or*

*who are siblings;*

*in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age* [20 ILCS 505/5] .

(Source: Amended at 28 Ill. Reg. 3001, effective February 15, 2004)