**Section 407.160 Students and Youth Aides**

a) Students and youth aides may assist in the care of children provided that the student and youth aides:

1) Are 14 years of age or older and at least five years older than the oldest child in the group;

2) Assist only under the direct supervision of an early childhood teacher or a school-age worker; and

3) Are not counted for purposes of maintaining staff/child ratios, except as provided in Section 407.160(d) below.

b) The day care center shall maintain records on each student or youth aide that include:

1) The full name, home address and home telephone number of the student or youth aide.

2) A copy of the current school medical examination form for the student or youth aide.

3) The name of the person at the day care center who is responsible for supervising the student or youth aide.

4) When a student is placed as part of a practicum or vocational training program, or when a youth aide is placed as part of an agency leadership training program, the record shall also include:

A) The name of the school or agency arranging the placement.

B) The name, title and telephone number of the school or agency staff member responsible for the participation of the student or youth aide.

5) A plan for the participation of the student or youth aide shall be agreed upon in writing.

A) The plan shall be signed by the participant, the supervising child care staff member and the school or agency staff member.

B) The plan shall specify duties and hours and indicate the person and group to which the student or youth aide is assigned while in the center.

6) There shall be a written agreement regarding procedures for terminating an unsatisfactory student or youth aide.

c) Employment or use of student or youth aides shall be in compliance with the Illinois Child Labor Law [820 ILCS 205] and the child labor provisions of the federal Fair Labor Standards Act (29 U.S.C. 214).

d) Students or youth aides may be counted as assistants for purposes of maintaining staff/child ratios when all of the following conditions are met:

1) They have completed one year of a vocational child care training program; and

2) They are 16 years of age or older and at least five years older than the oldest child in the group; and

3) They regularly work fewer than four hours per day, except during vacation periods when they may work up to six hours per day; and

4) The number of students or youth aides does not exceed one-third of the total staff required to meet the staff-child ratio requirements at any one time.

e) Students or youth aides shall not be considered as part of the attendance count when determining compliance with the capacity requirements.

(Source: Added at 22 Ill. Reg. 1728, effective January 1, 1998)