**Section 406.13 Number and Ages of Children Served**

a) The maximum number of children under the age of 12 cared for in a day care home by a caregiver alone shall be 8. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home.

b) A Caregiver Alone. A caregiver alone may care for:

1) A mixed age group consisting of:

A) Up to 8 children under the age of 12, of which

B) Up to 5 children may be under the age of 5, of which

C) Up to 3 children may be under 24 months of age.

2) A mixed age group consisting of:

A) Up to 8 children under the age of 12, of which

B) Up to 6 children may be under the age of 5, of which

C) Up to 2 children may be under 30 months of age.

3) A school age group consisting of 8 school age children, as defined in Section 406.2.

c) Caregiver and an Assistant under 18 Years of Age

1) A caregiver and an assistant under age 18 may care for:

A) One of the groupings in subsection (b) and 4 additional children who are attending school full-time; or

B) A total of 8 children under 5 years of age, of which up to 5 children may be under 24 months of age.

2) When a licensee or permitholder has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children may be counted in the additional 4 school-age children provided that when there are more than 8 children in care, a qualified assistant is present.

3) Care provided for the additional before and after school children is limited to children who attend school full-time and to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.

d) A Caregiver and an Assistant 18 Years of Age or Older

1) A caregiver and an assistant 18 years of age or older may care for:

A) The groupings in subsection (b), and 4 additional children who are attending school full-time; or

B) Eight children under 5 years of age, of which up to 5 children may be under 24 months of age, and 4 additional children who are attending school full-time.

2) When a licensee or permitholder has been granted the extended 4 school-age capacity addendum in writing, a caregiver's own full-time school age children shall be counted in the additional 4 school-age children provided that, when there are more than 8 children in care, a qualified assistant is present.

3) Care provided for the additional before and after school children is limited to children who attend school full-time and to before and/or after school, holidays, weekends, during unforeseen school closings, when the provider's own children come home sick, and during the summer.

e) The maximum number of children receiving night care shall be 8 children and the groupings shall be consistent with subsections (b) and (c).

f) Any children under age 12 living in the home who are receiving home schooling shall be counted in the maximum of 8 children in subsections (b), (c), and (d), unless another parent or caregiver is providing the schooling apart from the day care area and the caregiver has no responsibility for care or supervision or schooling of the children during the hours home day care is provided.

g) In the event of a brief unforeseen school closing, the caregiver may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 12 children. The caregiver shall maintain a record of the dates, names and ages of the children for whom this care was provided.

h) When the acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:

1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;

2) At least one of the siblings has been in care for 30 days or more; and

3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 37 Ill. Reg. 19127, effective November 30, 2013)