**Section 384.45 Behavior Intervention Requirements for the Use of Discipline**

a) Discipline may only be used to help a child develop self-control and learn to assume responsibility for his or her own actions.

b) In order to help a child know the rules of a child care facility, each facility shall have simple, understandable rules for both children and staff. The rules shall set the limits of behavior required for the protection of the group. The rules shall be explained orally in the child's primary language or preferred mode of communication and a written copy in the child's primary language or preferred mode of communication shall be given to each child at the time the child is admitted to the facility.

c) Each staff member shall receive training in the rules of the child care facility and shall be given a written copy of the rules prior to starting active service.

d) With respect to all discipline as described below in subsections (e)(1) through (e)(5):

1) prior to the application of the discipline, the child shall be informed of the rule infraction;

2) prior to application of the discipline, the reasons for, the nature of, and duration of the discipline shall be explained to the child;

3) the case record shall contain documentation of the discipline applied, specifying the conduct of the child leading to the discipline and the nature and duration of the discipline; and

4) the administrator of the facility or designee shall review all discipline applied on individual children within 48 hours after administration of the discipline. The reviewer shall not be the individual who imposed the disciplinary measure. The administrator of the facility or designee shall approve or disapprove of the discipline imposed and shall indicate review and approval/disapproval by signing and dating the report of discipline. If the administrator or designee disapproves of the discipline imposed, the administrator or designee shall state the reasons for disapproval and shall correct the use of improper disciplinary techniques.

e) Acceptable discipline for the purpose of this Section includes:

1) assigning special or additional tasks for periods not to exceed one month;

2) temporary removal of privileges (e.g., electronic entertaining equipment, special activity outside the facility) for periods not to exceed one month;

3) withholding a child's personal spending money under the following circumstances:

A) for reasonable restitution for damages done by the child; or

B) for breaking the rules after the child had been given an oral warning that his/her spending money will be reduced for the infraction. Spending money may not be withheld for more than one month as discipline for a rules infraction.

i) When a child's spending money has been withheld because he or she has broken a rule, the caregiver shall give the child opportunities to earn the money back and shall explain to the child how the money can be earned back. The facility shall keep complete records of all spending money that was withheld and any payments to the child.

ii) If a child fails to earn back the spending money before his or her discharge from the facility, the withheld spending money must be given to the child's parent or guardian;

4) restriction to the child's sleeping quarters or room under reasonable supervision (as defined by the individual treatment plan) for periods not to exceed three hours per day; or

5) restriction to the premises or specified areas of the premises for periods not to exceed three days.

f) No child shall be subjected to discipline that is out of proportion to the particular inappropriate behavior, nor shall a child be subjected to discipline that is initiated more than 24 hours after facility staff learn of the inappropriate behavior.

g) No child shall be subjected to discipline by the child's peers except as part of an organized self-governance program approved through Section 384.80.

h) No child shall be subjected to discipline because of the misbehavior of another member of the group unless discipline of the group is part of an approved self-governance program under Section 384.80.

i) No child shall be subjected to verbal abuse, threats, or derogatory remarks about him/her or his/her family under any circumstances.

j) No child shall be subjected to corporal punishment under any circumstances.

k) No child shall be deprived of food (e.g., a meal, a part of a meal, a snack) as discipline.

l) No child shall be deprived of visits or weekly telephone contacts with family, attorneys or their legal assistants, assigned caseworkers or other persons who have established a parenting bond unless otherwise indicated for clinical or safety reasons (as documented in the record by way of guardian signature).

m) No child shall be deprived of clothing as discipline unless otherwise indicated for clinical or safety reasons.

n) No child shall be deprived of sleep as discipline.

o) No child shall be deprived of items necessary for personal hygiene (e.g., toothpaste, toothbrush, soap, comb, etc.) as discipline.

p) No child shall be deprived of an opportunity for a daily shower or bath, access to toilet and water fountain as discipline.

q) No child shall be subjected to unclean and unsanitary living conditions as discipline.

r) No child shall be deprived of health care, including counseling, as discipline.

s) No child shall be deprived of exercise, assigned exercise, forced to take an uncomfortable position, or assigned strenuous or harsh work, including work that is beyond the physical, mental, or emotional capacity of the child.

t) No child shall be deprived of a right to receive and send uncensored mail as discipline. However, if a child care facility suspects that a child is sending or receiving contraband materials (e.g., drugs, weapons) via the mail, the child may be required to open the mail in the presence of staff so the contents may be examined for contraband. Where a clinical determination is made that a child could be emotionally harmed by the receipt of inappropriate mail or e-mail from a certain person or persons, and the reasons for the determination are clearly documented, the agency has the authority to intercept particular mailings.

u) No child shall be deprived of an opportunity to attend religious services and/or religious counseling of his/her choice as discipline.

v) No child shall be disciplined for toilet accidents.

w) No child shall be subjected to behavior management procedures (e.g., restraint, seclusion, etc.) as discipline.

x) No child shall be deprived of educational services as discipline.

y) In addition to all other prescribed discipline as set forth in this Part, no child shall be subjected to cruel or unusual punishment under any circumstances.

(Source: Section 384.45 renumbered from Section 384.30 and amended at 26 Ill. Reg. 4623, effective March 15, 2002)