



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB5400**

by Rep. Jehan Gordon-Booth

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.09

from Ch. 23, par. 2212.09

Amends the Child Care Act of 1969. Provides that "day care center" does not include certain programs or portions of programs that serve children who shall have attained the age of 2 years (rather than 3 years). Makes conforming changes.

LRB101 18316 SPS 67762 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 2.09 as follows:

6 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

7 Sec. 2.09. "Day care center" means any child care facility  
8 which regularly provides day care for less than 24 hours per  
9 day for (1) more than 8 children in a family home, or (2) more  
10 than 3 children in a facility other than a family home,  
11 including senior citizen buildings.

12 The term does not include:

13 (a) programs operated by (i) public or private  
14 elementary school systems or secondary level school units  
15 or institutions of higher learning that serve children who  
16 shall have attained the age of 3 years or (ii) private  
17 entities on the grounds of public or private elementary or  
18 secondary schools and that serve children who have attained  
19 the age of 3 years, except that this exception applies only  
20 to the facility and not to the private entities' personnel  
21 operating the program;

22 (b) programs or that portion of the program which  
23 serves children who shall have attained the age of 3 years

1 and which are recognized by the State Board of Education;

2 (c) educational program or programs serving children  
3 who shall have attained the age of 3 years and which are  
4 operated by a school which is registered with the State  
5 Board of Education and which is recognized or accredited by  
6 a recognized national or multistate educational  
7 organization or association which regularly recognizes or  
8 accredits schools;

9 (d) programs which exclusively serve or that portion of  
10 the program which serves children with disabilities who  
11 shall have attained the age of 3 years but are less than 21  
12 years of age and which are registered and approved as  
13 meeting standards of the State Board of Education and  
14 applicable fire marshal standards;

15 (e) facilities operated in connection with a shopping  
16 center or service, religious services, or other similar  
17 facility, where transient children are cared for  
18 temporarily while parents or custodians of the children are  
19 occupied on the premises and readily available;

20 (f) any type of day care center that is conducted on  
21 federal government premises;

22 (g) special activities programs, including athletics,  
23 crafts instruction, and similar activities conducted on an  
24 organized and periodic basis by civic, charitable and  
25 governmental organizations;

26 (h) part day child care facilities, as defined in

1 Section 2.10 of this Act;

2 (i) programs or that portion of the program which:

3 (1) serves children who shall have attained the age  
4 of 2 ~~3~~ years;

5 (2) is operated by churches or religious  
6 institutions as described in Section 501(c)(3) of the  
7 federal Internal Revenue Code;

8 (3) receives no governmental aid;

9 (4) is operated as a component of a religious,  
10 nonprofit elementary school;

11 (5) operates primarily to provide religious  
12 education; and

13 (6) meets appropriate State or local health and  
14 fire safety standards; or

15 (j) programs or portions of programs that:

16 (1) serve only school-age children and youth  
17 (defined as full-time kindergarten children, as  
18 defined in 89 Ill. Adm. Code 407.45, or older);

19 (2) are organized to promote childhood learning,  
20 child and youth development, educational or  
21 recreational activities, or character-building;

22 (3) operate primarily during out-of-school time or  
23 at times when school is not normally in session;

24 (4) comply with the standards of the Illinois  
25 Department of Public Health (77 Ill. Adm. Code 750) or  
26 the local health department, the Illinois State Fire

1 Marshal (41 Ill. Adm. Code 100), and the following  
2 additional health and safety requirements: procedures  
3 for employee and volunteer emergency preparedness and  
4 practice drills; procedures to ensure that first aid  
5 kits are maintained and ready to use; the placement of  
6 a minimum level of liability insurance as determined by  
7 the Department; procedures for the availability of a  
8 working telephone that is onsite and accessible at all  
9 times; procedures to ensure that emergency phone  
10 numbers are posted onsite; and a restriction on handgun  
11 or weapon possession onsite, except if possessed by a  
12 peace officer;

13 (5) perform and maintain authorization and results  
14 of criminal history checks through the Illinois State  
15 Police and FBI and checks of the Illinois Sex Offender  
16 Registry, the National Sex Offender Registry, and  
17 Child Abuse and Neglect Tracking System for employees  
18 and volunteers who work directly with children;

19 (6) make hiring decisions in accordance with the  
20 prohibitions against barrier crimes as specified in  
21 Section 4.2 of this Act or in Section 21B-80 of the  
22 School Code;

23 (7) provide parents with written disclosure that  
24 the operations of the program are not regulated by  
25 licensing requirements; and

26 (8) obtain and maintain records showing the first

1           and last name and date of birth of the child, name,  
2           address, and telephone number of each parent,  
3           emergency contact information, and written  
4           authorization for medical care.

5           Programs or portions of programs requesting Child Care  
6           Assistance Program (CCAP) funding and otherwise meeting the  
7           requirements under item (j) shall request exemption from the  
8           Department and be determined exempt prior to receiving funding  
9           and must annually meet the eligibility requirements and be  
10          appropriate for payment under the CCAP.

11          Programs or portions of programs under item (j) that do not  
12          receive State or federal funds must comply with staff  
13          qualification and training standards established by rule by the  
14          Department of Human Services. The Department of Human Services  
15          shall set such standards after review of Afterschool for  
16          Children and Teens Now (ACT Now) evidence-based quality  
17          standards developed for school-age out-of-school time  
18          programs, feedback from the school-age out-of-school time  
19          program professionals, and review of out-of-school time  
20          professional development frameworks and quality tools.

21          Out-of-school time programs for school-age youth that  
22          receive State or federal funds must comply with only those  
23          staff qualifications and training standards set for the program  
24          by the State or federal entity issuing the funds.

25          For purposes of items (a), (b), (c), and (d), ~~and (i)~~ of  
26          this Section, "children who shall have attained the age of 3

1 years" shall mean children who are 3 years of age, but less  
2 than 4 years of age, at the time of enrollment in the program.  
3 For the purpose of item (i) of this Section, "children who  
4 shall have attained the age of 2 years" shall mean children who  
5 are 2 years of age, but less than 4 years of age, at the time of  
6 enrollment in the program.

7 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;  
8 100-201, eff. 8-18-17.)