



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB2374

Introduced 2/17/2021, by Rep. Anthony DeLuca

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/3	from Ch. 23, par. 2213
225 ILCS 10/6.5 new	
225 ILCS 10/7	from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Requires specified personnel of a child care facility to be present at the open or close of the facility. Provides that early childhood teachers shall meet specified qualifications. Provides that the Department of Children and Family Services shall adopt rules on the qualifications of persons directly responsible for the care and welfare of children served in accordance with the qualifications for early childhood teachers. Effective immediately.

LRB102 12764 SPS 18103 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 Sections 3 and 7 and by adding Section 6.5 as follows:

6 (225 ILCS 10/3) (from Ch. 23, par. 2213)

7 Sec. 3. (a) No person, group of persons or corporation may  
8 operate or conduct any facility for child care, as defined in  
9 this Act, without a license or permit issued by the Department  
10 or without being approved by the Department as meeting the  
11 standards established for such licensing, with the exception  
12 of facilities for whom standards are established by the  
13 Department of Corrections under Section 3-15-2 of the Unified  
14 Code of Corrections and with the exception of facilities  
15 defined in Section 2.10 of this Act, and with the exception of  
16 programs or facilities licensed by the Department of Human  
17 Services under the Substance Use Disorder Act.

18 (b) No part day child care facility as described in  
19 Section 2.10 may operate without written notification to the  
20 Department or without complying with Section 7.1. Notification  
21 shall include a notarized statement by the facility that the  
22 facility complies with state or local health standards and  
23 state fire safety standards, and shall be filed with the

1 department every 2 years.

2 (c) The Director of the Department shall establish  
3 policies and coordinate activities relating to child care  
4 licensing, licensing of day care homes and day care centers.

5 (d) Any facility or agency which is exempt from licensing  
6 may apply for licensing if licensing is required for some  
7 government benefit.

8 (e) A provider of day care described in items (a) through  
9 (j) of Section 2.09 of this Act is exempt from licensure. The  
10 Department shall provide written verification of exemption and  
11 description of compliance with standards for the health,  
12 safety, and development of the children who receive the  
13 services upon submission by the provider of, in addition to  
14 any other documentation required by the Department, a  
15 notarized statement that the facility complies with: (1) the  
16 standards of the Department of Public Health or local health  
17 department, (2) the fire safety standards of the State Fire  
18 Marshal, and (3) if operated in a public school building, the  
19 health and safety standards of the State Board of Education.

20 (f) A qualified child care director, as defined in 89 Ill.  
21 Adm. Code 407.130, must be present at the open or close of the  
22 facility. A qualified early childhood teacher, as defined in  
23 89 Ill. Adm. Code 407.140, who has been employed by the  
24 facility continuously for at least 24 months may otherwise be  
25 present for the first or last hour of the workday.

26 (Source: P.A. 99-699, eff. 7-29-16; 100-759, eff. 1-1-19.)

1 (225 ILCS 10/6.5 new)

2 Sec. 6.5. Qualifications for early childhood teachers. An  
3 early childhood teacher must meet one of the following  
4 qualifications:

5 (1) complete 60 semester hours from an accredited  
6 college or university and complete the Gateways ECE (Early  
7 Childhood Education) Credential Level 1 training;

8 (2) complete 1,560 clock hours of child development  
9 experience, 30 semester hours from an accredited college  
10 or university, and the Gateways ECE (Early Childhood  
11 Education) Credential Level 1 training;

12 (3) complete 2,080 clock hours of child development  
13 experience as a teacher assistant in a day care center,  
14 complete the Gateways ECE (Early Childhood Education)  
15 Credential Level 1 training, and provide proof of  
16 enrollment from an accredited college or university until  
17 30 semester hours are attained or proof of enrollment in  
18 an early childhood teacher credentialing program until the  
19 credential is attained; or

20 (4) complete a credentialing program approved by the  
21 Department in accordance with 89 Ill. Adm. Code  
22 407.Appendix G.

23 (225 ILCS 10/7) (from Ch. 23, par. 2217)

24 Sec. 7. (a) The Department must prescribe and publish

1 minimum standards for licensing that apply to the various  
2 types of facilities for child care defined in this Act and that  
3 are equally applicable to like institutions under the control  
4 of the Department and to foster family homes used by and under  
5 the direct supervision of the Department. The Department shall  
6 seek the advice and assistance of persons representative of  
7 the various types of child care facilities in establishing  
8 such standards. The standards prescribed and published under  
9 this Act take effect as provided in the Illinois  
10 Administrative Procedure Act, and are restricted to  
11 regulations pertaining to the following matters and to any  
12 rules and regulations required or permitted by any other  
13 Section of this Act:

14 (1) The operation and conduct of the facility and  
15 responsibility it assumes for child care;

16 (2) In accordance with Section 6.5, the ~~The~~ character,  
17 suitability and qualifications of the applicant and other  
18 persons directly responsible for the care and welfare of  
19 children served. All child day care center licensees and  
20 employees who are required to report child abuse or  
21 neglect under the Abused and Neglected Child Reporting Act  
22 shall be required to attend training on recognizing child  
23 abuse and neglect, as prescribed by Department rules;

24 (3) The general financial ability and competence of  
25 the applicant to provide necessary care for children and  
26 to maintain prescribed standards;

1           (4) The number of individuals or staff required to  
2           insure adequate supervision and care of the children  
3           received. The standards shall provide that each child care  
4           institution, maternity center, day care center, group  
5           home, day care home, and group day care home shall have on  
6           its premises during its hours of operation at least one  
7           staff member certified in first aid, in the Heimlich  
8           maneuver and in cardiopulmonary resuscitation by the  
9           American Red Cross or other organization approved by rule  
10          of the Department. Child welfare agencies shall not be  
11          subject to such a staffing requirement. The Department may  
12          offer, or arrange for the offering, on a periodic basis in  
13          each community in this State in cooperation with the  
14          American Red Cross, the American Heart Association or  
15          other appropriate organization, voluntary programs to  
16          train operators of foster family homes and day care homes  
17          in first aid and cardiopulmonary resuscitation;

18          (5) The appropriateness, safety, cleanliness, and  
19          general adequacy of the premises, including maintenance of  
20          adequate fire prevention and health standards conforming  
21          to State laws and municipal codes to provide for the  
22          physical comfort, care, and well-being of children  
23          received;

24          (6) Provisions for food, clothing, educational  
25          opportunities, program, equipment and individual supplies  
26          to assure the healthy physical, mental, and spiritual

1 development of children served;

2 (7) Provisions to safeguard the legal rights of  
3 children served;

4 (8) Maintenance of records pertaining to the  
5 admission, progress, health, and discharge of children,  
6 including, for day care centers and day care homes,  
7 records indicating each child has been immunized as  
8 required by State regulations. The Department shall  
9 require proof that children enrolled in a facility have  
10 been immunized against Haemophilus Influenzae B (HIB);

11 (9) Filing of reports with the Department;

12 (10) Discipline of children;

13 (11) Protection and fostering of the particular  
14 religious faith of the children served;

15 (12) Provisions prohibiting firearms on day care  
16 center premises except in the possession of peace  
17 officers;

18 (13) Provisions prohibiting handguns on day care home  
19 premises except in the possession of peace officers or  
20 other adults who must possess a handgun as a condition of  
21 employment and who reside on the premises of a day care  
22 home;

23 (14) Provisions requiring that any firearm permitted  
24 on day care home premises, except handguns in the  
25 possession of peace officers, shall be kept in a  
26 disassembled state, without ammunition, in locked storage,

1           inaccessible to children and that ammunition permitted on  
2           day care home premises shall be kept in locked storage  
3           separate from that of disassembled firearms, inaccessible  
4           to children;

5           (15) Provisions requiring notification of parents or  
6           guardians enrolling children at a day care home of the  
7           presence in the day care home of any firearms and  
8           ammunition and of the arrangements for the separate,  
9           locked storage of such firearms and ammunition;

10          (16) Provisions requiring all licensed child care  
11          facility employees who care for newborns and infants to  
12          complete training every 3 years on the nature of sudden  
13          unexpected infant death (SUID), sudden infant death  
14          syndrome (SIDS), and the safe sleep recommendations of the  
15          American Academy of Pediatrics; and

16          (17) With respect to foster family homes, provisions  
17          requiring the Department to review quality of care  
18          concerns and to consider those concerns in determining  
19          whether a foster family home is qualified to care for  
20          children.

21          (b) If, in a facility for general child care, there are  
22          children diagnosed as mentally ill or children diagnosed as  
23          having an intellectual or physical disability, who are  
24          determined to be in need of special mental treatment or of  
25          nursing care, or both mental treatment and nursing care, the  
26          Department shall seek the advice and recommendation of the



1 Department of Human Services, the Department of Public Health,  
2 or both Departments regarding the residential treatment and  
3 nursing care provided by the institution.

4 (c) The Department shall investigate any person applying  
5 to be licensed as a foster parent to determine whether there is  
6 any evidence of current drug or alcohol abuse in the  
7 prospective foster family. The Department shall not license a  
8 person as a foster parent if drug or alcohol abuse has been  
9 identified in the foster family or if a reasonable suspicion  
10 of such abuse exists, except that the Department may grant a  
11 foster parent license to an applicant identified with an  
12 alcohol or drug problem if the applicant has successfully  
13 participated in an alcohol or drug treatment program,  
14 self-help group, or other suitable activities and if the  
15 Department determines that the foster family home can provide  
16 a safe, appropriate environment and meet the physical and  
17 emotional needs of children.

18 (d) The Department, in applying standards prescribed and  
19 published, as herein provided, shall offer consultation  
20 through employed staff or other qualified persons to assist  
21 applicants and licensees in meeting and maintaining minimum  
22 requirements for a license and to help them otherwise to  
23 achieve programs of excellence related to the care of children  
24 served. Such consultation shall include providing information  
25 concerning education and training in early childhood  
26 development to providers of day care home services. The

1 Department may provide or arrange for such education and  
2 training for those providers who request such assistance.

3 (e) The Department shall distribute copies of licensing  
4 standards to all licensees and applicants for a license. Each  
5 licensee or holder of a permit shall distribute copies of the  
6 appropriate licensing standards and any other information  
7 required by the Department to child care facilities under its  
8 supervision. Each licensee or holder of a permit shall  
9 maintain appropriate documentation of the distribution of the  
10 standards. Such documentation shall be part of the records of  
11 the facility and subject to inspection by authorized  
12 representatives of the Department.

13 (f) The Department shall prepare summaries of day care  
14 licensing standards. Each licensee or holder of a permit for a  
15 day care facility shall distribute a copy of the appropriate  
16 summary and any other information required by the Department,  
17 to the legal guardian of each child cared for in that facility  
18 at the time when the child is enrolled or initially placed in  
19 the facility. The licensee or holder of a permit for a day care  
20 facility shall secure appropriate documentation of the  
21 distribution of the summary and brochure. Such documentation  
22 shall be a part of the records of the facility and subject to  
23 inspection by an authorized representative of the Department.

24 (g) The Department shall distribute to each licensee and  
25 holder of a permit copies of the licensing or permit standards  
26 applicable to such person's facility. Each licensee or holder

1 of a permit shall make available by posting at all times in a  
2 common or otherwise accessible area a complete and current set  
3 of licensing standards in order that all employees of the  
4 facility may have unrestricted access to such standards. All  
5 employees of the facility shall have reviewed the standards  
6 and any subsequent changes. Each licensee or holder of a  
7 permit shall maintain appropriate documentation of the current  
8 review of licensing standards by all employees. Such records  
9 shall be part of the records of the facility and subject to  
10 inspection by authorized representatives of the Department.

11 (h) Any standards involving physical examinations,  
12 immunization, or medical treatment shall include appropriate  
13 exemptions for children whose parents object thereto on the  
14 grounds that they conflict with the tenets and practices of a  
15 recognized church or religious organization, of which the  
16 parent is an adherent or member, and for children who should  
17 not be subjected to immunization for clinical reasons.

18 (i) The Department, in cooperation with the Department of  
19 Public Health, shall work to increase immunization awareness  
20 and participation among parents of children enrolled in day  
21 care centers and day care homes by publishing on the  
22 Department's website information about the benefits of  
23 immunization against vaccine preventable diseases, including  
24 influenza and pertussis. The information for vaccine  
25 preventable diseases shall include the incidence and severity  
26 of the diseases, the availability of vaccines, and the

1 importance of immunizing children and persons who frequently  
2 have close contact with children. The website content shall be  
3 reviewed annually in collaboration with the Department of  
4 Public Health to reflect the most current recommendations of  
5 the Advisory Committee on Immunization Practices (ACIP). The  
6 Department shall work with day care centers and day care homes  
7 licensed under this Act to ensure that the information is  
8 annually distributed to parents in August or September.

9 (j) Any standard adopted by the Department that requires  
10 an applicant for a license to operate a day care home to  
11 include a copy of a high school diploma or equivalent  
12 certificate with his or her application shall be deemed to be  
13 satisfied if the applicant includes a copy of a high school  
14 diploma or equivalent certificate or a copy of a degree from an  
15 accredited institution of higher education or vocational  
16 institution or equivalent certificate.

17 (Source: P.A. 99-143, eff. 7-27-15; 99-779, eff. 1-1-17;  
18 100-201, eff. 8-18-17.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.