



Rep. Anthony DeLuca

**Filed: 4/20/2021**

10200HB2374ham001

LRB102 12764 SPS 25502 a

1 AMENDMENT TO HOUSE BILL 2374

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2374 by replacing  
3 everything after the enacting clause with the following:

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

1 Services under the Substance Use Disorder Act.

2 (b) No part day child care facility as described in  
3 Section 2.10 may operate without written notification to the  
4 Department or without complying with Section 7.1. Notification  
5 shall include a notarized statement by the facility that the  
6 facility complies with state or local health standards and  
7 state fire safety standards, and shall be filed with the  
8 department every 2 years.

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

12 (d) Any facility or agency which is exempt from licensing  
13 may apply for licensing if licensing is required for some  
14 government benefit.

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

1       (f) A qualified child care director, as defined in 89 Ill.  
2 Adm. Code 407.130, must be present at the open or close of the  
3 facility. A qualified early childhood teacher, as defined in  
4 89 Ill. Adm. Code 407.140, who has been employed by the  
5 facility continuously for at least 24 months may otherwise be  
6 present for the first or last hour of the workday.

7       (g) A child care facility licensed under this Act may  
8 allow programs to staff classrooms with early childhood  
9 assistant qualified staff for up to 3 hours of their program  
10 day if this is documented in the facility's written staffing  
11 plan.

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

13 (225 ILCS 10/6.5 new)

14 Sec. 6.5. Qualifications for early childhood teachers. An  
15 early childhood teacher must meet one of the following  
16 qualifications:

17       (1) complete 60 semester hours from an accredited  
18 college or university with either 6 semester hours in  
19 early childhood education or complete the Gateways ECE  
20 (Early Childhood Education) Credential Level 1 training;

21       (2) complete 1,560 clock hours of child development  
22 experience, and 30 semester hours from an accredited  
23 college or university with either 6 semester hours in  
24 early childhood education or Gateways ECE (Early Childhood  
25 Education) Credential Level 1 training;

1           (3) complete 2,080 clock hours of child development  
2           experience as a teacher assistant in a day care center,  
3           complete the Gateways ECE (Early Childhood Education)  
4           Credential Level 1 training, and provide proof of  
5           enrollment from an accredited college or university until  
6           30 semester hours are attained or proof of enrollment in  
7           an early childhood teacher credentialing program, either  
8           of which must be completed in no more than 5 years from the  
9           date of initial enrollment; or

10           (4) complete a credentialing program approved by the  
11           Department in accordance with 89 Ill. Adm. Code  
12           407.Appendix G.

13           (225 ILCS 10/7) (from Ch. 23, par. 2217)

14           Sec. 7. (a) The Department must prescribe and publish  
15           minimum standards for licensing that apply to the various  
16           types of facilities for child care defined in this Act and that  
17           are equally applicable to like institutions under the control  
18           of the Department and to foster family homes used by and under  
19           the direct supervision of the Department. The Department shall  
20           seek the advice and assistance of persons representative of  
21           the various types of child care facilities in establishing  
22           such standards. The standards prescribed and published under  
23           this Act take effect as provided in the Illinois  
24           Administrative Procedure Act, and are restricted to  
25           regulations pertaining to the following matters and to any

1 rules and regulations required or permitted by any other  
2 Section of this Act:

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

5 (2) In accordance with Section 6.5, the ~~The~~ character,  
6 suitability and qualifications of the applicant and other  
7 persons directly responsible for the care and welfare of  
8 children served. All child day care center licensees and  
9 employees who are required to report child abuse or  
10 neglect under the Abused and Neglected Child Reporting Act  
11 shall be required to attend training on recognizing child  
12 abuse and neglect, as prescribed by Department rules;

13 (3) The general financial ability and competence of  
14 the applicant to provide necessary care for children and  
15 to maintain prescribed standards;

16 (4) The number of individuals or staff required to  
17 insure adequate supervision and care of the children  
18 received. The standards shall provide that each child care  
19 institution, maternity center, day care center, group  
20 home, day care home, and group day care home shall have on  
21 its premises during its hours of operation at least one  
22 staff member certified in first aid, in the Heimlich  
23 maneuver and in cardiopulmonary resuscitation by the  
24 American Red Cross or other organization approved by rule  
25 of the Department. Child welfare agencies shall not be  
26 subject to such a staffing requirement. The Department may

1 offer, or arrange for the offering, on a periodic basis in  
2 each community in this State in cooperation with the  
3 American Red Cross, the American Heart Association or  
4 other appropriate organization, voluntary programs to  
5 train operators of foster family homes and day care homes  
6 in first aid and cardiopulmonary resuscitation;

7 (5) The appropriateness, safety, cleanliness, and  
8 general adequacy of the premises, including maintenance of  
9 adequate fire prevention and health standards conforming  
10 to State laws and municipal codes to provide for the  
11 physical comfort, care, and well-being of children  
12 received;

13 (6) Provisions for food, clothing, educational  
14 opportunities, program, equipment and individual supplies  
15 to assure the healthy physical, mental, and spiritual  
16 development of children served;

17 (7) Provisions to safeguard the legal rights of  
18 children served;

19 (8) Maintenance of records pertaining to the  
20 admission, progress, health, and discharge of children,  
21 including, for day care centers and day care homes,  
22 records indicating each child has been immunized as  
23 required by State regulations. The Department shall  
24 require proof that children enrolled in a facility have  
25 been immunized against Haemophilus Influenzae B (HIB);

26 (9) Filing of reports with the Department;

1           (10) Discipline of children;

2           (11) Protection and fostering of the particular  
3 religious faith of the children served;

4           (12) Provisions prohibiting firearms on day care  
5 center premises except in the possession of peace  
6 officers;

7           (13) Provisions prohibiting handguns on day care home  
8 premises except in the possession of peace officers or  
9 other adults who must possess a handgun as a condition of  
10 employment and who reside on the premises of a day care  
11 home;

12           (14) Provisions requiring that any firearm permitted  
13 on day care home premises, except handguns in the  
14 possession of peace officers, shall be kept in a  
15 disassembled state, without ammunition, in locked storage,  
16 inaccessible to children and that ammunition permitted on  
17 day care home premises shall be kept in locked storage  
18 separate from that of disassembled firearms, inaccessible  
19 to children;

20           (15) Provisions requiring notification of parents or  
21 guardians enrolling children at a day care home of the  
22 presence in the day care home of any firearms and  
23 ammunition and of the arrangements for the separate,  
24 locked storage of such firearms and ammunition;

25           (16) Provisions requiring all licensed child care  
26 facility employees who care for newborns and infants to

1 complete training every 3 years on the nature of sudden  
2 unexpected infant death (SUID), sudden infant death  
3 syndrome (SIDS), and the safe sleep recommendations of the  
4 American Academy of Pediatrics; and

5 (17) With respect to foster family homes, provisions  
6 requiring the Department to review quality of care  
7 concerns and to consider those concerns in determining  
8 whether a foster family home is qualified to care for  
9 children.

10 (b) If, in a facility for general child care, there are  
11 children diagnosed as mentally ill or children diagnosed as  
12 having an intellectual or physical disability, who are  
13 determined to be in need of special mental treatment or of  
14 nursing care, or both mental treatment and nursing care, the  
15 Department shall seek the advice and recommendation of the  
16 Department of Human Services, the Department of Public Health,  
17 or both Departments regarding the residential treatment and  
18 nursing care provided by the institution.

19 (c) The Department shall investigate any person applying  
20 to be licensed as a foster parent to determine whether there is  
21 any evidence of current drug or alcohol abuse in the  
22 prospective foster family. The Department shall not license a  
23 person as a foster parent if drug or alcohol abuse has been  
24 identified in the foster family or if a reasonable suspicion  
25 of such abuse exists, except that the Department may grant a  
26 foster parent license to an applicant identified with an



1 alcohol or drug problem if the applicant has successfully  
2 participated in an alcohol or drug treatment program,  
3 self-help group, or other suitable activities and if the  
4 Department determines that the foster family home can provide  
5 a safe, appropriate environment and meet the physical and  
6 emotional needs of children.

7 (d) The Department, in applying standards prescribed and  
8 published, as herein provided, shall offer consultation  
9 through employed staff or other qualified persons to assist  
10 applicants and licensees in meeting and maintaining minimum  
11 requirements for a license and to help them otherwise to  
12 achieve programs of excellence related to the care of children  
13 served. Such consultation shall include providing information  
14 concerning education and training in early childhood  
15 development to providers of day care home services. The  
16 Department may provide or arrange for such education and  
17 training for those providers who request such assistance.

18 (e) The Department shall distribute copies of licensing  
19 standards to all licensees and applicants for a license. Each  
20 licensee or holder of a permit shall distribute copies of the  
21 appropriate licensing standards and any other information  
22 required by the Department to child care facilities under its  
23 supervision. Each licensee or holder of a permit shall  
24 maintain appropriate documentation of the distribution of the  
25 standards. Such documentation shall be part of the records of  
26 the facility and subject to inspection by authorized

1 representatives of the Department.

2 (f) The Department shall prepare summaries of day care  
3 licensing standards. Each licensee or holder of a permit for a  
4 day care facility shall distribute a copy of the appropriate  
5 summary and any other information required by the Department,  
6 to the legal guardian of each child cared for in that facility  
7 at the time when the child is enrolled or initially placed in  
8 the facility. The licensee or holder of a permit for a day care  
9 facility shall secure appropriate documentation of the  
10 distribution of the summary and brochure. Such documentation  
11 shall be a part of the records of the facility and subject to  
12 inspection by an authorized representative of the Department.

13 (g) The Department shall distribute to each licensee and  
14 holder of a permit copies of the licensing or permit standards  
15 applicable to such person's facility. Each licensee or holder  
16 of a permit shall make available by posting at all times in a  
17 common or otherwise accessible area a complete and current set  
18 of licensing standards in order that all employees of the  
19 facility may have unrestricted access to such standards. All  
20 employees of the facility shall have reviewed the standards  
21 and any subsequent changes. Each licensee or holder of a  
22 permit shall maintain appropriate documentation of the current  
23 review of licensing standards by all employees. Such records  
24 shall be part of the records of the facility and subject to  
25 inspection by authorized representatives of the Department.

26 (h) Any standards involving physical examinations,

1 immunization, or medical treatment shall include appropriate  
2 exemptions for children whose parents object thereto on the  
3 grounds that they conflict with the tenets and practices of a  
4 recognized church or religious organization, of which the  
5 parent is an adherent or member, and for children who should  
6 not be subjected to immunization for clinical reasons.

7 (i) The Department, in cooperation with the Department of  
8 Public Health, shall work to increase immunization awareness  
9 and participation among parents of children enrolled in day  
10 care centers and day care homes by publishing on the  
11 Department's website information about the benefits of  
12 immunization against vaccine preventable diseases, including  
13 influenza and pertussis. The information for vaccine  
14 preventable diseases shall include the incidence and severity  
15 of the diseases, the availability of vaccines, and the  
16 importance of immunizing children and persons who frequently  
17 have close contact with children. The website content shall be  
18 reviewed annually in collaboration with the Department of  
19 Public Health to reflect the most current recommendations of  
20 the Advisory Committee on Immunization Practices (ACIP). The  
21 Department shall work with day care centers and day care homes  
22 licensed under this Act to ensure that the information is  
23 annually distributed to parents in August or September.

24 (j) Any standard adopted by the Department that requires  
25 an applicant for a license to operate a day care home to  
26 include a copy of a high school diploma or equivalent

1 certificate with his or her application shall be deemed to be  
2 satisfied if the applicant includes a copy of a high school  
3 diploma or equivalent certificate or a copy of a degree from an  
4 accredited institution of higher education or vocational  
5 institution or equivalent certificate.

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."