



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4674

Introduced 2/6/2024, by Rep. Bradley Fritts

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.55 new	
105 ILCS 5/1A-4	from Ch. 122, par. 1A-4
225 ILCS 10/2.09	from Ch. 23, par. 2212.09
225 ILCS 10/2.35 new	
225 ILCS 10/3	from Ch. 23, par. 2213
225 ILCS 10/3.7 new	
225 ILCS 10/4.5	
225 ILCS 10/5	from Ch. 23, par. 2215
225 ILCS 10/5.1	from Ch. 23, par. 2215.1
225 ILCS 10/5.8	
225 ILCS 10/5.9	
225 ILCS 10/5.10	
225 ILCS 10/5.11	
225 ILCS 10/6	from Ch. 23, par. 2216
225 ILCS 10/7	from Ch. 23, par. 2217
225 ILCS 10/7.10	
225 ILCS 10/9.1c	
225 ILCS 10/9.2	

Amends the School Code. Provides that the State Board of Education shall have the power to license day care centers, licensed day care homes, and licensed group day care as described in the Child Care Act of 1969. Amends the Child Care Act of 1969. Provides that the transfer of responsibility for licensure under the Act from the Department of Children and Family Services to the State Board of Education shall begin on the effective date of the amendatory Act. Provides that the State Board of Education may adopt any rules and emergency rules and execute any intergovernmental agreements necessary to assume responsibility for the transfer. Changes references in provisions concerning day care licensing from "Department of Children and Family Services" to "State Board of Education". Makes conforming changes. Amends the Illinois Administrative Procedure Act to provide for emergency rulemaking.

LRB103 34724 SPS 64571 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 Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.55 as follows:

6 (5 ILCS 100/5-45.55 new)

7 Sec. 5-45.55. Emergency rulemaking; this amendatory Act of
8 the 103rd General Assembly. To provide for the expeditious and
9 timely implementation of this amendatory Act of the 103rd
10 General Assembly, emergency rules implementing this amendatory
11 Act of the 103rd General Assembly may be adopted in accordance
12 with Section 5-45 by the State Board of Education. The
13 adoption of emergency rules authorized by Section 5-45 and
14 this Section is deemed to be necessary for the public
15 interest, safety, and welfare.

16 This Section is repealed one year after the effective date
17 of this amendatory Act of the 103rd General Assembly.

18 Section 10. The School Code is amended by changing Section
19 1A-4 as follows:

20 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

21 Sec. 1A-4. Powers and duties of the Board.

1 A. (Blank).

2 B. The Board shall determine the qualifications of and
3 appoint a chief education officer, to be known as the State
4 Superintendent of Education, who may be proposed by the
5 Governor and who shall serve at the pleasure of the Board and
6 pursuant to a performance-based contract linked to statewide
7 student performance and academic improvement within Illinois
8 schools. Upon expiration or buyout of the contract of the
9 State Superintendent of Education in office on the effective
10 date of this amendatory Act of the 93rd General Assembly, a
11 State Superintendent of Education shall be appointed by a
12 State Board of Education that includes the 7 new Board members
13 who were appointed to fill seats of members whose terms were
14 terminated on the effective date of this amendatory Act of the
15 93rd General Assembly. Thereafter, a State Superintendent of
16 Education must, at a minimum, be appointed at the beginning of
17 each term of a Governor after that Governor has made
18 appointments to the Board. A performance-based contract issued
19 for the employment of a State Superintendent of Education
20 entered into on or after the effective date of this amendatory
21 Act of the 93rd General Assembly must expire no later than
22 February 1, 2007, and subsequent contracts must expire no
23 later than February 1 each 4 years thereafter. No contract
24 shall be extended or renewed beyond February 1, 2007 and
25 February 1 each 4 years thereafter, but a State Superintendent
26 of Education shall serve until his or her successor is

1 appointed. Each contract entered into on or before January 8,
2 2007 with a State Superintendent of Education must provide
3 that the State Board of Education may terminate the contract
4 for cause, and the State Board of Education shall not
5 thereafter be liable for further payments under the contract.
6 With regard to this amendatory Act of the 93rd General
7 Assembly, it is the intent of the General Assembly that,
8 beginning with the Governor who takes office on the second
9 Monday of January, 2007, a State Superintendent of Education
10 be appointed at the beginning of each term of a Governor after
11 that Governor has made appointments to the Board. The State
12 Superintendent of Education shall not serve as a member of the
13 State Board of Education. The Board shall set the compensation
14 of the State Superintendent of Education who shall serve as
15 the Board's chief executive officer. The Board shall also
16 establish the duties, powers and responsibilities of the State
17 Superintendent, which shall be included in the State
18 Superintendent's performance-based contract along with the
19 goals and indicators of student performance and academic
20 improvement used to measure the performance and effectiveness
21 of the State Superintendent. The State Board of Education may
22 delegate to the State Superintendent of Education the
23 authority to act on the Board's behalf, provided such
24 delegation is made pursuant to adopted board policy or the
25 powers delegated are ministerial in nature. The State Board
26 may not delegate authority under this Section to the State

1 Superintendent to (1) nonrecognize school districts, (2)
2 withhold State payments as a penalty, or (3) make final
3 decisions under the contested case provisions of the Illinois
4 Administrative Procedure Act unless otherwise provided by law.

5 C. The powers and duties of the State Board of Education
6 shall encompass all duties delegated to the Office of
7 Superintendent of Public Instruction on January 12, 1975,
8 except as the law providing for such powers and duties is
9 thereafter amended, and such other powers and duties as the
10 General Assembly shall designate. The Board shall be
11 responsible for the educational policies and guidelines for
12 public schools, pre-school through grade 12 and Vocational
13 Education in the State of Illinois. The Board shall analyze
14 the present and future aims, needs, and requirements of
15 education in the State of Illinois and recommend to the
16 General Assembly the powers which should be exercised by the
17 Board. The Board shall recommend the passage and the
18 legislation necessary to determine the appropriate
19 relationship between the Board and local boards of education
20 and the various State agencies and shall recommend desirable
21 modifications in the laws which affect schools. The Board
22 shall license day care centers, licensed day care homes, and
23 licensed group day care as described in the Child Care Act of
24 1969.

25 D. Two members of the Board shall be appointed by the
26 chairperson to serve on a standing joint Education Committee,

1 2 others shall be appointed from the Board of Higher
2 Education, 2 others shall be appointed by the chairperson of
3 the Illinois Community College Board, and 2 others shall be
4 appointed by the chairperson of the Human Resource Investment
5 Council. The Committee shall be responsible for making
6 recommendations concerning the submission of any workforce
7 development plan or workforce training program required by
8 federal law or under any block grant authority. The Committee
9 will be responsible for developing policy on matters of mutual
10 concern to elementary, secondary and higher education such as
11 Occupational and Career Education, Teacher Preparation and
12 Licensure, Educational Finance, Articulation between
13 Elementary, Secondary and Higher Education and Research and
14 Planning. The joint Education Committee shall meet at least
15 quarterly and submit an annual report of its findings,
16 conclusions, and recommendations to the State Board of
17 Education, the Board of Higher Education, the Illinois
18 Community College Board, the Human Resource Investment
19 Council, the Governor, and the General Assembly. All meetings
20 of this Committee shall be official meetings for reimbursement
21 under this Act. On the effective date of this amendatory Act of
22 the 95th General Assembly, the Joint Education Committee is
23 abolished.

24 E. Five members of the Board shall constitute a quorum. A
25 majority vote of the members appointed, confirmed and serving
26 on the Board is required to approve any action, except that the

1 7 new Board members who were appointed to fill seats of members
2 whose terms were terminated on the effective date of this
3 amendatory act of the 93rd General Assembly may vote to
4 approve actions when appointed and serving.

5 F. Upon appointment of the 7 new Board members who were
6 appointed to fill seats of members whose terms were terminated
7 on the effective date of this amendatory Act of the 93rd
8 General Assembly, the Board shall review all of its current
9 rules in an effort to streamline procedures, improve
10 efficiency, and eliminate unnecessary forms and paperwork.
11 (Source: P.A. 102-894, eff. 5-20-22.)

12 Section 15. The Child Care Act of 1969 is amended by
13 changing Sections 2.09, 3, 4.5, 5, 5.1, 5.8, 5.9, 5.10, 5.11,
14 6, 7, 7.10, 9.1c, and 9.2 and by adding Sections 2.35 and 3.7
15 as follows:

16 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

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

22 The term does not include:

23 (a) programs operated by (i) public or private
24 elementary school systems or secondary level school units

1 or institutions of higher learning that serve children who
2 shall have attained the age of 3 years or (ii) private
3 entities on the grounds of public or private elementary or
4 secondary schools and that serve children who have
5 attained the age of 3 years, except that this exception
6 applies only to the facility and not to the private
7 entities' personnel operating the program;

8 (b) programs or that portion of the program which
9 serves children who shall have attained the age of 3 years
10 and which are recognized by the State Board of Education;

11 (c) educational program or programs serving children
12 who shall have attained the age of 3 years and which are
13 operated by a school which is registered with the State
14 Board of Education and which is recognized or accredited
15 by a recognized national or multistate educational
16 organization or association which regularly recognizes or
17 accredits schools;

18 (d) programs which exclusively serve or that portion
19 of the program which serves children with disabilities who
20 shall have attained the age of 3 years but are less than 21
21 years of age and which are registered and approved as
22 meeting standards of the State Board of Education and
23 applicable fire marshal standards;

24 (e) facilities operated in connection with a shopping
25 center or service, religious services, or other similar
26 facility, where transient children are cared for

1 temporarily while parents or custodians of the children
2 are occupied on the premises and readily available;

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

5 (g) special activities programs, including athletics,
6 recreation, crafts instruction, and similar activities
7 conducted on an organized and periodic basis by civic,
8 charitable and governmental organizations, including, but
9 not limited to, programs offered by park districts
10 organized under the Park District Code to children who
11 shall have attained the age of 3 years old if the program
12 meets no more than 3.5 continuous hours at a time or less
13 and no more than 25 hours during any week, and the park
14 district conducts background investigations on employees
15 of the program pursuant to Section 8-23 of the Park
16 District Code;

17 (h) part day child care facilities, as defined in
18 Section 2.10 of this Act;

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

20 (1) serves children who shall have attained the
21 age of 3 years;

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

25 (3) receives no governmental aid;

26 (4) is operated as a component of a religious,

1 nonprofit elementary school;

2 (5) operates primarily to provide religious
3 education; and

4 (6) meets appropriate State or local health and
5 fire safety standards; or

6 (j) programs or portions of programs that:

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

10 (2) are organized to promote childhood learning,
11 child and youth development, educational or
12 recreational activities, or character-building;

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

15 (4) comply with the standards of the Illinois
16 Department of Public Health (77 Ill. Adm. Code 750) or
17 the local health department, the Illinois State Fire
18 Marshal (41 Ill. Adm. Code 100), and the following
19 additional health and safety requirements: procedures
20 for employee and volunteer emergency preparedness and
21 practice drills; procedures to ensure that first aid
22 kits are maintained and ready to use; the placement of
23 a minimum level of liability insurance as determined
24 by the State Board ~~Department~~; procedures for the
25 availability of a working telephone that is onsite and
26 accessible at all times; procedures to ensure that

1 emergency phone numbers are posted onsite; and a
2 restriction on handgun or weapon possession onsite,
3 except if possessed by a peace officer;

4 (5) perform and maintain authorization and results
5 of criminal history checks through the Illinois State
6 Police and FBI and checks of the Illinois Sex Offender
7 Registry, the National Sex Offender Registry, and
8 Child Abuse and Neglect Tracking System for employees
9 and volunteers who work directly with children;

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

14 (7) provide parents with written disclosure that
15 the operations of the program are not regulated by
16 licensing requirements; and

17 (8) obtain and maintain records showing the first
18 and last name and date of birth of the child, name,
19 address, and telephone number of each parent,
20 emergency contact information, and written
21 authorization for medical care.

22 Programs or portions of programs requesting Child Care
23 Assistance Program (CCAP) funding and otherwise meeting the
24 requirements under item (j) shall request exemption from the
25 State Board ~~Department~~ and be determined exempt prior to
26 receiving funding and must annually meet the eligibility

1 requirements and be appropriate for payment under the CCAP.

2 Programs or portions of programs under item (j) that do
3 not receive State or federal funds must comply with staff
4 qualification and training standards established by rule by
5 the Department of Human Services. The Department of Human
6 Services shall set such standards after review of Afterschool
7 for Children and Teens Now (ACT Now) evidence-based quality
8 standards developed for school-age out-of-school time
9 programs, feedback from the school-age out-of-school time
10 program professionals, and review of out-of-school time
11 professional development frameworks and quality tools.

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

16 For purposes of items (a), (b), (c), (d), and (i) of this
17 Section, "children who shall have attained the age of 3 years"
18 shall mean children who are 3 years of age, but less than 4
19 years of age, at the time of enrollment in the program.

20 (Source: P.A. 103-153, eff. 6-30-23.)

21 (225 ILCS 10/2.35 new)

22 Sec. 2.35. State Board. "State Board" means the State
23 Board of Education.

24 (225 ILCS 10/3) (from Ch. 23, par. 2213)

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

13 (b) No part day child care facility as described in
14 Section 2.10 may operate without written notification to the
15 State Board ~~Department~~ or without complying with Section 7.1.
16 Notification shall include a notarized statement by the
17 facility that the facility complies with state or local health
18 standards and state fire safety standards, and shall be filed
19 with the State Board ~~department~~ every 2 years.

20 (c) The Director of the Department shall establish
21 policies and coordinate activities relating to child care
22 licensing, except as provided in subsection (c-5) ~~, licensing~~
23 ~~of day care homes and day care centers.~~

24 (c-5) The State Superintendent of Education shall
25 establish policies and coordinate activities relating to the
26 licensing of day care homes and day care centers.

1 (d) Any facility or agency which is exempt from licensing
2 may apply for licensing if licensing is required for some
3 government benefit.

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

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

18 (225 ILCS 10/3.7 new)

19 Sec. 3.7. Transfer of day care center and part day child
20 care facility licensing functions.

21 (a) Responsibility for the licensing of day care centers,
22 day care homes, and group day care homes under this Act is
23 transferred from the Department of Children and Family
24 Services to the State Board of Education on the effective date
25 of this amendatory Act of the 103rd General Assembly.

1 (b) The State Board of Education may adopt any rules and
2 emergency rules and execute any intergovernmental agreements
3 necessary to assume responsibility for the licensure of day
4 care centers and part day child care facilities under this
5 Act.

6 (225 ILCS 10/4.5)

7 Sec. 4.5. Children with disabilities; training.

8 (a) An owner or operator of a licensed day care home or
9 group day care home or the onsite executive director of a
10 licensed day care center must successfully complete a basic
11 training course in providing care to children with
12 disabilities. The basic training course will also be made
13 available on a voluntary basis to those providers who are
14 exempt from the licensure requirements of this Act.

15 (b) The State Board ~~Department of Children and Family~~
16 ~~Services~~ shall promulgate rules establishing the requirements
17 for basic training in providing care to children with
18 disabilities.

19 (Source: P.A. 92-164, eff. 1-1-02.)

20 (225 ILCS 10/5) (from Ch. 23, par. 2215)

21 Sec. 5. (a) In respect to child care institutions,
22 maternity centers, child welfare agencies, ~~day care centers,~~
23 ~~day care agencies~~ and group homes, the Department, upon
24 receiving application filed in proper order, shall examine the

1 facilities and persons responsible for care of children
2 therein.

3 (a-5) In respect to day care centers and day care
4 agencies, the State Board, upon receiving application filed in
5 proper order, shall examine the facilities and persons
6 responsible for care of children therein.

7 (b) In respect to foster family and day care homes,
8 applications may be filed on behalf of such homes by a licensed
9 child welfare agency, by a State agency authorized to place
10 children in foster care or by out-of-State agencies approved
11 by the Department or State Board to place children in this
12 State. In respect to day care homes, applications may be filed
13 on behalf of such homes by a licensed day care agency or
14 licensed child welfare agency. In applying for license in
15 behalf of a home in which children are placed by and remain
16 under supervision of the applicant agency, such agency shall
17 certify that the home and persons responsible for care of
18 unrelated children therein, or the home and relatives, as
19 defined in Section 2.17 of this Act, responsible for the care
20 of related children therein, were found to be in reasonable
21 compliance with standards prescribed by the Department or
22 State Board for the type of care indicated.

23 (c) The Department or State Board shall not allow any
24 person to examine facilities under a provision of this Act who
25 has not passed an examination demonstrating that such person
26 is familiar with this Act and with the appropriate standards

1 and regulations of the Department or State Board.

2 (d) With the exception of day care centers, day care
3 homes, and group day care homes, licenses shall be issued in
4 such form and manner as prescribed by the Department and are
5 valid for 4 years from the date issued, unless revoked by the
6 Department or voluntarily surrendered by the licensee.
7 Licenses issued for day care centers, day care homes, and
8 group day care homes shall be valid for 3 years from the date
9 issued, unless revoked by the State Board ~~Department~~ or
10 voluntarily surrendered by the licensee. When a licensee has
11 made timely and sufficient application for the renewal of a
12 license or a new license with reference to any activity of a
13 continuing nature, the existing license shall continue in full
14 force and effect for up to 30 days until the final agency
15 decision on the application has been made. The Department or
16 State Board may further extend the period in which such
17 decision must be made in individual cases for up to 30 days,
18 but such extensions shall be only upon good cause shown.

19 (e) The Department or State Board may issue one 6-month
20 permit to a newly established facility for child care to allow
21 that facility reasonable time to become eligible for a full
22 license. If the facility for child care is a foster family
23 home, or day care home the Department or State Board may issue
24 one 2-month permit only.

25 (f) The Department or State Board may issue an emergency
26 permit to a child care facility taking in children as a result

1 of the temporary closure for more than 2 weeks of a licensed
2 child care facility due to a natural disaster. An emergency
3 permit under this subsection shall be issued to a facility
4 only if the persons providing child care services at the
5 facility were employees of the temporarily closed day care
6 center at the time it was closed. No investigation of an
7 employee of a child care facility receiving an emergency
8 permit under this subsection shall be required if that
9 employee has previously been investigated at another child
10 care facility. No emergency permit issued under this
11 subsection shall be valid for more than 90 days after the date
12 of issuance.

13 (g) During the hours of operation of any licensed child
14 care facility, authorized representatives of the Department or
15 State Board may without notice visit the facility for the
16 purpose of determining its continuing compliance with this Act
17 or regulations adopted pursuant thereto.

18 (h) Day care centers, day care homes, and group day care
19 homes shall be monitored at least annually by a licensing
20 representative from the State Board ~~Department~~ or the agency
21 that recommended licensure.

22 (Source: P.A. 98-804, eff. 1-1-15.)

23 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

24 Sec. 5.1. (a) The Department and State Board shall ensure
25 that no day care center, group home, or child care institution

1 as defined in this Act shall on a regular basis transport a
2 child or children with any motor vehicle unless such vehicle
3 is operated by a person who complies with the following
4 requirements:

5 1. is 21 years of age or older;

6 2. currently holds a valid driver's license, which has
7 not been revoked or suspended for one or more traffic
8 violations during the 3 years immediately prior to the
9 date of application;

10 3. demonstrates physical fitness to operate vehicles
11 by submitting the results of a medical examination
12 conducted by a licensed physician;

13 4. has not been convicted of more than 2 offenses
14 against traffic regulations governing the movement of
15 vehicles within a 12-month ~~twelve-month~~ period;

16 5. has not been convicted of reckless driving or
17 driving under the influence or manslaughter or reckless
18 homicide resulting from the operation of a motor vehicle
19 within the past 3 years;

20 6. has signed and submitted a written statement
21 certifying that the person has not, through the unlawful
22 operation of a motor vehicle, caused a crash which
23 resulted in the death of any person within the 5 years
24 immediately prior to the date of application.

25 However, such day care centers, group homes, and child
26 care institutions may provide for transportation of a child or

1 children for special outings, functions, or purposes that are
2 not scheduled on a regular basis without verification that
3 drivers for such purposes meet the requirements of this
4 Section.

5 (a-5) As a means of ensuring compliance with the
6 requirements set forth in subsection (a), the Department and
7 State Board shall implement appropriate measures to verify
8 that every individual who is employed at a group home or child
9 care institution meets those requirements.

10 For every person employed at a group home or child care
11 institution who regularly transports children in the course of
12 performing the person's duties, the Department and State Board
13 must make the verification every 2 years. Upon the
14 Department's or State Board's request, the Secretary of State
15 shall provide the Department or State Board with the
16 information necessary to enable the Department or State Board
17 to make the verifications required under subsection (a).

18 In the case of an individual employed at a group home or
19 child care institution who becomes subject to subsection (a)
20 for the first time after January 1, 2007 (the effective date of
21 Public Act 94-943) ~~this amendatory Act of the 94th General~~
22 ~~Assembly,~~ the Department or State Board must make that
23 verification with the Secretary of State before the individual
24 operates a motor vehicle to transport a child or children
25 under the circumstances described in subsection (a).

26 In the case of an individual employed at a group home or

1 child care institution who is subject to subsection (a) on
2 January 1, 2007 (the effective date of Public Act 94-943) ~~this~~
3 ~~amendatory Act of the 94th General Assembly~~, the Department or
4 State Board must make that verification with the Secretary of
5 State within 30 days after January 1, 2007 ~~that effective~~
6 ~~date~~.

7 If the Department or State Board discovers that an
8 individual fails to meet the requirements set forth in
9 subsection (a), the Department or State Board shall promptly
10 notify the appropriate group home or child care institution.

11 (b) Any individual who holds a valid Illinois school bus
12 driver permit issued by the Secretary of State pursuant to the
13 ~~The~~ Illinois Vehicle Code, and who is currently employed by a
14 school district or parochial school, or by a contractor with a
15 school district or parochial school, to drive a school bus
16 transporting children to and from school, shall be deemed in
17 compliance with the requirements of subsection (a).

18 (c) The Department or State Board may, pursuant to Section
19 8 of this Act, revoke the license of any day care center, group
20 home, or child care institution that fails to meet the
21 requirements of this Section.

22 (d) A group home or child care institution that fails to
23 meet the requirements of this Section is guilty of a petty
24 offense and is subject to a fine of not more than \$1,000. Each
25 day that a group home or child care institution fails to meet
26 the requirements of this Section is a separate offense.

1 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
2 revised 9-21-23.)

3 (225 ILCS 10/5.8)

4 Sec. 5.8. Radon testing of licensed day care centers,
5 licensed day care homes, and licensed group day care homes.

6 (a) Effective January 1, 2013, licensed day care centers,
7 licensed day care homes, and licensed group day care homes
8 shall have the facility tested for radon at least once every 3
9 years pursuant to rules established by the Illinois Emergency
10 Management Agency.

11 (b) Effective January 1, 2014, as part of an initial
12 application or application for renewal of a license for day
13 care centers, day care homes, and group day care homes, the
14 State Board ~~Department~~ shall require proof the facility has
15 been tested within the last 3 years for radon pursuant to rules
16 established by the Illinois Emergency Management Agency.

17 (c) The report of the most current radon measurement shall
18 be posted in the facility next to the license issued by the
19 State Board ~~Department~~. Copies of the report shall be provided
20 to parents or guardians upon request.

21 (d) Included with the report referenced in subsection (c)
22 shall be the following statement:

23 "Every parent or guardian is notified that this
24 facility has performed radon measurements to ensure the
25 health and safety of the occupants. The Illinois Emergency

1 Management Agency (IEMA) recommends that all residential
2 homes be tested and that corrective actions be taken at
3 levels equal to or greater than 4.0 pCi/L. Radon is a Class
4 A human carcinogen, the leading cause of lung cancer in
5 non-smokers, and the second leading cause of lung cancer
6 overall. For additional information about this facility
7 contact the licensee and for additional information
8 regarding radon contact the IEMA Radon Program at
9 800-325-1245 or on the Internet at
10 www.radon.illinois.gov".

11 (Source: P.A. 97-981, eff. 1-1-13.)

12 (225 ILCS 10/5.9)

13 Sec. 5.9. Lead testing of water in licensed day care
14 centers, day care homes and group day care homes.

15 (a) On or before January 1, 2018, the State Board
16 ~~Department~~, in consultation with the Department of Public
17 Health, shall adopt rules that prescribe the procedures and
18 standards to be used by the State Board ~~Department~~ in
19 assessing levels of lead in water in licensed day care
20 centers, day care homes, and group day care homes constructed
21 on or before January 1, 2000 that serve children under the age
22 of 6. Such rules shall, at a minimum, include provisions
23 regarding testing parameters, the notification of sampling
24 results, training requirements for lead exposure and
25 mitigation.

1 (b) After adoption of the rules required by subsection
2 (a), and as part of an initial application or application for
3 renewal of a license for day care centers, day care homes, and
4 group day care homes, the State Board ~~Department~~ shall require
5 proof that the applicant has complied with all such rules.

6 (Source: P.A. 99-922, eff. 1-17-17.)

7 (225 ILCS 10/5.10)

8 Sec. 5.10. Child care limitation on expulsions. Consistent
9 with the purposes of this amendatory Act of the 100th General
10 Assembly and the requirements therein under paragraph (7) of
11 subsection (a) of Section 2-3.71 of the School Code, the State
12 Board ~~Department~~, in consultation with the Governor's Office
13 of Early Childhood Development and the State Board of
14 Education, shall adopt rules prohibiting the use of expulsion
15 due to a child's persistent and serious challenging behaviors
16 in licensed day care centers, day care homes, and group day
17 care homes. The rulemaking shall address, at a minimum,
18 requirements for licensees to establish intervention and
19 transition policies, notify parents of policies, document
20 intervention steps, and collect and report data on children
21 transitioning out of the program.

22 (Source: P.A. 100-105, eff. 1-1-18.)

23 (225 ILCS 10/5.11)

24 Sec. 5.11. Plan for anaphylactic shock. The State Board

1 ~~Department~~ shall require each licensed day care center, day
2 care home, and group day care home to have a plan for
3 anaphylactic shock to be followed for the prevention of
4 anaphylaxis and during a medical emergency resulting from
5 anaphylaxis. The plan should be based on the guidance and
6 recommendations provided by the American Academy of Pediatrics
7 relating to the management of food allergies or other
8 allergies. The plan should be shared with parents or guardians
9 upon enrollment at each licensed day care center, day care
10 home, and group day care home. If a child requires specific
11 specialized treatment during an episode of anaphylaxis, that
12 child's treatment plan should be kept by the staff of the day
13 care center, day care home, or group day care home and followed
14 in the event of an emergency. Each licensed day care center,
15 day care home, and group day care home shall have at least one
16 staff member present at all times who has taken a training
17 course in recognizing and responding to anaphylaxis.

18 (Source: P.A. 102-413, eff. 8-20-21.)

19 (225 ILCS 10/6) (from Ch. 23, par. 2216)

20 Sec. 6. (a) A licensed facility operating as a "child care
21 institution", "maternity center", or "child welfare agency"~~7~~
22 ~~"day care agency" or "day care center"~~ must apply for renewal
23 of its license held, the application to be made to the
24 Department on forms prescribed by it.

25 (a-5) A licensed facility operating as a "day care agency"

1 or "day care center" must apply for renewal of its license
2 held, the application to be made to the State Board on forms
3 prescribed by it.

4 (b) The Department or State Board, a duly licensed child
5 welfare agency or a suitable agency or person designated by
6 the Department or State Board as its agent to do so, must
7 re-examine every child care facility for renewal of license,
8 including in that process the examination of the premises and
9 records of the facility as the Department or State Board
10 considers necessary to determine that minimum standards for
11 licensing continue to be met, and random surveys of parents or
12 legal guardians who are consumers of such facilities' services
13 to assess the quality of care at such facilities. In the case
14 of foster family homes, ~~or day care homes~~ under the
15 supervision of or otherwise required to be licensed by the
16 Department, or under supervision of a licensed child welfare
17 agency ~~or day care agency~~, the examination shall be made by the
18 Department, or agency supervising such homes. If the
19 Department is satisfied that the facility continues to
20 maintain minimum standards which it prescribes and publishes,
21 it shall renew the license to operate the facility.

22 (b-5) In the case of a quality of care concerns applicant
23 as defined in Section 2.22a of this Act, in addition to the
24 examination required in subsection (b) of this Section, the
25 Department shall not renew the license of a quality of care
26 concerns applicant unless the Department is satisfied that the

1 foster family home does not pose a risk to children and that
2 the foster family home will be able to meet the physical and
3 emotional needs of children. In making this determination, the
4 Department must obtain and carefully review all relevant
5 documents and shall obtain consultation from its Clinical
6 Division as appropriate and as prescribed by Department rule
7 and procedure. The Department has the authority to deny an
8 application for renewal based on a record of quality of care
9 concerns. In the alternative, the Department may (i) approve
10 the application for renewal subject to obtaining additional
11 information or assessments, (ii) approve the application for
12 renewal for purposes of placing or maintaining only a
13 particular child or children only in the foster home, or (iii)
14 approve the application for renewal. The Department shall
15 notify the quality of care concerns applicant of its decision
16 and the basis for its decision in writing.

17 (b-10) In the case of day care homes under the supervision
18 of or otherwise required to be licensed by the State Board or
19 under supervision of a licensed day care center the
20 examination shall be made by the State Board or agency
21 supervising such homes. If the State Board is satisfied that
22 the facility continues to maintain minimum standards which it
23 prescribes and publishes, it shall renew the license to
24 operate the facility.

25 (c) If a child care facility's license, other than a
26 license for a foster family home, is revoked, or if the

1 Department or State Board refuses to renew a facility's
2 license, the facility may not reapply for a license before the
3 expiration of 12 months following the Department's or State
4 Board's action; provided, however, that the denial of a
5 reapplication for a license pursuant to this subsection must
6 be supported by evidence that the prior revocation renders the
7 applicant unqualified or incapable of satisfying the standards
8 and rules promulgated by the Department or State Board
9 pursuant to this Act or maintaining a facility which adheres
10 to such standards and rules.

11 (d) If a foster family home license (i) is revoked, (ii) is
12 surrendered for cause, or (iii) expires or is surrendered with
13 either certain types of involuntary placement holds in place
14 or while a licensing or child abuse or neglect investigation
15 is pending, or if the Department refuses to renew a foster home
16 license, the foster home may not reapply for a license before
17 the expiration of 5 years following the Department's action or
18 following the expiration or surrender of the license.

19 (Source: P.A. 99-779, eff. 1-1-17.)

20 (225 ILCS 10/7) (from Ch. 23, par. 2217)

21 Sec. 7. (a) The Department and State Board must prescribe
22 and publish minimum standards for licensing that apply to the
23 various types of facilities for child care defined in this Act
24 and that are equally applicable to like institutions under the
25 control of the Department or State Board and to foster family

1 homes used by and under the direct supervision of the
2 Department. The Department and State Board shall seek the
3 advice and assistance of persons representative of the various
4 types of child care facilities in establishing such standards.
5 The standards prescribed and published under this Act take
6 effect as provided in the Illinois Administrative Procedure
7 Act, and are restricted to regulations pertaining to the
8 following matters and to any rules and regulations required or
9 permitted by any other Section of this Act:

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

12 (2) The character, suitability and qualifications of
13 the applicant and other persons directly responsible for
14 the care and welfare of children served. All child day
15 care center licensees and employees who are required to
16 report child abuse or neglect under the Abused and
17 Neglected Child Reporting Act shall be required to attend
18 training on recognizing child abuse and neglect, as
19 prescribed by Department or State Board rules;

20 (3) The general financial ability and competence of
21 the applicant to provide necessary care for children and
22 to maintain prescribed standards;

23 (4) The number of individuals or staff required to
24 insure adequate supervision and care of the children
25 received. The standards shall provide that each child care
26 institution, maternity center, day care center, group

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

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

21 (6) Provisions for food, clothing, educational
22 opportunities, program, equipment and individual supplies
23 to assure the healthy physical, mental, and spiritual
24 development of children served;

25 (7) Provisions to safeguard the legal rights of
26 children served;

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

9 (9) Filing of reports with the Department or State
10 Board;

11 (10) Discipline of children;

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

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

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

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

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

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

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

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

20 By July 1, 2022, all licensed day care home providers,
21 licensed group day care home providers, and licensed day care
22 center directors and classroom staff shall participate in at
23 least one training that includes the topics of early childhood
24 social emotional learning, infant and early childhood mental
25 health, early childhood trauma, or adverse childhood
26 experiences. Current licensed providers, directors, and

1 classroom staff shall complete training by July 1, 2022 and
2 shall participate in training that includes the above topics
3 at least once every 3 years.

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

14 (c) The Department shall investigate any person applying
15 to be licensed as a foster parent to determine whether there is
16 any evidence of current drug or alcohol abuse in the
17 prospective foster family. The Department shall not license a
18 person as a foster parent if drug or alcohol abuse has been
19 identified in the foster family or if a reasonable suspicion
20 of such abuse exists, except that the Department may grant a
21 foster parent license to an applicant identified with an
22 alcohol or drug problem if the applicant has successfully
23 participated in an alcohol or drug treatment program,
24 self-help group, or other suitable activities and if the
25 Department determines that the foster family home can provide
26 a safe, appropriate environment and meet the physical and

1 emotional needs of children.

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

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

25 (f) The Department and State Board shall prepare summaries
26 of day care licensing standards. Each licensee or holder of a

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

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

25 (h) Any standards involving physical examinations,
26 immunization, or medical treatment shall include appropriate

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

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

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

1 certificate with the person's application shall be deemed to
2 be 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. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)

7 (225 ILCS 10/7.10)

8 Sec. 7.10. Progress report.

9 (a) For the purposes of this Section, "child day care
10 licensing" or "day care licensing" means licensing of day care
11 centers, day care homes, and group day care homes.

12 (b) No later than September 30th of each year, the State
13 Board ~~Department~~ shall provide the General Assembly with a
14 comprehensive report on its progress in meeting performance
15 measures and goals related to child day care licensing.

16 (c) The report shall include:

17 (1) details on the funding for child day care
18 licensing, including:

19 (A) the total number of full-time employees
20 working on child day care licensing;

21 (B) the names of all sources of revenue used to
22 support child day care licensing;

23 (C) the amount of expenditures that is claimed
24 against federal funding sources;

25 (D) the identity of federal funding sources; and

1 (E) how funds are appropriated, including
2 appropriations for line staff, support staff,
3 supervisory staff, and training and other expenses and
4 the funding history of such licensing since fiscal
5 year 2010;

6 (2) current staffing qualifications of day care
7 licensing representatives and day care licensing
8 supervisors in comparison with staffing qualifications
9 specified in the job description;

10 (3) data history for fiscal year 2010 to the current
11 fiscal year on day care licensing representative caseloads
12 and staffing levels in all areas of the State;

13 (4) per the DCFS Child Day Care Licensing Advisory
14 Council's work plan, quarterly data on the following
15 measures:

16 (A) the percentage of new applications disposed of
17 within 90 days;

18 (B) the percentage of licenses renewed on time;

19 (C) the percentage of day care centers receiving
20 timely annual monitoring visits;

21 (D) the percentage of day care homes receiving
22 timely annual monitoring visits;

23 (E) the percentage of group day care homes
24 receiving timely annual monitoring visits;

25 (F) the percentage of provider requests for
26 supervisory review;

1 (G) the progress on adopting a key indicator
2 system;

3 (H) the percentage of complaints disposed of
4 within 30 days;

5 (I) the average number of days a day care center
6 applicant must wait to attend a licensing orientation;

7 (J) the number of licensing orientation sessions
8 available per region in the past year; and

9 (K) the number of State Board ~~Department~~ trainings
10 related to licensing and child development available
11 to providers in the past year; and

12 (5) efforts to coordinate with the Department of Human
13 Services ~~and the State Board of Education~~ on professional
14 development, credentialing issues, and child developers,
15 including training registry, child developers, and Quality
16 Rating and Improvement Systems (QRIS).

17 (d) The State Board ~~Department~~ shall work with the
18 Governor's appointed Early Learning Council on issues related
19 to and concerning child day care.

20 (Source: P.A. 97-1096, eff. 8-24-12; 98-839, eff. 1-1-15.)

21 (225 ILCS 10/9.1c)

22 Sec. 9.1c. Public database of day care homes, group day
23 care homes, and day care centers; license status. No later
24 than July 1, 2018, the State Board ~~Department~~ shall establish
25 and maintain on its official website a searchable database,

1 freely accessible to the public, that provides the following
2 information on each day care home, group day care home, and day
3 care center licensed by the State Board ~~Department~~: whether,
4 within the past 5 years, the day care home, group day care
5 home, or day care center has had its license revoked by or
6 surrendered to the State Board ~~Department~~ during a child abuse
7 or neglect investigation or its application for a renewal of
8 its license was denied by the State Board ~~Department~~, and, if
9 so, the dates upon which the license was revoked by or
10 surrendered to the State Board ~~Department~~ or the application
11 for a renewal of the license was denied by the State Board
12 ~~Department~~. The State Board ~~Department~~ may adopt any rules
13 necessary to implement this Section. Nothing in this Section
14 shall be construed to allow or authorize the State Board
15 ~~Department~~ to release or disclose any information that is
16 prohibited from public disclosure under this Act or under any
17 other State or federal law.

18 (Source: P.A. 100-52, eff. 1-1-18.)

19 (225 ILCS 10/9.2)

20 Sec. 9.2. Toll free number; day care information. The
21 State Board ~~Department of Children and Family Services~~ shall
22 establish and maintain a statewide toll-free telephone number
23 that all persons may use to inquire about the past history and
24 record of a day care facility operating in this State. The past
25 history and record shall include, but shall not be limited to,

1 State Board ~~Department~~ substantiated complaints against a day
2 care facility and State Board ~~Department~~ staff findings of
3 license violations by a day care facility. Information
4 disclosed in accordance with this Section shall be subject to
5 the confidentiality requirements provided in this Act.

6 (Source: P.A. 90-671, eff. 1-1-99.)