



Rep. Mary Beth Canty

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1 AMENDMENT TO HOUSE BILL 5451

2 AMENDMENT NO. _____. Amend House Bill 5451 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. GENERAL PROVISIONS

5 Section 1-1. Short title. This Act may be cited as the
6 Department of Early Childhood Act.

7 Section 1-5. Findings. The General Assembly finds that:

8 (1) There are over 875,000 children under the age of 5 in
9 Illinois, nearly half of whom are under the age of 3. At birth,
10 a baby's brain is 25% the size of an adult's brain. Yet, an
11 infant's brain has roughly 86 billion neurons, almost all the
12 neurons the human brain will ever have.

13 (2) From 3 to 15 months, neuron connections form at a rate
14 of 40,000 per second. By age 3, synaptic connections have
15 grown to 100 trillion. Ages 3 to 5 are critical years to build

1 executive function skills like focusing attention, remembering
2 instructions, and demonstrating self-control. Without these
3 skills, children are not fully equipped to learn when they
4 enter kindergarten. By age 5, 90% of brain development is
5 complete.

6 (3) Prenatal programs improve the regular care of birthing
7 parents, reduce the risk of infant low birth weight and
8 mortality, and increase regular child wellness visits,
9 screenings, and immunizations.

10 (4) Early childhood education and care not only improve
11 school readiness and literacy, but also improve cognitive
12 development for future success in life, school, and the
13 workforce.

14 (5) Research shows that for every dollar invested in
15 high-quality early childhood education and care, society gains
16 over \$7 in economic returns in the long-term.

17 (6) Supporting children means supporting their parents and
18 families. The early childhood education and care industry is
19 the workforce behind all other workforces. High-quality child
20 care enables parents and families to consistently work and
21 earn an income to support their children. Research also shows
22 that early childhood education and care programs can reduce
23 parental stress and improve family well-being.

24 (7) Investing in early childhood education and care is in
25 the interest of all residents and will make Illinois the best
26 state in the nation to raise young children.

1 Section 1-10. Purpose. It is the purpose of this Act to
2 provide for the creation of the Department of Early Childhood
3 and to transfer to it certain rights, powers, duties, and
4 functions currently exercised by various agencies of State
5 Government. The Department of Early Childhood shall be the
6 lead State agency for administering and providing early
7 childhood education and care programs and services to children
8 and families. This Act centralizes home-visiting services,
9 early intervention services, preschool services, child care
10 services, licensing for day care centers, day care homes, and
11 group day care homes, and other early childhood education and
12 care programs and administrative functions historically
13 managed by the Illinois State Board of Education, the Illinois
14 Department of Human Services, and the Illinois Department of
15 Children and Family Services. Centralizing early childhood
16 functions into a single State agency is intended to simplify
17 the process for parents and caregivers to identify and enroll
18 children in early childhood services, to create new,
19 equity-driven statewide systems, to streamline administrative
20 functions for providers, and to improve kindergarten readiness
21 for children.

22 Section 1-11. Rights; privileges; protections.
23 Notwithstanding any provision of law to the contrary, any
24 rights, privileges, or protections afforded to students in

1 early childhood education and care programs, including
2 undocumented students, under the School Code or any other
3 provision of law shall not terminate upon the effective date
4 of this Act.

5 Section 1-15. Definitions. As used in this Act, unless the
6 context otherwise requires:

7 "Department" means the Department of Early Childhood.

8 "Secretary" means the Secretary of Early Childhood.

9 "Transferring agency" means the Department of Human
10 Services, Department of Children and Family Services, and the
11 State Board of Education.

12 Section 1-20. Department; Secretary; organization.

13 (a) The Department of Early Childhood is created and shall
14 begin operation on July 1, 2024.

15 (b) The head officer of the Department is the Secretary.
16 The Secretary shall be appointed by the Governor, with the
17 advice and consent of the Senate. The initial term of the
18 Secretary shall run from the date of appointment until January
19 18, 2027, and until a successor has been appointed and
20 qualified. Thereafter, the Secretary's term shall be as
21 provided in Section 5-610 of the Civil Administrative Code of
22 Illinois. The Department may employ or retain other persons to
23 assist in the discharge of its functions, subject to the
24 Personnel Code.

1 (c) The Governor may, with the advice and consent of the
2 Senate, appoint an appropriate number of persons to serve as
3 Assistant Secretaries to head the major programmatic divisions
4 of the Department. Assistant Secretaries shall not be subject
5 to the Personnel Code.

6 (d) The Secretary shall create divisions and
7 administrative units within the Department and shall assign
8 functions, powers, duties, and personnel as may now or in the
9 future be required by State or federal law. The Secretary may
10 create other divisions and administrative units and may assign
11 other functions, powers, duties, and personnel as may be
12 necessary or desirable to carry out the functions and
13 responsibilities vested by law in the Department.

14 Section 1-30. General powers and duties.

15 (a) The Department shall exercise the rights, powers,
16 duties, and functions provided by law, including, but not
17 limited to, the rights, powers, duties, and functions
18 transferred to the Department.

19 (b) The Department may employ personnel (in accordance
20 with the Personnel Code and any applicable collective
21 bargaining agreements), provide facilities, contract for goods
22 and services, and adopt rules as necessary to carry out its
23 functions and purposes, all in accordance with applicable
24 State and federal law.

25 The Department may establish such subdivisions of the

1 Department as shall be desirable and assign to the various
2 subdivisions the responsibilities and duties placed upon the
3 Department by the Laws of the State of Illinois.

4 The Department shall adopt, as necessary, rules for the
5 execution of its powers. The provisions of the Illinois
6 Administrative Procedure Act are hereby expressly adopted and
7 shall apply to all administrative rules and procedures of the
8 Department under this Act, except that Section 5-35 of the
9 Illinois Administrative Procedure Act relating to procedures
10 for rulemaking does not apply to the adoption of any rule
11 required by federal law in connection with which the
12 Department is precluded by law from exercising any discretion.

13 (c) Procurements necessary for the Department of Early
14 Childhood to implement this Act are subject to the Illinois
15 Procurement Code, except as otherwise provided in paragraph
16 (25) of subsection (b) of Section 1-10 of that Code. The
17 Department of Early Childhood is subject to the Business
18 Enterprise for Minorities, Women, and Persons with
19 Disabilities Act.

20 Section 1-35. Advisory body. By July 1, 2026, the
21 Department shall create or designate an advisory body to
22 counsel the Department on an ongoing basis, ensuring the
23 Department functions with transparency, operates with a
24 commitment to centering racial equity and to meaningful
25 inclusion of parent, early childhood service provider, and

1 other public stakeholder engagement, feedback, and counsel,
2 including the creation of committees or working groups, and
3 devotes appropriate attention to data collection and timely
4 public reporting. This advisory body's membership shall
5 include representation from both public and private
6 organizations, and its membership shall reflect the regional,
7 racial, socioeconomic, and cultural diversity of the State to
8 ensure representation of the needs of all Illinois children
9 and families.

10 ARTICLE 10. POWERS AND DUTIES RELATING TO EARLY INTERVENTION
11 SERVICES

12 Section 10-5. Transition planning. Beginning July 1, 2024,
13 the Department of Early Childhood and the Department of Human
14 Services shall collaborate and plan for the transition of
15 administrative responsibilities as prescribed in the Early
16 Intervention Services System Act.

17 Section 10-10. Legislative findings and policy.

18 (a) The General Assembly finds that there is an urgent and
19 substantial need to:

20 (1) enhance the development of all eligible infants
21 and toddlers in the State of Illinois in order to minimize
22 developmental delay and maximize individual potential for
23 adult independence;

1 (2) enhance the capacity of families to meet the
2 special needs of eligible infants and toddlers including
3 the purchase of services when necessary;

4 (3) reduce educational costs by minimizing the need
5 for special education and related services when eligible
6 infants and toddlers reach school age;

7 (4) enhance the independence, productivity and
8 integration with age-appropriate peers of eligible
9 children and their families;

10 (5) reduce social services costs and minimize the need
11 for institutionalization; and

12 (6) prevent secondary impairments and disabilities by
13 improving the health of infants and toddlers, thereby
14 reducing health costs for the families and the State.

15 (b) The General Assembly therefore intends that the
16 policy of this State shall be to:

17 (1) affirm the importance of the family in all areas
18 of the child's development and reinforce the role of the
19 family as a participant in the decision-making processes
20 regarding their child;

21 (2) provide assistance and support to eligible infants
22 and toddlers and their families to address the individual
23 concerns and decisions of each family;

24 (3) develop and implement, on a statewide basis,
25 locally based comprehensive, coordinated,
26 interdisciplinary, interagency early intervention

1 services for all eligible infants and toddlers;

2 (4) enhance the local communities' capacity to provide
3 an array of quality early intervention services;

4 (5) identify and coordinate all available resources
5 for early intervention within the State including those
6 from federal, State, local and private sources;

7 (6) provide financial and technical assistance to
8 local communities for the purposes of coordinating early
9 intervention services in local communities and enhancing
10 the communities' capacity to provide individualized early
11 intervention services to all eligible infants and toddlers
12 in their homes or in community environments; and

13 (7) affirm that eligible infants and toddlers have a
14 right to receive early intervention services to the
15 maximum extent appropriate, in natural environments in
16 which infants and toddlers without disabilities would
17 participate.

18 (c) The General Assembly further finds that early
19 intervention services are cost-effective and effectively serve
20 the developmental needs of eligible infants and toddlers and
21 their families. Therefore, the purpose of this Act is to
22 provide a comprehensive, coordinated, interagency,
23 interdisciplinary early intervention services system for
24 eligible infants and toddlers and their families by enhancing
25 the capacity to provide quality early intervention services,
26 expanding and improving existing services, and facilitating

1 coordination of payments for early intervention services from
2 various public and private sources.

3 Section 10-15. Definitions. As used in this Act:

4 (a) "Eligible infants and toddlers" means infants and
5 toddlers under 36 months of age with any of the following
6 conditions:

7 (1) Developmental delays.

8 (2) A physical or mental condition which typically
9 results in developmental delay.

10 (3) Being at risk of having substantial developmental
11 delays based on informed clinical opinion.

12 (4) Either (A) having entered the program under any of
13 the circumstances listed in paragraphs (1) through (3) of
14 this subsection but no longer meeting the current
15 eligibility criteria under those paragraphs, and
16 continuing to have any measurable delay, or (B) not having
17 attained a level of development in each area, including
18 (i) cognitive, (ii) physical (including vision and
19 hearing), (iii) language, speech, and communication, (iv)
20 social or emotional, or (v) adaptive, that is at least at
21 the mean of the child's age equivalent peers; and, in
22 addition to either item (A) or item (B), (C) having been
23 determined by the multidisciplinary individualized family
24 service plan team to require the continuation of early
25 intervention services in order to support continuing

1 developmental progress, pursuant to the child's needs and
2 provided in an appropriate developmental manner. The type,
3 frequency, and intensity of services shall differ from the
4 initial individualized family services plan because of the
5 child's developmental progress, and may consist of only
6 service coordination, evaluation, and assessments.

7 "Eligible infants and toddlers" includes any child under
8 the age of 3 who is the subject of a substantiated case of
9 child abuse or neglect as defined in the federal Child Abuse
10 Prevention and Treatment Act.

11 (b) "Developmental delay" means a delay in one or more of
12 the following areas of childhood development as measured by
13 appropriate diagnostic instruments and standard procedures:
14 cognitive; physical, including vision and hearing; language,
15 speech and communication; social or emotional; or adaptive.
16 The term means a delay of 30% or more below the mean in
17 function in one or more of those areas.

18 (c) "Physical or mental condition which typically results
19 in developmental delay" means:

20 (1) a diagnosed medical disorder or exposure to a
21 toxic substance bearing a relatively well known expectancy
22 for developmental outcomes within varying ranges of
23 developmental disabilities; or

24 (2) a history of prenatal, perinatal, neonatal or
25 early developmental events suggestive of biological
26 insults to the developing central nervous system and which

1 either singly or collectively increase the probability of
2 developing a disability or delay based on a medical
3 history.

4 (d) "Informed clinical opinion" means both clinical
5 observations and parental participation to determine
6 eligibility by a consensus of a multidisciplinary team of 2 or
7 more members based on their professional experience and
8 expertise.

9 (e) "Early intervention services" means services which:

10 (1) are designed to meet the developmental needs of
11 each child eligible under this Act and the needs of his or
12 her family;

13 (2) are selected in collaboration with the child's
14 family;

15 (3) are provided under public supervision;

16 (4) are provided at no cost except where a schedule of
17 sliding scale fees or other system of payments by families
18 has been adopted in accordance with State and federal law;

19 (5) are designed to meet an infant's or toddler's
20 developmental needs in any of the following areas:

21 (A) physical development, including vision and
22 hearing,

23 (B) cognitive development,

24 (C) communication development,

25 (D) social or emotional development, or

26 (E) adaptive development;

1 (6) meet the standards of the State, including the
2 requirements of this Act;

3 (7) include one or more of the following:

4 (A) family training,

5 (B) social work services, including counseling,
6 and home visits,

7 (C) special instruction,

8 (D) speech, language pathology and audiology,

9 (E) occupational therapy,

10 (F) physical therapy,

11 (G) psychological services,

12 (H) service coordination services,

13 (I) medical services only for diagnostic or
14 evaluation purposes,

15 (J) early identification, screening, and
16 assessment services,

17 (K) health services specified by the lead agency
18 as necessary to enable the infant or toddler to
19 benefit from the other early intervention services,

20 (L) vision services,

21 (M) transportation,

22 (N) assistive technology devices and services,

23 (O) nursing services,

24 (P) nutrition services, and

25 (Q) sign language and cued language services;

26 (8) are provided by qualified personnel, including but

1 not limited to:

2 (A) child development specialists or special
3 educators, including teachers of children with hearing
4 impairments (including deafness) and teachers of
5 children with vision impairments (including
6 blindness),

7 (B) speech and language pathologists and
8 audiologists,

9 (C) occupational therapists,

10 (D) physical therapists,

11 (E) social workers,

12 (F) nurses,

13 (G) dietitian nutritionists,

14 (H) vision specialists, including ophthalmologists
15 and optometrists,

16 (I) psychologists, and

17 (J) physicians;

18 (9) are provided in conformity with an Individualized
19 Family Service Plan;

20 (10) are provided throughout the year; and

21 (11) are provided in natural environments, to the
22 maximum extent appropriate, which may include the home and
23 community settings, unless justification is provided
24 consistent with federal regulations adopted under Sections
25 1431 through 1444 of Title 20 of the United States Code.

26 (f) "Individualized Family Service Plan" or "Plan" means a

1 written plan for providing early intervention services to a
2 child eligible under this Act and the child's family, as set
3 forth in Section 10-65.

4 (g) "Local interagency agreement" means an agreement
5 entered into by local community and State and regional
6 agencies receiving early intervention funds directly from the
7 State and made in accordance with State interagency agreements
8 providing for the delivery of early intervention services
9 within a local community area.

10 (h) "Council" means the Illinois Interagency Council on
11 Early Intervention established under Section 10-30.

12 (i) "Lead agency" means the State agency responsible for
13 administering this Act and receiving and disbursing public
14 funds received in accordance with State and federal law and
15 rules.

16 (i-5) "Central billing office" means the central billing
17 office created by the lead agency under Section 10-75.

18 (j) "Child find" means a service which identifies eligible
19 infants and toddlers.

20 (k) "Regional intake entity" means the lead agency's
21 designated entity responsible for implementation of the Early
22 Intervention Services System within its designated geographic
23 area.

24 (l) "Early intervention provider" means an individual who
25 is qualified, as defined by the lead agency, to provide one or
26 more types of early intervention services, and who has

1 enrolled as a provider in the early intervention program.

2 (m) "Fully credentialed early intervention provider" means
3 an individual who has met the standards in the State
4 applicable to the relevant profession, and has met such other
5 qualifications as the lead agency has determined are suitable
6 for personnel providing early intervention services, including
7 pediatric experience, education, and continuing education. The
8 lead agency shall establish these qualifications by rule filed
9 no later than 180 days after the effective date of this Act.

10 (n) "Telehealth" has the meaning given to that term in
11 Section 5 of the Telehealth Act.

12 (o) "Department" means Department of Early Childhood
13 unless otherwise specified.

14 Section 10-25. Services delivered by telehealth. An early
15 intervention provider may deliver via telehealth any type of
16 early intervention service outlined in subsection (e) of
17 Section 10-15 to the extent of the early intervention
18 provider's scope of practice as established in the provider's
19 respective licensing Act consistent with the standards of care
20 for in-person services. This Section shall not be construed to
21 alter the scope of practice of any early intervention provider
22 or authorize the delivery of early intervention services in a
23 setting or in a manner not otherwise authorized by the laws of
24 this State.

1 Section 10-30. Illinois Interagency Council on Early
2 Intervention.

3 (a) There is established the Illinois Interagency Council
4 on Early Intervention. The Council shall be composed of at
5 least 20 but not more than 30 members. The members of the
6 Council and the designated chairperson of the Council shall be
7 appointed by the Governor. The Council member representing the
8 lead agency may not serve as chairperson of the Council. On and
9 after July 1, 2026, the Council shall be composed of the
10 following members:

11 (1) The Secretary of Early Childhood (or the Secretary's
12 designee) and 2 additional representatives of the Department
13 of Early Childhood designated by the Secretary, plus the
14 Directors (or their designees) of the following State agencies
15 involved in the provision of or payment for early intervention
16 services to eligible infants and toddlers and their families:

17 (A) Department of Insurance; and

18 (B) Department of Healthcare and Family Services.

19 (2) Other members as follows:

20 (A) At least 20% of the members of the Council shall be
21 parents, including minority parents, of infants or
22 toddlers with disabilities or children with disabilities
23 aged 12 or younger, with knowledge of, or experience with,
24 programs for infants and toddlers with disabilities. At
25 least one such member shall be a parent of an infant or
26 toddler with a disability or a child with a disability

1 aged 6 or younger;

2 (B) At least 20% of the members of the Council shall be
3 public or private providers of early intervention
4 services;

5 (C) One member shall be a representative of the
6 General Assembly;

7 (D) One member shall be involved in the preparation of
8 professional personnel to serve infants and toddlers
9 similar to those eligible for services under this Act;

10 (E) Two members shall be from advocacy organizations
11 with expertise in improving health, development, and
12 educational outcomes for infants and toddlers with
13 disabilities;

14 (F) One member shall be a Child and Family Connections
15 manager from a rural district;

16 (G) One member shall be a Child and Family Connections
17 manager from an urban district;

18 (H) One member shall be the co-chair of the Illinois
19 Early Learning Council (or their designee); and

20 (I) Members representing the following agencies or
21 entities: the Department of Human Services; the State
22 Board of Education; the Department of Public Health; the
23 Department of Children and Family Services; the University
24 of Illinois Division of Specialized Care for Children; the
25 Illinois Council on Developmental Disabilities; Head Start
26 or Early Head Start; and the Department of Human Services'

1 Division of Mental Health. A member may represent one or
2 more of the listed agencies or entities.

3 The Council shall meet at least quarterly and in such
4 places as it deems necessary. The Council shall be a
5 continuation of the Council that was created under Section 4
6 of the Early Intervention Services System Act and that is
7 repealed on July 1, 2026 by Section 20.1 of the Early
8 Intervention Services System Act. Members serving on June 30,
9 2026 who have served more than 2 consecutive terms shall
10 continue to serve on the Council on and after July 1, 2026.
11 Once appointed, members shall continue to serve until their
12 successors are appointed. Successors appointed under paragraph
13 (2) shall serve 3-year terms. No member shall be appointed to
14 serve more than 2 consecutive terms.

15 Council members shall serve without compensation but shall
16 be reimbursed for reasonable costs incurred in the performance
17 of their duties, including costs related to child care, and
18 parents may be paid a stipend in accordance with applicable
19 requirements.

20 The Council shall prepare and approve a budget using funds
21 appropriated for the purpose to hire staff, and obtain the
22 services of such professional, technical, and clerical
23 personnel as may be necessary to carry out its functions under
24 this Act. This funding support and staff shall be directed by
25 the lead agency.

26 (b) The Council shall:

1 (1) advise and assist the lead agency in the
2 performance of its responsibilities including but not
3 limited to the identification of sources of fiscal and
4 other support services for early intervention programs,
5 and the promotion of interagency agreements which assign
6 financial responsibility to the appropriate agencies;

7 (2) advise and assist the lead agency in the
8 preparation of applications and amendments to
9 applications;

10 (3) review and advise on relevant rules and standards
11 proposed by the related State agencies;

12 (4) advise and assist the lead agency in the
13 development, implementation and evaluation of the
14 comprehensive early intervention services system;

15 (4.5) coordinate and collaborate with State
16 interagency early learning initiatives, as appropriate;
17 and

18 (5) prepare and submit an annual report to the
19 Governor and to the General Assembly on the status of
20 early intervention programs for eligible infants and
21 toddlers and their families in Illinois. The annual report
22 shall include (i) the estimated number of eligible infants
23 and toddlers in this State, (ii) the number of eligible
24 infants and toddlers who have received services under this
25 Act and the cost of providing those services, and (iii)
26 the estimated cost of providing services under this Act to

1 all eligible infants and toddlers in this State. The
2 report shall be posted by the lead agency on the early
3 intervention website as required under paragraph (f) of
4 Section 10-35 of this Act.

5 No member of the Council shall cast a vote on or
6 participate substantially in any matter which would provide a
7 direct financial benefit to that member or otherwise give the
8 appearance of a conflict of interest under State law. All
9 provisions and reporting requirements of the Illinois
10 Governmental Ethics Act shall apply to Council members.

11 Section 10-35. Lead agency. Through June 30, 2026, the
12 Department of Human Services is designated the lead agency and
13 shall provide leadership in establishing and implementing the
14 coordinated, comprehensive, interagency and interdisciplinary
15 system of early intervention services. On and after July 1,
16 2026, the Department of Early Childhood is designated the lead
17 agency and shall provide leadership in establishing and
18 implementing the coordinated, comprehensive, interagency and
19 interdisciplinary system of early intervention services. The
20 lead agency shall not have the sole responsibility for
21 providing these services. Each participating State agency
22 shall continue to coordinate those early intervention services
23 relating to health, social service and education provided
24 under this authority.

25 The lead agency is responsible for carrying out the

1 following:

2 (a) The general administration, supervision, and
3 monitoring of programs and activities receiving assistance
4 under Section 673 of the Individuals with Disabilities
5 Education Act (20 United States Code 1473).

6 (b) The identification and coordination of all
7 available resources within the State from federal, State,
8 local and private sources.

9 (c) The development of procedures to ensure that
10 services are provided to eligible infants and toddlers and
11 their families in a timely manner pending the resolution
12 of any disputes among public agencies or service
13 providers.

14 (d) The resolution of intra-agency and interagency
15 regulatory and procedural disputes.

16 (e) The development and implementation of formal
17 interagency agreements, and the entry into such
18 agreements, between the lead agency and (i) the Department
19 of Healthcare and Family Services, (ii) the University of
20 Illinois Division of Specialized Care for Children, and
21 (iii) other relevant State agencies that:

22 (1) define the financial responsibility of each
23 agency for paying for early intervention services
24 (consistent with existing State and federal law and
25 rules, including the requirement that early
26 intervention funds be used as the payor of last

1 resort), a hierarchical order of payment as among the
2 agencies for early intervention services that are
3 covered under or may be paid by programs in other
4 agencies, and procedures for direct billing,
5 collecting reimbursements for payments made, and
6 resolving service and payment disputes; and

7 (2) include all additional components necessary to
8 ensure meaningful cooperation and coordination. By
9 January 31, 2027, interagency agreements under this
10 paragraph (e) must be reviewed and revised to
11 implement the purposes of this Act.

12 (f) The maintenance of an early intervention website.
13 The lead agency shall post and keep posted on this website
14 the following: (i) the current annual report required
15 under subdivision (b) (5) of Section 10-30 of this Act, and
16 the annual reports of the prior 3 years, (ii) the most
17 recent Illinois application for funds prepared under
18 Section 637 of the Individuals with Disabilities Education
19 Act filed with the United States Department of Education,
20 (iii) proposed modifications of the application prepared
21 for public comment, (iv) notice of Council meetings,
22 Council agendas, and minutes of its proceedings for at
23 least the previous year, (v) proposed and final early
24 intervention rules, and (vi) all reports created for
25 dissemination to the public that are related to the early
26 intervention program, including reports prepared at the

1 request of the Council and the General Assembly. Each such
2 document shall be posted on the website within 3 working
3 days after the document's completion.

4 (g) Before adopting any new policy or procedure
5 (including any revisions to an existing policy or
6 procedure) needed to comply with Part C of the Individuals
7 with Disabilities Education Act, the lead agency must hold
8 public hearings on the new policy or procedure, provide
9 notice of the hearings at least 30 days before the
10 hearings are conducted to enable public participation, and
11 provide an opportunity for the general public, including
12 individuals with disabilities and parents of infants and
13 toddlers with disabilities, early intervention providers,
14 and members of the Council to comment for at least 30 days
15 on the new policy or procedure needed to comply with Part C
16 of the Individuals with Disabilities Education Act and
17 with 34 CFR Part 300 and Part 303.

18 Section 10-40. Local structure and interagency councils.
19 The lead agency, in conjunction with the Council and as
20 defined by administrative rule, shall define local service
21 areas and define the geographic boundaries of each so that all
22 areas of the State are included in a local service area but no
23 area of the State is included in more than one service area. In
24 each local service area, the lead agency shall designate a
25 regional entity responsible for the assessment of eligibility

1 and services and a local interagency council responsible for
2 coordination and design of child find and public awareness.
3 The regional entity shall be responsible for staffing the
4 local council, carrying out child find and public awareness
5 activities, and providing advocacy for eligible families
6 within the given geographic area. The regional entity is the
7 prime contractor responsible to the lead agency for
8 implementation of this Act.

9 The lead agency, in conjunction with the Council, shall
10 create local interagency councils. Members of each local
11 interagency council shall include, but not be limited to, the
12 following: parents; representatives from coordination and
13 advocacy service providers; local education agencies; other
14 local public and private service providers; representatives
15 from State agencies at the local level; and others deemed
16 necessary by the local council.

17 Local interagency councils shall:

18 (a) assist in the development of collaborative
19 agreements between local service providers, diagnostic and
20 other agencies providing additional services to the child
21 and family;

22 (b) assist in conducting local needs assessments and
23 planning efforts;

24 (c) identify and resolve local access issues;

25 (d) conduct collaborative child find activities;

26 (e) coordinate public awareness initiatives;

- 1 (f) coordinate local planning and evaluation;
- 2 (g) assist in the recruitment of specialty personnel;
- 3 (h) develop plans for facilitating transition and
4 integration of eligible children and families into the
5 community;
- 6 (i) facilitate conflict resolution at the local level;
7 and
- 8 (j) report annually to the Council.

9 Section 10-45. Essential components of the statewide
10 service system. As required by federal laws and regulations, a
11 statewide system of coordinated, comprehensive, interagency
12 and interdisciplinary programs shall be established and
13 maintained. The framework of the statewide system shall be
14 based on the components set forth in this Section. This
15 framework shall be used for planning, implementation,
16 coordination and evaluation of the statewide system of locally
17 based early intervention services.

18 The statewide system shall include, at a minimum:

- 19 (a) a definition of the term "developmentally
20 delayed", in accordance with the definition in Section
21 10-15, that will be used in Illinois in carrying out
22 programs under this Act;
- 23 (b) timetables for ensuring that appropriate early
24 intervention services, based on scientifically based
25 research, to the extent practicable, will be available to

1 all eligible infants and toddlers in this State after the
2 effective date of this Act;

3 (c) a timely, comprehensive, multidisciplinary
4 evaluation of each potentially eligible infant and toddler
5 in this State, unless the child meets the definition of
6 eligibility based upon his or her medical and other
7 records; for a child determined eligible, a
8 multidisciplinary assessment of the unique strengths and
9 needs of that infant or toddler and the identification of
10 services appropriate to meet those needs and a
11 family-directed assessment of the resources, priorities,
12 and concerns of the family and the identification of
13 supports and services necessary to enhance the family's
14 capacity to meet the developmental needs of that infant or
15 toddler;

16 (d) for each eligible infant and toddler, an
17 Individualized Family Service Plan, including service
18 coordination (case management) services;

19 (e) a comprehensive child find system, consistent with
20 Part B of the Individuals with Disabilities Education Act
21 (20 United States Code 1411 through 1420 and as set forth
22 in 34 CFR 300.115), which includes timelines and provides
23 for participation by primary referral sources;

24 (f) a public awareness program focusing on early
25 identification of eligible infants and toddlers;

26 (g) a central directory which includes public and

1 private early intervention services, resources, and
2 experts available in this State, professional and other
3 groups (including parent support groups and training and
4 information centers) that provide assistance to infants
5 and toddlers with disabilities who are eligible for early
6 intervention programs assisted under Part C of the
7 Individuals with Disabilities Education Act and their
8 families, and research and demonstration projects being
9 conducted in this State relating to infants and toddlers
10 with disabilities;

11 (h) a comprehensive system of personnel development;

12 (i) a policy pertaining to the contracting or making
13 of other arrangements with public and private service
14 providers to provide early intervention services in this
15 State, consistent with the provisions of this Act,
16 including the contents of the application used and the
17 conditions of the contract or other arrangements;

18 (j) a procedure for securing timely reimbursement of
19 funds;

20 (k) procedural safeguards with respect to programs
21 under this Act;

22 (l) policies and procedures relating to the
23 establishment and maintenance of standards to ensure that
24 personnel necessary to carry out this Act are
25 appropriately and adequately prepared and trained;

26 (m) a system of evaluation of, and compliance with,

1 program standards;

2 (n) a system for compiling data on the numbers of
3 eligible infants and toddlers and their families in this
4 State in need of appropriate early intervention services;
5 the numbers served; the types of services provided; and
6 other information required by the State or federal
7 government; and

8 (o) a single line of responsibility in a lead agency
9 designated by the Governor to carry out its
10 responsibilities as required by this Act.

11 In addition to these required components, linkages may be
12 established within a local community area among the prenatal
13 initiatives affording services to high risk pregnant women.
14 Additional linkages among at risk programs and local literacy
15 programs may also be established.

16 On and after July 1, 2026, the Department of Early
17 Childhood shall continue implementation of the 5-fiscal-year
18 implementation plan that was created by the Department of
19 Human Services with the concurrence of the Interagency Council
20 on Early Intervention. The plan shall list specific activities
21 to be accomplished each year, with cost estimates for each
22 activity. The lead agency shall, with the concurrence of the
23 Interagency Council, submit to the Governor's Office a report
24 on accomplishments of the previous year and a revised list of
25 activities for the remainder of the 5-fiscal-year plan, with
26 cost estimates for each. The Governor shall certify that

1 specific activities in the plan for the previous year have
2 been substantially completed before authorizing relevant State
3 or local agencies to implement activities listed in the
4 revised plan that depend substantially upon completion of one
5 or more of the earlier activities.

6 Section 10-50. Authority to adopt rules. The lead agency
7 shall adopt rules under this Act. These rules shall reflect
8 the intent of federal regulations adopted under Part C of the
9 Individuals with Disabilities Education Improvement Act of
10 2004 (Sections 1431 through 1444 of Title 20 of the United
11 States Code).

12 Section 10-55. Role of other State entities. The
13 Departments of Public Health, Early Childhood, Human Services,
14 Children and Family Services, and Healthcare and Family
15 Services; the University of Illinois Division of Specialized
16 Care for Children; the State Board of Education; and any other
17 State agency which directly or indirectly provides or
18 administers early intervention services shall adopt compatible
19 rules for the provision of services to eligible infants and
20 toddlers and their families by July 1, 2026.

21 These agencies shall enter into and maintain formal
22 interagency agreements to enable the State and local agencies
23 serving eligible children and their families to establish
24 working relationships that will increase the efficiency and

1 effectiveness of their early intervention services. The
2 agreements shall outline the administrative, program and
3 financial responsibilities of the relevant State agencies and
4 shall implement a coordinated service delivery system through
5 local interagency agreements.

6 There shall be created in the Office of the Governor an
7 Early Childhood Intervention Ombudsman to assist families and
8 local parties in ensuring that all State agencies serving
9 eligible families do so in a comprehensive and collaborative
10 manner. The Governor shall appoint the Ombudsman, which shall
11 be a continuation of the position that was created under
12 Section 9 of the Early Intervention Services System Act and
13 that is repealed on July 1, 2026 by Section 20.1 of the Early
14 Intervention Services System Act.

15 Section 10-60. Standards. The Council and the lead agency,
16 with assistance from parents and providers, shall develop and
17 promulgate policies and procedures relating to the
18 establishment and implementation of program and personnel
19 standards to ensure that services provided are consistent with
20 any State-approved or recognized certification, licensing,
21 registration, or other comparable requirements which apply to
22 the area of early intervention program service standards. Only
23 State-approved public or private early intervention service
24 providers shall be eligible to receive State and federal
25 funding for early intervention services. All early childhood

1 intervention staff shall hold the highest entry requirement
2 necessary for that position.

3 To be a State-approved early intervention service
4 provider, an individual (i) shall not have served or
5 completed, within the preceding 5 years, a sentence for
6 conviction of any felony that the lead agency establishes by
7 rule and (ii) shall not have been indicated as a perpetrator of
8 child abuse or neglect, within the preceding 5 years, in an
9 investigation by Illinois (pursuant to the Abused and
10 Neglected Child Reporting Act) or another state. The Lead
11 Agency is authorized to receive criminal background checks for
12 such providers and persons applying to be such a provider and
13 to receive child abuse and neglect reports regarding indicated
14 perpetrators who are applying to provide or currently
15 authorized to provide early intervention services in Illinois.
16 Beginning January 1, 2004, every provider of State-approved
17 early intervention services and every applicant to provide
18 such services must authorize, in writing and in the form
19 required by the lead agency, a State and FBI criminal
20 background check, as requested by the Department, and check of
21 child abuse and neglect reports regarding the provider or
22 applicant as a condition of authorization to provide early
23 intervention services. The lead agency shall use the results
24 of the checks only to determine State approval of the early
25 intervention service provider and shall not re-release the
26 information except as necessary to accomplish that purpose.

1 Section 10-65. Individualized Family Service Plans.

2 (a) Each eligible infant or toddler and that infant's or
3 toddler's family shall receive:

4 (1) timely, comprehensive, multidisciplinary
5 assessment of the unique strengths and needs of each
6 eligible infant and toddler, and assessment of the
7 concerns and priorities of the families to appropriately
8 assist them in meeting their needs and identify supports
9 and services to meet those needs; and

10 (2) a written Individualized Family Service Plan
11 developed by a multidisciplinary team which includes the
12 parent or guardian. The individualized family service plan
13 shall be based on the multidisciplinary team's assessment
14 of the resources, priorities, and concerns of the family
15 and its identification of the supports and services
16 necessary to enhance the family's capacity to meet the
17 developmental needs of the infant or toddler, and shall
18 include the identification of services appropriate to meet
19 those needs, including the frequency, intensity, and
20 method of delivering services. During and as part of the
21 initial development of the individualized family services
22 plan, and any periodic reviews of the plan, the
23 multidisciplinary team may seek consultation from the lead
24 agency's designated experts, if any, to help determine
25 appropriate services and the frequency and intensity of

1 those services. All services in the individualized family
2 services plan must be justified by the multidisciplinary
3 assessment of the unique strengths and needs of the infant
4 or toddler and must be appropriate to meet those needs. At
5 the periodic reviews, the team shall determine whether
6 modification or revision of the outcomes or services is
7 necessary.

8 (b) The Individualized Family Service Plan shall be
9 evaluated once a year and the family shall be provided a review
10 of the Plan at 6-month intervals or more often where
11 appropriate based on infant or toddler and family needs. The
12 lead agency shall create a quality review process regarding
13 Individualized Family Service Plan development and changes
14 thereto, to monitor and help ensure that resources are being
15 used to provide appropriate early intervention services.

16 (c) The initial evaluation and initial assessment and
17 initial Plan meeting must be held within 45 days after the
18 initial contact with the early intervention services system.
19 The 45-day timeline does not apply for any period when the
20 child or parent is unavailable to complete the initial
21 evaluation, the initial assessments of the child and family,
22 or the initial Plan meeting, due to exceptional family
23 circumstances that are documented in the child's early
24 intervention records, or when the parent has not provided
25 consent for the initial evaluation or the initial assessment
26 of the child despite documented, repeated attempts to obtain

1 parental consent. As soon as exceptional family circumstances
2 no longer exist or parental consent has been obtained, the
3 initial evaluation, the initial assessment, and the initial
4 Plan meeting must be completed as soon as possible. With
5 parental consent, early intervention services may commence
6 before the completion of the comprehensive assessment and
7 development of the Plan. All early intervention services shall
8 be initiated as soon as possible but not later than 30 calendar
9 days after the consent of the parent or guardian has been
10 obtained for the individualized family service plan, in
11 accordance with rules adopted by the lead agency.

12 (d) Parents must be informed that early intervention
13 services shall be provided to each eligible infant and
14 toddler, to the maximum extent appropriate, in the natural
15 environment, which may include the home or other community
16 settings. Parents must also be informed of the availability of
17 early intervention services provided through telehealth
18 services. Parents shall make the final decision to accept or
19 decline early intervention services, including whether
20 accepted services are delivered in person or via telehealth
21 services. A decision to decline such services shall not be a
22 basis for administrative determination of parental fitness, or
23 other findings or sanctions against the parents. Parameters of
24 the Plan shall be set forth in rules.

25 (e) The regional intake offices shall explain to each
26 family, orally and in writing, all of the following:

1 (1) That the early intervention program will pay for
2 all early intervention services set forth in the
3 individualized family service plan that are not covered or
4 paid under the family's public or private insurance plan
5 or policy and not eligible for payment through any other
6 third party payor.

7 (2) That services will not be delayed due to any rules
8 or restrictions under the family's insurance plan or
9 policy.

10 (3) That the family may request, with appropriate
11 documentation supporting the request, a determination of
12 an exemption from private insurance use under Section
13 10-100.

14 (4) That responsibility for co-payments or
15 co-insurance under a family's private insurance plan or
16 policy will be transferred to the lead agency's central
17 billing office.

18 (5) That families will be responsible for payments of
19 family fees, which will be based on a sliding scale
20 according to the State's definition of ability to pay
21 which is comparing household size and income to the
22 sliding scale and considering out-of-pocket medical or
23 disaster expenses, and that these fees are payable to the
24 central billing office. Families who fail to provide
25 income information shall be charged the maximum amount on
26 the sliding scale.

1 (f) The individualized family service plan must state
2 whether the family has private insurance coverage and, if the
3 family has such coverage, must have attached to it a copy of
4 the family's insurance identification card or otherwise
5 include all of the following information:

6 (1) The name, address, and telephone number of the
7 insurance carrier.

8 (2) The contract number and policy number of the
9 insurance plan.

10 (3) The name, address, and social security number of
11 the primary insured.

12 (4) The beginning date of the insurance benefit year.

13 (g) A copy of the individualized family service plan must
14 be provided to each enrolled provider who is providing early
15 intervention services to the child who is the subject of that
16 plan.

17 (h) Children receiving services under this Act shall
18 receive a smooth and effective transition by their third
19 birthday consistent with federal regulations adopted pursuant
20 to Sections 1431 through 1444 of Title 20 of the United States
21 Code. Beginning January 1, 2022, children who receive early
22 intervention services prior to their third birthday and are
23 found eligible for an individualized education program under
24 the Individuals with Disabilities Education Act, 20 U.S.C.
25 1414(d)(1)(A), and under Section 14-8.02 of the School Code
26 and whose birthday falls between May 1 and August 31 may

1 continue to receive early intervention services until the
2 beginning of the school year following their third birthday in
3 order to minimize gaps in services, ensure better continuity
4 of care, and align practices for the enrollment of preschool
5 children with special needs to the enrollment practices of
6 typically developing preschool children.

7 Section 10-70. Procedural safeguards. The lead agency
8 shall adopt procedural safeguards that meet federal
9 requirements and ensure effective implementation of the
10 safeguards for families by each public agency involved in the
11 provision of early intervention services under this Act.

12 The procedural safeguards shall provide, at a minimum, the
13 following:

14 (a) The timely administrative resolution of State
15 complaints, due process hearings, and mediations as defined by
16 administrative rule.

17 (b) The right to confidentiality of personally
18 identifiable information.

19 (c) The opportunity for parents and a guardian to examine
20 and receive copies of records relating to evaluations and
21 assessments, screening, eligibility determinations, and the
22 development and implementation of the Individualized Family
23 Service Plan provision of early intervention services,
24 individual complaints involving the child, or any part of the
25 child's early intervention record.

1 (d) Procedures to protect the rights of the eligible
2 infant or toddler whenever the parents or guardians of the
3 child are not known or unavailable or the child is a youth in
4 care as defined in Section 4d of the Children and Family
5 Services Act, including the assignment of an individual (who
6 shall not be an employee of the State agency or local agency
7 providing services) to act as a surrogate for the parents or
8 guardian. The regional intake entity must make reasonable
9 efforts to ensure the assignment of a surrogate parent not
10 more than 30 days after a public agency determines that the
11 child needs a surrogate parent.

12 (e) Timely written prior notice to the parents or guardian
13 of the eligible infant or toddler whenever the State agency or
14 public or private service provider proposes to initiate or
15 change or refuses to initiate or change the identification,
16 evaluation, placement, or the provision of appropriate early
17 intervention services to the eligible infant or toddler.

18 (f) Written prior notice to fully inform the parents or
19 guardians, in their native language or mode of communication
20 used by the parent, unless clearly not feasible to do so, in a
21 comprehensible manner, of these procedural safeguards.

22 (g) During the pendency of any State complaint procedure,
23 due process hearing, or mediation involving a complaint,
24 unless the State agency and the parents or guardian otherwise
25 agree, the child shall continue to receive the appropriate
26 early intervention services currently being provided, or in

1 the case of an application for initial services, the child
2 shall receive the services not in dispute.

3 Section 10-75. Funding and fiscal responsibility.

4 (a) The lead agency and every other participating State
5 agency may receive and expend funds appropriated by the
6 General Assembly to implement the early intervention services
7 system as required by this Act.

8 (b) The lead agency and each participating State agency
9 shall identify and report on an annual basis to the Council the
10 State agency funds used for the provision of early
11 intervention services to eligible infants and toddlers.

12 (c) Funds provided under Section 633 of the Individuals
13 with Disabilities Education Act (20 United States Code 1433)
14 and State funds designated or appropriated for early
15 intervention services or programs may not be used to satisfy a
16 financial commitment for services which would have been paid
17 for from another public or private source but for the
18 enactment of this Act, except whenever considered necessary to
19 prevent delay in receiving appropriate early intervention
20 services by the eligible infant or toddler or family in a
21 timely manner. "Public or private source" includes public and
22 private insurance coverage.

23 Funds provided under Section 633 of the Individuals with
24 Disabilities Education Act and State funds designated or
25 appropriated for early intervention services or programs may

1 be used by the lead agency to pay the provider of services (A)
2 pending reimbursement from the appropriate State agency or (B)
3 if (i) the claim for payment is denied in whole or in part by a
4 public or private source, or would be denied under the written
5 terms of the public program or plan or private plan, or (ii)
6 use of private insurance for the service has been exempted
7 under Section 10-100. Payment under item (B)(i) may be made
8 based on a pre-determination telephone inquiry supported by
9 written documentation of the denial supplied thereafter by the
10 insurance carrier.

11 (d) Nothing in this Act shall be construed to permit the
12 State to reduce medical or other assistance available or to
13 alter eligibility under Title V and Title XIX of the Social
14 Security Act relating to the Maternal Child Health Program and
15 Medicaid for eligible infants and toddlers in this State.

16 (e) The lead agency shall create a central billing office
17 to receive and dispense all relevant State and federal
18 resources, as well as local government or independent
19 resources available, for early intervention services. This
20 office shall assure that maximum federal resources are
21 utilized and that providers receive funds with minimal
22 duplications or interagency reporting and with consolidated
23 audit procedures.

24 (f) The lead agency shall, by rule, create a system of
25 payments by families, including a schedule of fees. No fees,
26 however, may be charged for implementing child find,

1 evaluation and assessment, service coordination,
2 administrative and coordination activities related to the
3 development, review, and evaluation of Individualized Family
4 Service Plans, or the implementation of procedural safeguards
5 and other administrative components of the statewide early
6 intervention system.

7 The system of payments, called family fees, shall be
8 structured on a sliding scale based on the family's ability to
9 pay. The family's coverage or lack of coverage under a public
10 or private insurance plan or policy shall not be a factor in
11 determining the amount of the family fees.

12 Each family's fee obligation shall be established
13 annually, and shall be paid by families to the central billing
14 office in installments. At the written request of the family,
15 the fee obligation shall be adjusted prospectively at any
16 point during the year upon proof of a change in family income
17 or family size. The inability of the parents of an eligible
18 child to pay family fees due to catastrophic circumstances or
19 extraordinary expenses shall not result in the denial of
20 services to the child or the child's family. A family must
21 document its extraordinary expenses or other catastrophic
22 circumstances by showing one of the following: (i)
23 out-of-pocket medical expenses in excess of 15% of gross
24 income; (ii) a fire, flood, or other disaster causing a direct
25 out-of-pocket loss in excess of 15% of gross income; or (iii)
26 other catastrophic circumstances causing out-of-pocket losses

1 in excess of 15% of gross income. The family must present proof
2 of loss to its service coordinator, who shall document it, and
3 the lead agency shall determine whether the fees shall be
4 reduced, forgiven, or suspended within 10 business days after
5 the family's request.

6 (g) To ensure that early intervention funds are used as
7 the payor of last resort for early intervention services, the
8 lead agency shall determine at the point of early intervention
9 intake, and again at any periodic review of eligibility
10 thereafter or upon a change in family circumstances, whether
11 the family is eligible for or enrolled in any program for which
12 payment is made directly or through public or private
13 insurance for any or all of the early intervention services
14 made available under this Act. The lead agency shall establish
15 procedures to ensure that payments are made either directly
16 from these public and private sources instead of from State or
17 federal early intervention funds, or as reimbursement for
18 payments previously made from State or federal early
19 intervention funds.

20 Section 10-80. Other programs.

21 (a) When an application or a review of eligibility for
22 early intervention services is made, and at any eligibility
23 redetermination thereafter, the family shall be asked if it is
24 currently enrolled in any federally funded, Department of
25 Healthcare and Family Services administered, medical programs,

1 or the Title V program administered by the University of
2 Illinois Division of Specialized Care for Children. If the
3 family is enrolled in any of these programs, that information
4 shall be put on the individualized family service plan and
5 entered into the computerized case management system, and
6 shall require that the individualized family services plan of
7 a child who has been found eligible for services through the
8 Division of Specialized Care for Children state that the child
9 is enrolled in that program. For those programs in which the
10 family is not enrolled, a preliminary eligibility screen shall
11 be conducted simultaneously for (i) medical assistance
12 (Medicaid) under Article V of the Illinois Public Aid Code,
13 (ii) children's health insurance program (any federally
14 funded, Department of Healthcare and Family Services
15 administered, medical programs) benefits under the Children's
16 Health Insurance Program Act, and (iii) Title V maternal and
17 child health services provided through the Division of
18 Specialized Care for Children of the University of Illinois.

19 (b) For purposes of determining family fees under
20 subsection (f) of Section 10-75 and determining eligibility
21 for the other programs and services specified in items (i)
22 through (iii) of subsection (a), the lead agency shall develop
23 and use, with the cooperation of the Department of Healthcare
24 and Family Services and the Division of Specialized Care for
25 Children of the University of Illinois, a screening device
26 that provides sufficient information for the early

1 intervention regional intake entities or other agencies to
2 establish eligibility for those other programs and shall, in
3 cooperation with the Illinois Department of Healthcare and
4 Family Services and the Division of Specialized Care for
5 Children, train the regional intake entities on using the
6 screening device.

7 (c) When a child is determined eligible for and enrolled
8 in the early intervention program and has been found to at
9 least meet the threshold income eligibility requirements for
10 any federally funded, Department of Healthcare and Family
11 Services administered, medical programs, the regional intake
12 entity shall complete an application for any federally funded,
13 Department of Healthcare and Family Services administered,
14 medical programs with the family and forward it to the
15 Department of Healthcare and Family Services for a
16 determination of eligibility. A parent shall not be required
17 to enroll in any federally funded, Department of Healthcare
18 and Family Services administered, medical programs as a
19 condition of receiving services provided pursuant to Part C of
20 the Individuals with Disabilities Education Act.

21 (d) With the cooperation of the Department of Healthcare
22 and Family Services, the lead agency shall establish
23 procedures that ensure the timely and maximum allowable
24 recovery of payments for all early intervention services and
25 allowable administrative costs under Article V of the Illinois
26 Public Aid Code and the Children's Health Insurance Program

1 Act and shall include those procedures in the interagency
2 agreement required under subsection (e) of Section 10-35 of
3 Article 10 of this Act.

4 (e) For purposes of making referrals for final
5 determinations of eligibility for any federally funded,
6 Department of Healthcare and Family Services administered,
7 medical programs benefits under the Children's Health
8 Insurance Program Act and for medical assistance under Article
9 V of the Illinois Public Aid Code, the lead agency shall
10 require each early intervention regional intake entity to
11 enroll as an application agent in order for the entity to
12 complete any federally funded, Department of Healthcare and
13 Family Services administered, medical programs application as
14 authorized under Section 22 of the Children's Health Insurance
15 Program Act.

16 (f) For purposes of early intervention services that may
17 be provided by the Division of Specialized Care for Children
18 of the University of Illinois (DSCC), the lead agency shall
19 establish procedures whereby the early intervention regional
20 intake entities may determine whether children enrolled in the
21 early intervention program may also be eligible for those
22 services, and shall develop, (i) the interagency agreement
23 required under subsection (e) of Section 10-35 of this Act,
24 establishing that early intervention funds are to be used as
25 the payor of last resort when services required under an
26 individualized family services plan may be provided to an

1 eligible child through the DSCC, and (ii) training guidelines
2 for the regional intake entities and providers that explain
3 eligibility and billing procedures for services through DSCC.

4 (g) The lead agency shall require that an individual
5 applying for or renewing enrollment as a provider of services
6 in the early intervention program state whether or not he or
7 she is also enrolled as a DSCC provider. This information
8 shall be noted next to the name of the provider on the
9 computerized roster of Illinois early intervention providers,
10 and regional intake entities shall make every effort to refer
11 families eligible for DSCC services to these providers.

12 Section 10-85. Private health insurance; assignment. The
13 lead agency shall determine, at the point of new applications
14 for early intervention services, and for all children enrolled
15 in the early intervention program, at the regional intake
16 offices, whether the child is insured under a private health
17 insurance plan or policy.

18 Section 10-90. Billing of insurance carrier.

19 (a) Subject to the restrictions against private insurance
20 use on the basis of material risk of loss of coverage, as
21 determined under Section 10-100, each enrolled provider who is
22 providing a family with early intervention services shall bill
23 the child's insurance carrier for each unit of early
24 intervention service for which coverage may be available. The

1 lead agency may exempt from the requirement of this paragraph
2 any early intervention service that it has deemed not to be
3 covered by insurance plans. When the service is not exempted,
4 providers who receive a denial of payment on the basis that the
5 service is not covered under any circumstance under the plan
6 are not required to bill that carrier for that service again
7 until the following insurance benefit year. That explanation
8 of benefits denying the claim, once submitted to the central
9 billing office, shall be sufficient to meet the requirements
10 of this paragraph as to subsequent services billed under the
11 same billing code provided to that child during that insurance
12 benefit year. Any time limit on a provider's filing of a claim
13 for payment with the central billing office that is imposed
14 through a policy, procedure, or rule of the lead agency shall
15 be suspended until the provider receives an explanation of
16 benefits or other final determination of the claim it files
17 with the child's insurance carrier.

18 (b) In all instances when an insurance carrier has been
19 billed for early intervention services, whether paid in full,
20 paid in part, or denied by the carrier, the provider must
21 provide the central billing office, within 90 days after
22 receipt, with a copy of the explanation of benefits form and
23 other information in the manner prescribed by the lead agency.

24 (c) When the insurance carrier has denied the claim or
25 paid an amount for the early intervention service billed that
26 is less than the current State rate for early intervention

1 services, the provider shall submit the explanation of
2 benefits with a claim for payment, and the lead agency shall
3 pay the provider the difference between the sum actually paid
4 by the insurance carrier for each unit of service provided
5 under the individualized family service plan and the current
6 State rate for early intervention services. The State shall
7 also pay the family's co-payment or co-insurance under its
8 plan, but only to the extent that those payments plus the
9 balance of the claim do not exceed the current State rate for
10 early intervention services. The provider may under no
11 circumstances bill the family for the difference between its
12 charge for services and that which has been paid by the
13 insurance carrier or by the State.

14 Section 10-95. Families with insurance coverage.

15 (a) Families of children with insurance coverage, whether
16 public or private, shall incur no greater or less direct
17 out-of-pocket expenses for early intervention services than
18 families who are not insured.

19 (b) Managed care plans.

20 (1) Use of managed care network providers. When a
21 family's insurance coverage is through a managed care
22 arrangement with a network of providers that includes one
23 or more types of early intervention specialists who
24 provide the services set forth in the family's
25 individualized family service plan, the regional intake

1 entity shall require the family to use those network
2 providers, but only to the extent that:

3 (A) the network provider is immediately available
4 to receive the referral and to begin providing
5 services to the child;

6 (B) the network provider is enrolled as a provider
7 in the Illinois early intervention system and fully
8 credentialed under the current policy or rule of the
9 lead agency;

10 (C) the network provider can provide the services
11 to the child in the manner required in the
12 individualized service plan;

13 (D) the family would not have to travel more than
14 an additional 15 miles or an additional 30 minutes to
15 the network provider than it would have to travel to a
16 non-network provider who is available to provide the
17 same service; and

18 (E) the family's managed care plan does not allow
19 for billing (even at a reduced rate or reduced
20 percentage of the claim) for early intervention
21 services provided by non-network providers.

22 (2) Transfers from non-network to network providers.
23 If a child has been receiving services from a non-network
24 provider and the regional intake entity determines, at the
25 time of enrollment in the early intervention program or at
26 any point thereafter, that the family is enrolled in a

1 managed care plan, the regional intake entity shall
2 require the family to transfer to a network provider
3 within 45 days after that determination, but within no
4 more than 60 days after the effective date of this Act, if:

5 (A) all the requirements of subdivision (b) (1) of
6 this Section have been met; and

7 (B) the child is less than 26 months of age.

8 (3) Waivers. The lead agency may fully or partially
9 waive the network enrollment requirements of subdivision
10 (b) (1) of this Section and the transfer requirements of
11 subdivision (b) (2) of this Section as to a particular
12 region, or narrower geographic area, if it finds that the
13 managed care plans in that area are not allowing further
14 enrollment of early intervention providers and it finds
15 that referrals or transfers to network providers could
16 cause an overall shortage of early intervention providers
17 in that region of the State or could cause delays in
18 families securing the early intervention services set
19 forth in individualized family services plans.

20 (4) The lead agency, in conjunction with any entities
21 with which it may have contracted for the training and
22 credentialing of providers, the local interagency council
23 for early intervention, the regional intake entity, and
24 the enrolled providers in each region who wish to
25 participate, shall cooperate in developing a matrix and
26 action plan that (A) identifies both (i) which early

1 intervention providers and which fully credentialed early
2 intervention providers are members of the managed care
3 plans that are used in the region by families with
4 children in the early intervention program, and (ii) which
5 early intervention services, with what restrictions, if
6 any, are covered under those plans, (B) identifies which
7 credentialed specialists are members of which managed care
8 plans in the region, and (C) identifies the various
9 managed care plans to early intervention providers,
10 encourages their enrollment in the area plans, and
11 provides them with information on how to enroll. These
12 matrices shall be complete no later than 7 months after
13 the effective date of this Act, and shall be provided to
14 the Early Intervention Legislative Advisory Committee at
15 that time. The lead agency shall work with networks that
16 may have closed enrollment to additional providers to
17 encourage their admission of early intervention providers,
18 and shall report to the Early Intervention Legislative
19 Advisory Committee on the initial results of these efforts
20 no later than February 1, 2002.

21 Section 10-100. Private insurance; exemption.

22 (a) The lead agency shall establish procedures for a
23 family whose child is eligible to receive early intervention
24 services to apply for an exemption restricting the use of its
25 private insurance plan or policy based on material risk of

1 loss of coverage as authorized under subsection (c) of this
2 Section.

3 (b) The lead agency shall make a final determination on a
4 request for an exemption within 10 business days after its
5 receipt of a written request for an exemption at the regional
6 intake entity. During those 10 days, no claims may be filed
7 against the insurance plan or policy. If the exemption is
8 granted, it shall be noted on the individualized family
9 service plan, and the family and the providers serving the
10 family shall be notified in writing of the exemption.

11 (c) An exemption may be granted on the basis of material
12 risk of loss of coverage only if the family submits
13 documentation with its request for an exemption that
14 establishes (i) that the insurance plan or policy covering the
15 child is an individually purchased plan or policy and has been
16 purchased by a head of a household that is not eligible for a
17 group medical insurance plan, (ii) that the policy or plan has
18 a lifetime cap that applies to one or more specific types of
19 early intervention services specified in the family's
20 individualized family service plan, and that coverage could be
21 exhausted during the period covered by the individualized
22 family service plan, or (iii) proof of another risk that the
23 lead agency, in its discretion, may have additionally
24 established and defined as a ground for exemption by rule.

25 (d) An exemption under this Section based on material risk
26 of loss of coverage may apply to all early intervention

1 services and all plans or policies insuring the child, may be
2 limited to one or more plans or policies, or may be limited to
3 one or more types of early intervention services in the
4 child's individualized family services plan.

5 Section 10-105. System of personnel development. The lead
6 agency shall provide training to early intervention providers
7 and may enter into contracts to meet this requirement in
8 accordance with Section 1-30(c) of this Act. This training
9 shall include, at minimum, the following types of instruction:

10 (a) Courses in birth-to-3 evaluation and treatment of
11 children with developmental disabilities and delays (1) that
12 are taught by fully credentialed early intervention providers
13 or educators with substantial experience in evaluation and
14 treatment of children from birth to age 3 with developmental
15 disabilities and delays, (2) that cover these topics within
16 each of the disciplines of audiology, occupational therapy,
17 physical therapy, speech and language pathology, and
18 developmental therapy, including the social-emotional domain
19 of development, (3) that are held no less than twice per year,
20 (4) that offer no fewer than 20 contact hours per year of
21 course work, (5) that are held in no fewer than 5 separate
22 locales throughout the State, and (6) that give enrollment
23 priority to early intervention providers who do not meet the
24 experience, education, or continuing education requirements
25 necessary to be fully credentialed early intervention

1 providers; and

2 (b) Courses held no less than twice per year for no fewer
3 than 4 hours each in no fewer than 5 separate locales
4 throughout the State each on the following topics:

5 (1) Practice and procedures of private insurance
6 billing.

7 (2) The role of the regional intake entities; service
8 coordination; program eligibility determinations; family
9 fees; any federally funded, Department of Healthcare and
10 Family Services administered, medical programs, and
11 Division of Specialized Care applications, referrals, and
12 coordination with Early Intervention; and procedural
13 safeguards.

14 (3) Introduction to the early intervention program,
15 including provider enrollment and credentialing, overview
16 of Early Intervention program policies and rules, and
17 billing requirements.

18 (4) Evaluation and assessment of birth-to-3 children;
19 individualized family service plan development,
20 monitoring, and review; best practices; service
21 guidelines; and quality assurance.

22 Section 10-110. Contracting. In accordance with Section
23 1-30(c) of this Act, the lead agency may enter into contracts
24 for some or all of its responsibilities under this Act,
25 including, but not limited to: credentialing and enrolling

1 providers; training under Section 10-105; maintaining a
2 central billing office; data collection and analysis;
3 establishing and maintaining a computerized case management
4 system accessible to local referral offices and providers;
5 creating and maintaining a system for provider credentialing
6 and enrollment; creating and maintaining the central directory
7 required under subsection (g) of Section 10-45 of this Act;
8 and program operations. Contracts with or grants to regional
9 intake entities must be made subject to public bid under a
10 request for proposals process.

11 Section 10-120. Early Intervention Services Revolving
12 Fund. The Early Intervention Services Revolving Fund, created
13 by Public Act 89-106, shall be held by the lead agency.

14 The Early Intervention Services Revolving Fund shall be
15 used to the extent determined necessary by the lead agency to
16 pay for early intervention services.

17 Local Accounts for such purposes may be established by the
18 lead agency.

19 Expenditures from the Early Intervention Services
20 Revolving Fund shall be made in accordance with applicable
21 program provisions and shall be limited to those purposes and
22 amounts specified under applicable program guidelines. Funding
23 of the Fund shall be from family fees, insurance company
24 payments, federal financial participation received as
25 reimbursement for expenditures from the Fund, and

1 appropriations made to the State agencies involved in the
2 payment for early intervention services under this Act.

3 Disbursements from the Early Intervention Services
4 Revolving Fund shall be made as determined by the lead agency
5 or its designee. Funds in the Early Intervention Services
6 Revolving Fund or the local accounts created under this
7 Section that are not immediately required for expenditure may
8 be invested in certificates of deposit or other interest
9 bearing accounts. Any interest earned shall be deposited in
10 the Early Intervention Services Revolving Fund.

11 ARTICLE 15. POWERS AND DUTIES RELATING TO HOME-VISITING AND
12 PRESCHOOL SERVICES

13 Section 15-5. Transition of administrative
14 responsibilities related to home-visiting services Beginning
15 July 1, 2024, the Department of Early Childhood and the
16 Department of Human Services shall collaborate and plan for
17 the transition of administrative responsibilities related to
18 home-visiting services as prescribed in Section 10-16 of the
19 Department of Human Services Act.

20 Section 15-10. Home visiting program.

21 (a) The General Assembly finds that research-informed home
22 visiting programs work to strengthen families' functioning and
23 support parents in caring for their children to ensure optimal

1 child development.

2 (b) Through June 30, 2026, the Department of Human
3 Services shall administer a home visiting program to support
4 communities in providing intensive home visiting programs to
5 pregnant persons and families with children from birth up to
6 elementary school enrollment. Services shall be offered on a
7 voluntary basis to families. In awarding grants under the
8 program, the Department of Human Services shall prioritize
9 populations or communities in need of such services, as
10 determined by the Department of Human Services, based on data
11 including, but not limited to, statewide home visiting needs
12 assessments. Eligibility under the program shall also take
13 into consideration requirements of the federal Maternal,
14 Infant, and Early Childhood Home Visiting Program and Head
15 Start and Early Head Start to ensure appropriate alignment.
16 The overall goals for these services are to:

- 17 (1) improve maternal and newborn health;
18 (2) prevent child abuse and neglect;
19 (3) promote children's development and readiness to
20 participate in school; and
21 (4) connect families to needed community resources
22 and supports.

23 (b-5) On and after July 1, 2026, the Department of Early
24 Childhood shall establish and administer a home visiting
25 program to support communities in providing intensive home
26 visiting programs to pregnant persons and families with

1 children from birth up to elementary school enrollment.

2 (c) Allowable uses of funding include:

3 (1) Grants to community-based organizations to
4 implement home visiting and family support services with
5 fidelity to research-informed home visiting program
6 models, as defined by the Department. Services may
7 include, but are not limited to:

8 (A) personal visits with a child and the child's
9 parent or caregiver at a periodicity aligned with the
10 model being implemented;

11 (B) opportunities for connections with other
12 parents and caregivers in their community and other
13 social and community supports;

14 (C) enhancements to research-informed home
15 visiting program models based on community needs
16 including doula services, and other program
17 innovations as approved by the Department; and

18 (D) referrals to other resources needed by
19 families.

20 (2) Infrastructure supports for grantees, including,
21 but not limited to, professional development for the
22 workforce, technical assistance and capacity-building,
23 data system and supports, infant and early childhood
24 mental health consultation, trauma-informed practices,
25 research, universal newborn screening, and coordinated
26 intake.

1 (d) Subject to appropriation, the Department administering
2 home-visiting programs subject to Section 15-10 (b) and
3 Section 15-10(b-5) shall award grants to community-based
4 agencies in accordance with this Section and any other rules
5 that may be adopted by the Department. Successful grantees
6 under this program shall comply with policies and procedures
7 on program, data, and expense reporting as developed by the
8 Department.

9 (e) Funds received under this Section shall supplement,
10 not supplant, other existing or new federal, State, or local
11 sources of funding for these services. Any new federal funding
12 received shall supplement and not supplant funding for this
13 program.

14 (f) The Department administering home-visiting programs
15 subject to Section 15-10 (b) and Section 15-10(b-5) shall
16 collaborate with relevant agencies to support the coordination
17 and alignment of home visiting services provided through other
18 State and federal funds, to the extent possible. The
19 Department administering home-visiting programs subject to
20 Section 15-10 (b) and Section 15-10(b-5) shall collaborate
21 with the State Board of Education, the Department of
22 Healthcare and Family Services, and Head Start and Early Head
23 Start in the implementation of these services to support
24 alignment with home visiting services provided through the
25 Early Childhood Block Grant and the State's Medical Assistance
26 Program, respectively, to the extent possible.

1 (g) An advisory committee shall advise the Department
2 administering home-visiting programs subject to Section
3 15-10(b) and Section 15-10(b-5) concerning the implementation
4 of the home visiting program. The advisory committee shall
5 make recommendations on policy and implementation. The
6 Department shall determine whether the advisory committee
7 shall be a newly created body or an existing body such as a
8 committee of the Illinois Early Learning Council. The advisory
9 committee shall consist of one or more representatives of the
10 Department, other members representing public and private
11 entities that serve and interact with the families served
12 under the home visiting program, with the input of families
13 engaged in home visiting or related services themselves.
14 Family input may be secured by engaging families as members of
15 this advisory committee or as a separate committee of family
16 representatives.

17 (h) The Department of Early Childhood may adopt any rules
18 necessary to implement this Section.

19 Section 15-15. Collaboration; planning. Beginning July 1,
20 2024, the Department of Early Childhood shall collaborate with
21 the Illinois State Board of Education on administration of the
22 early childhood programs established in Sections 1C-2, 2-3.71,
23 2-3.71a, and 2-3.89 of the School Code. The Department of
24 Early Childhood and the Illinois State Board of Education
25 shall plan for the transfer of administrative responsibilities

1 that will occur on and after July 1, 2026.

2 Section 15-20. Programs concerning services to at-risk
3 children and their families.

4 (a) On and after July 1, 2026, the Department of Early
5 Childhood may provide grants to eligible entities, as defined
6 by the Department, to establish programs which offer
7 coordinated services to at-risk infants and toddlers and their
8 families. Each program shall include a parent education
9 program relating to the development and nurturing of infants
10 and toddlers and case management services to coordinate
11 existing services available in the region served by the
12 program. These services shall be provided through the
13 implementation of an individual family service plan. Each
14 program will have a community involvement component to provide
15 coordination in the service system.

16 (b) The Department shall administer the programs through
17 the grants to public school districts and other eligible
18 entities. These grants must be used to supplement, not
19 supplant, funds received from any other source. School
20 districts and other eligible entities receiving grants
21 pursuant to this Section shall conduct voluntary, intensive,
22 research-based, and comprehensive prevention services, as
23 defined by the Department, for expecting parents and families
24 with children from birth to age 3 who are at-risk of academic
25 failure. A public school district that receives a grant under

1 this Section may subcontract with other eligible entities.

2 (c) The Department shall report to the General Assembly by
3 July 1, 2028 and every 2 years thereafter, using the most
4 current data available, on the status of programs funded under
5 this Section, including without limitation characteristics of
6 participants, services delivered, program models used, unmet
7 needs, and results of the programs funded.

8 Section 15-25. Block grants.

9 (a) Through June 30, 2026, the State Board of Education
10 shall award block grants to school districts and other
11 entities pursuant to Section 1C-2 of the School Code.

12 (b) On and after July 1, 2026, the Department of Early
13 Childhood shall award to school districts and other entities
14 block grants as described in subsection (c). The Department of
15 Early Childhood may adopt rules necessary to implement this
16 Section. Block grants are subject to audit. Therefore, block
17 grant receipts and block grant expenditures shall be recorded
18 to the appropriate fund code.

19 (c) An Early Childhood Education Block Grant shall be
20 created by combining the following programs: Preschool
21 Education, Parental Training and Prevention Initiative. These
22 funds shall be distributed to school districts and other
23 entities on a competitive basis, except that the Department of
24 Early Childhood shall award to a school district having a
25 population exceeding 500,000 inhabitants 37% of the funds in

1 each fiscal year. Not less than 14% of the Early Childhood
2 Education Block Grant allocation of funds shall be used to
3 fund programs for children ages 0-3. Beginning in Fiscal Year
4 2016, at least 25% of any additional Early Childhood Education
5 Block Grant funding over and above the previous fiscal year's
6 allocation shall be used to fund programs for children ages
7 0-3. Once the percentage of Early Childhood Education Block
8 Grant funding allocated to programs for children ages 0-3
9 reaches 20% of the overall Early Childhood Education Block
10 Grant allocation for a full fiscal year, thereafter in
11 subsequent fiscal years the percentage of Early Childhood
12 Education Block Grant funding allocated to programs for
13 children ages 0-3 each fiscal year shall remain at least 20% of
14 the overall Early Childhood Education Block Grant allocation.
15 However, if, in a given fiscal year, the amount appropriated
16 for the Early Childhood Education Block Grant is insufficient
17 to increase the percentage of the grant to fund programs for
18 children ages 0-3 without reducing the amount of the grant for
19 existing providers of preschool education programs, then the
20 percentage of the grant to fund programs for children ages 0-3
21 may be held steady instead of increased.

22 (d) A school district in a city having a population
23 exceeding 500,000 is not required to file any application or
24 other claim in order to receive the block grant to which it is
25 entitled under this Section. The Department of Early Childhood
26 shall make payments to the district of amounts due under the

1 district's block grant on a schedule determined by the
2 Department. A school district to which this Section applies
3 shall report to the Department of Early Childhood on its use of
4 the block grant in such form and detail as the Department may
5 specify. In addition, the report must include the following
6 description for the district, which must also be reported to
7 the General Assembly: block grant allocation and expenditures
8 by program; population and service levels by program; and
9 administrative expenditures by program. The Department shall
10 ensure that the reporting requirements for the district are
11 the same as for all other school districts in this State.
12 Beginning in Fiscal Year 2018, at least 25% of any additional
13 Preschool Education, Parental Training, and Prevention
14 Initiative program funding over and above the previous fiscal
15 year's allocation shall be used to fund programs for children
16 ages 0-3. Beginning in Fiscal Year 2018, funding for Preschool
17 Education, Parental Training, and Prevention Initiative
18 programs above the allocation for these programs in Fiscal
19 Year 2017 must be used solely as a supplement for these
20 programs and may not supplant funds received from other
21 sources.

22 (e) Reports. School districts and other entities that
23 receive an Early Childhood Education Block Grant shall report
24 to the Department of Early Childhood on its use of the block
25 grant in such form and detail as the Department may specify. In
26 addition, the report must include the following description

1 for the district and other entities that receive an Early
2 Childhood Block Grant, which must also be reported to the
3 General Assembly: block grant allocation and expenditures by
4 program; population and service levels by program; and
5 administrative expenditures by program.

6 Section 15-30. Grants for preschool educational programs.

7 (a) Preschool program.

8 (1) Through June 30, 2026, The State Board of
9 Education shall implement and administer a grant program
10 to conduct voluntary preschool educational programs for
11 children ages 3 to 5, which include a parent education
12 component, pursuant to Section 2-3.71 of the School Code.

13 (2) On and after July 1, 2026, the Department of Early
14 Childhood shall implement and administer a grant program
15 for school districts and other eligible entities, as
16 defined by the Department, to conduct voluntary preschool
17 educational programs for children ages 3 to 5 which
18 include a parent education component. A public school
19 district which receives grants under this subsection may
20 subcontract with other entities that are eligible to
21 conduct a preschool educational program. These grants must
22 be used to supplement, not supplant, funds received from
23 any other source.

24 (3) Except as otherwise provided under this subsection
25 (a), any teacher of preschool children in the program

1 authorized by this subsection shall hold a Professional
2 Educator License with an early childhood education
3 endorsement.

4 (3.5) Beginning with the 2018-2019 school year and
5 until the 2028-2029 school year, an individual may teach
6 preschool children in an early childhood program under
7 this Section if he or she holds a Professional Educator
8 License with an early childhood education endorsement or
9 with short-term approval for early childhood education or
10 he or she pursues a Professional Educator License and
11 holds any of the following:

12 (A) An ECE Credential Level of 5 awarded by the
13 Department of Human Services under the Gateways to
14 Opportunity Program developed under Section 10-70 of
15 the Department of Human Services Act.

16 (B) An Educator License with Stipulations with a
17 transitional bilingual educator endorsement and he or
18 she has (i) passed an early childhood education
19 content test or (ii) completed no less than 9 semester
20 hours of postsecondary coursework in the area of early
21 childhood education.

22 (4) Through June 30, 2026, the State Board of
23 Education shall provide the primary source of funding
24 through appropriations for the program. On and after July
25 1, 2026, the Department of Early Childhood shall provide
26 the primary source of funding through appropriations for

1 the program. Such funds shall be distributed to achieve a
2 goal of "Preschool for All Children" for the benefit of
3 all children whose families choose to participate in the
4 program. Based on available appropriations, newly funded
5 programs shall be selected through a process giving first
6 priority to qualified programs serving primarily at-risk
7 children and second priority to qualified programs serving
8 primarily children with a family income of less than 4
9 times the poverty guidelines updated periodically in the
10 Federal Register by the U.S. Department of Health and
11 Human Services under the authority of 42 U.S.C. 9902(2).
12 For purposes of this paragraph (4), at-risk children are
13 those who because of their home and community environment
14 are subject to such language, cultural, economic and like
15 disadvantages to cause them to have been determined as a
16 result of screening procedures to be at risk of academic
17 failure. Through June 30, 2026, such screening procedures
18 shall be based on criteria established by the State Board
19 of Education. On and after July 1, 2026, such screening
20 procedures shall be based on criteria established by the
21 Department of Early Childhood. Except as otherwise
22 provided in this paragraph (4), grantees under the program
23 must enter into a memorandum of understanding with the
24 appropriate local Head Start agency. This memorandum must
25 be entered into no later than 3 months after the award of a
26 grantee's grant under the program and must address

1 collaboration between the grantee's program and the local
2 Head Start agency on certain issues, which shall include
3 without limitation the following:

4 (A) educational activities, curricular objectives,
5 and instruction;

6 (B) public information dissemination and access to
7 programs for families contacting programs;

8 (C) service areas;

9 (D) selection priorities for eligible children to
10 be served by programs;

11 (E) maximizing the impact of federal and State
12 funding to benefit young children;

13 (F) staff training, including opportunities for
14 joint staff training;

15 (G) technical assistance;

16 (H) communication and parent outreach for smooth
17 transitions to kindergarten;

18 (I) provision and use of facilities,
19 transportation, and other program elements;

20 (J) facilitating each program's fulfillment of its
21 statutory and regulatory requirements;

22 (K) improving local planning and collaboration;
23 and

24 (L) providing comprehensive services for the
25 neediest Illinois children and families. Through June
26 30, 2026, if the appropriate local Head Start agency

1 is unable or unwilling to enter into a memorandum of
2 understanding as required under this paragraph (4),
3 the memorandum of understanding requirement shall not
4 apply and the grantee under the program must notify
5 the State Board of Education in writing of the Head
6 Start agency's inability or unwillingness. Through
7 June 30, 2026, the State Board of Education shall
8 compile all such written notices and make them
9 available to the public. On and after July 1, 2026, if
10 the appropriate local Head Start agency is unable or
11 unwilling to enter into a memorandum of understanding
12 as required under this paragraph (4), the memorandum
13 of understanding requirement shall not apply and the
14 grantee under the program must notify the Department
15 of Early Childhood in writing of the Head Start
16 agency's inability or unwillingness. The Department of
17 Early Childhood shall compile all such written notices
18 and make them available to the public.

19 (5) Through June 30, 2026, the State Board of
20 Education shall develop and provide evaluation tools,
21 including tests, that school districts and other eligible
22 entities may use to evaluate children for school readiness
23 prior to age 5. The State Board of Education shall require
24 school districts and other eligible entities to obtain
25 consent from the parents or guardians of children before
26 any evaluations are conducted. The State Board of

1 Education shall encourage local school districts and other
2 eligible entities to evaluate the population of preschool
3 children in their communities and provide preschool
4 programs, pursuant to this subsection, where appropriate.

5 (5.1) On and after July 1, 2026, the Department of
6 Early Childhood shall develop and provide evaluation
7 tools, including tests, that school districts and other
8 eligible entities may use to evaluate children for school
9 readiness prior to age 5. The Department of Early
10 Childhood shall require school districts and other
11 eligible entities to obtain consent from the parents or
12 guardians of children before any evaluations are
13 conducted. The Department of Early Childhood shall
14 encourage local school districts and other eligible
15 entities to evaluate the population of preschool children
16 in their communities and provide preschool programs,
17 pursuant to this subsection, where appropriate.

18 (6) Through June 30, 2026, the State Board of
19 Education shall report to the General Assembly by November
20 1, 2018 and every 2 years thereafter on the results and
21 progress of students who were enrolled in preschool
22 educational programs, including an assessment of which
23 programs have been most successful in promoting academic
24 excellence and alleviating academic failure. Through June
25 30, 2026, the State Board of Education shall assess the
26 academic progress of all students who have been enrolled

1 in preschool educational programs. Through Fiscal Year
2 2026, on or before November 1 of each fiscal year in which
3 the General Assembly provides funding for new programs
4 under paragraph (4) of this Section, the State Board of
5 Education shall report to the General Assembly on what
6 percentage of new funding was provided to programs serving
7 primarily at-risk children, what percentage of new funding
8 was provided to programs serving primarily children with a
9 family income of less than 4 times the federal poverty
10 level, and what percentage of new funding was provided to
11 other programs.

12 (6.1) On and after July 1, 2026, the Department of
13 Early Childhood shall report to the General Assembly by
14 November 1, 2026 and every 2 years thereafter on the
15 results and progress of students who were enrolled in
16 preschool educational programs, including an assessment of
17 which programs have been most successful in promoting
18 academic excellence and alleviating academic failure. On
19 and after July 1, 2026, the Department of Early Childhood
20 shall assess the academic progress of all students who
21 have been enrolled in preschool educational programs.
22 Beginning in Fiscal Year 2027, on or before November 1 of
23 each fiscal year in which the General Assembly provides
24 funding for new programs under paragraph (4) of this
25 Section, the Department of Early Childhood shall report to
26 the General Assembly on what percentage of new funding was

1 provided to programs serving primarily at-risk children,
2 what percentage of new funding was provided to programs
3 serving primarily children with a family income of less
4 than 4 times the federal poverty level, and what
5 percentage of new funding was provided to other programs.

6 (7) Due to evidence that expulsion practices in the
7 preschool years are linked to poor child outcomes and are
8 employed inconsistently across racial and gender groups,
9 early childhood programs receiving State funds under this
10 subsection (a) shall prohibit expulsions. Planned
11 transitions to settings that are able to better meet a
12 child's needs are not considered expulsion under this
13 paragraph (7).

14 (A) When persistent and serious challenging
15 behaviors emerge, the early childhood program shall
16 document steps taken to ensure that the child can
17 participate safely in the program; including
18 observations of initial and ongoing challenging
19 behaviors, strategies for remediation and intervention
20 plans to address the behaviors, and communication with
21 the parent or legal guardian, including participation
22 of the parent or legal guardian in planning and
23 decision-making.

24 (B) The early childhood program shall, with
25 parental or legal guardian consent as required, use a
26 range of community resources, if available and deemed

1 necessary, including, but not limited to,
2 developmental screenings, referrals to programs and
3 services administered by a local educational agency or
4 early intervention agency under Parts B and C of the
5 federal Individual with Disabilities Education Act,
6 and consultation with infant and early childhood
7 mental health consultants and the child's health care
8 provider. The program shall document attempts to
9 engage these resources, including parent or legal
10 guardian participation and consent attempted and
11 obtained. Communication with the parent or legal
12 guardian shall take place in a culturally and
13 linguistically competent manner.

14 (C) If there is documented evidence that all
15 available interventions and supports recommended by a
16 qualified professional have been exhausted and the
17 program determines in its professional judgment that
18 transitioning a child to another program is necessary
19 for the well-being of the child or his or her peers and
20 staff, with parent or legal guardian permission, both
21 the current and pending programs shall create a
22 transition plan designed to ensure continuity of
23 services and the comprehensive development of the
24 child. Communication with families shall occur in a
25 culturally and linguistically competent manner.

26 (D) Nothing in this paragraph (7) shall preclude a

1 parent's or legal guardian's right to voluntarily
2 withdraw his or her child from an early childhood
3 program. Early childhood programs shall request and
4 keep on file, when received, a written statement from
5 the parent or legal guardian stating the reason for
6 his or her decision to withdraw his or her child.

7 (E) In the case of the determination of a serious
8 safety threat to a child or others or in the case of
9 behaviors listed in subsection (d) of Section 10-22.6
10 of the School Code, the temporary removal of a child
11 from attendance in group settings may be used.
12 Temporary removal of a child from attendance in a
13 group setting shall trigger the process detailed in
14 subparagraphs (A), (B), and (C) of this paragraph (7),
15 with the child placed back in a group setting as
16 quickly as possible.

17 (F) Early childhood programs may use and the
18 Department of Early Childhood, State Board of
19 Education, the Department of Human Services, and the
20 Department of Children and Family Services shall
21 recommend training, technical support, and
22 professional development resources to improve the
23 ability of teachers, administrators, program
24 directors, and other staff to promote social-emotional
25 development and behavioral health, to address
26 challenging behaviors, and to understand trauma and

1 trauma-informed care, cultural competence, family
2 engagement with diverse populations, the impact of
3 implicit bias on adult behavior, and the use of
4 reflective practice techniques. Support shall include
5 the availability of resources to contract with infant
6 and early childhood mental health consultants.

7 (G) Through June 30, 2026, early childhood
8 programs shall annually report to the State Board of
9 Education, and, beginning in Fiscal Year 2020, the
10 State Board of Education shall make available on a
11 biennial basis, in an existing report, all of the
12 following data for children from birth to age 5 who are
13 served by the program:

14 (i) Total number served over the course of the
15 program year and the total number of children who
16 left the program during the program year.

17 (ii) Number of planned transitions to another
18 program due to children's behavior, by children's
19 race, gender, disability, language, class/group
20 size, teacher-child ratio, and length of program
21 day.

22 (iii) Number of temporary removals of a child
23 from attendance in group settings due to a serious
24 safety threat under subparagraph (E) of this
25 paragraph (7), by children's race, gender,
26 disability, language, class/group size,

1 teacher-child ratio, and length of program day.

2 (iv) Hours of infant and early childhood
3 mental health consultant contact with program
4 leaders, staff, and families over the program
5 year.

6 (G-5) On and after July 1, 2026, early childhood
7 programs shall annually report to the Department of
8 Early Childhood, and beginning in Fiscal Year 2028,
9 the Department of Early Childhood shall make available
10 on a biennial basis, in a report, all of the following
11 data for children from birth to age 5 who are served by
12 the program:

13 (i) Total number served over the course of the
14 program year and the total number of children who
15 left the program during the program year.

16 (ii) Number of planned transitions to another
17 program due to children's behavior, by children's
18 race, gender, disability, language, class/group
19 size, teacher-child ratio, and length of program
20 day.

21 (iii) Number of temporary removals of a child
22 from attendance in group settings due to a serious
23 safety threat under subparagraph (E) of this
24 paragraph (7), by children's race, gender,
25 disability, language, class/group size,
26 teacher-child ratio, and length of program day.

1 (iv) Hours of infant and early childhood
2 mental health consultant contact with program
3 leaders, staff, and families over the program
4 year.

5 (H) Changes to services for children with an
6 individualized education program or individual family
7 service plan shall be construed in a manner consistent
8 with the federal Individuals with Disabilities
9 Education Act.

10 The Department of Early Childhood, in consultation
11 with the Department of Children and Family Services, shall
12 adopt rules to administer this paragraph (7).

13 (b) Notwithstanding any other provisions of this Section,
14 grantees may serve children ages 0 to 12 of essential workers
15 if the Governor has declared a disaster due to a public health
16 emergency pursuant to Section 7 of the Illinois Emergency
17 Management Agency Act. The Department of Early Childhood may
18 adopt rules to administer this subsection.

19 Section 15-35. Chronic absenteeism in preschool children.

20 (a) In this Section, "chronic absence" means absences that
21 total 10% or more of school days of the most recent academic
22 school year, including absences with and without valid cause,
23 as defined in Section 26-2a of the School Code.

24 (b) The General Assembly makes all of the following
25 findings:

1 (1) The early years are an extremely important period
2 in a child's learning and development.

3 (2) Missed learning opportunities in the early years
4 make it difficult for a child to enter kindergarten ready
5 for success.

6 (3) Attendance patterns in the early years serve as
7 predictors of chronic absenteeism and reduced educational
8 outcomes in later school years. Therefore, it is crucial
9 that the implications of chronic absence be understood and
10 reviewed regularly under the Preschool for All Program and
11 Preschool for All Expansion Program under Section 15-30 of
12 this Act.

13 (c) The Preschool for All Program and Preschool for All
14 Expansion Program under Section 15-30 of this Act shall
15 collect and review its chronic absence data and determine what
16 support and resources are needed to positively engage
17 chronically absent students and their families to encourage
18 the habit of daily attendance and promote success.

19 (d) The Preschool for All Program and Preschool for All
20 Expansion Program under Section 15-30 of this Act are
21 encouraged to do all of the following:

22 (1) Provide support to students who are at risk of
23 reaching or exceeding chronic absence levels.

24 (2) Make resources available to families, such as
25 those available through the State Board of Education's
26 Family Engagement Framework, to support and encourage

1 families to ensure their children's daily program
2 attendance.

3 (3) Include information about chronic absenteeism as
4 part of their preschool to kindergarten transition
5 resources.

6 (e) On or before July 1, 2020, and annually thereafter
7 through June 30, 2026, the Preschool for All Program and
8 Preschool for All Expansion Program shall report all data
9 collected under subsection (c) of this Section to the State
10 Board of Education, which shall make the report publicly
11 available via the Illinois Early Childhood Asset Map Internet
12 website and the Preschool for All Program or Preschool for All
13 Expansion Program triennial report.

14 (e-5) On and after July 1, 2026, the Preschool for All
15 Program and Preschool for All Expansion Program shall report
16 all data collected under subsection (c) to the Department of
17 Early Childhood, which shall review the chronic absence data
18 to determine what support and resources are needed to
19 positively engage chronically absent students and their
20 families to encourage the habit of daily attendance and
21 promote success. The Department shall also report all data
22 collected under this subsection and make a report publicly
23 available via the Illinois Early Childhood Asset Map Internet
24 website and the Preschool for All Program or Preschool for All
25 Expansion Program triennial report.

1 Section 15-40. Restrictions on prekindergarten
2 assessments.

3 (a) In this Section:

4 "Diagnostic and screening purposes" means for the purpose
5 of determining if individual students need remedial
6 instruction or to determine eligibility for special education,
7 early intervention, bilingual education, dyslexia services, or
8 other related educational services. Any assessment used to
9 determine eligibility for special education or related
10 services must be consistent with Section 614 of the federal
11 Individuals with Disabilities Education Act. "Diagnostic and
12 screening purposes" includes the identification and evaluation
13 of students with disabilities. "Diagnostic and screening
14 purposes" does not include any assessment in which student
15 scores are used to rate or rank a classroom, program, teacher,
16 school, school district, or jurisdiction.

17 "Standardized assessment" means an assessment that
18 requires all student test takers to answer the same questions,
19 or a selection of questions from a common bank of questions, in
20 the same manner or substantially the same questions in the
21 same manner. "Standardized assessment" does not include an
22 observational assessment tool used to satisfy the requirements
23 of Section 2-3.64a-10 of the School Code.

24 (b) Consistent with Section 2-3.64a-15 of the School Code,
25 the Department of Early Childhood may not develop, purchase,
26 or require a school district to administer, develop, or

1 purchase a standardized assessment for students enrolled or
2 preparing to enroll in prekindergarten, other than for
3 diagnostic and screening purposes.

4 (c) Consistent with Section 2-3.64a-15 of the School Code,
5 the Department of Early Childhood may not provide funding for
6 any standardized assessment of students enrolled or preparing
7 to enroll in prekindergarten, other than for diagnostic and
8 screening purposes.

9 (d) Nothing in this Section shall be construed to limit
10 the ability of a classroom teacher or school district to
11 develop, purchase, administer, or score an assessment for an
12 individual classroom, grade level, or group of grade levels in
13 any subject area in prekindergarten.

14 (e) Nothing in this Section limits procedures used by a
15 school or school district for child find under 34 CFR
16 300.111(c) or evaluation under 34 CFR 300.304.

17 (f) Nothing in this Section restricts the use of an annual
18 assessment of English proficiency of all English learners to
19 comply with Section 1111(b)(2)(G) of the federal Elementary
20 and Secondary Education Act of 1965.

21 Section 15-45. Grants for early childhood parental
22 training programs. On and after July 1, 2026, the Department
23 of Early Childhood shall implement and administer a grant
24 program consisting of grants to public school districts and
25 other eligible entities, as defined by the Department, to

1 conduct early childhood parental training programs for the
2 parents of children in the period of life from birth to
3 prekindergarten. A public school district that receives grants
4 under this Section may contract with other eligible entities
5 to conduct an early childhood parental training program. These
6 grants must be used to supplement, not supplant, funds
7 received from any other source. A school board or other
8 eligible entity shall employ appropriately qualified personnel
9 for its early childhood parental training program, including
10 but not limited to certified teachers, counselors,
11 psychiatrists, psychologists and social workers.

12 (a) As used in this Section, "parental training" means and
13 includes instruction in the following:

14 (1) Child growth and development, including prenatal
15 development.

16 (2) Childbirth and child care.

17 (3) Family structure, function and management.

18 (4) Prenatal and postnatal care for mothers and
19 infants.

20 (5) Prevention of child abuse.

21 (6) The physical, mental, emotional, social, economic
22 and psychological aspects of interpersonal and family
23 relationships.

24 (7) Parenting skill development.

25 The programs shall include activities that require
26 substantial participation and interaction between parent and

1 child.

2 (b) The Department shall annually award funds through a
3 grant approval process established by the Department,
4 providing that an annual appropriation is made for this
5 purpose from State, federal or private funds. Nothing in this
6 Section shall preclude school districts from applying for or
7 accepting private funds to establish and implement programs.

8 (c) The Department shall assist those districts and other
9 eligible entities offering early childhood parental training
10 programs, upon request, in developing instructional materials,
11 training teachers and staff, and establishing appropriate time
12 allotments for each of the areas included in such instruction.

13 (d) School districts and other eligible entities may offer
14 early childhood parental training courses during that period
15 of the day which is not part of the regular school day.
16 Residents of the community may enroll in such courses. The
17 school board or other eligible entity may establish fees and
18 collect such charges as may be necessary for attendance at
19 such courses in an amount not to exceed the per capita cost of
20 the operation thereof, except that the board or other eligible
21 entity may waive all or part of such charges if it determines
22 that the parent is indigent or that the educational needs of
23 the parent require his or her attendance at such courses.

24 (e) Parents who participate in early childhood parental
25 training programs under this Section may be eligible for
26 reasonable reimbursement of any incidental transportation and

1 child care expenses from the school district receiving funds
2 pursuant to this Section.

3 (f) Districts and other eligible entities receiving grants
4 pursuant to this Section shall coordinate programs created
5 under this Section with other preschool educational programs,
6 including "at-risk" preschool programs, special and vocational
7 education, and related services provided by other governmental
8 agencies and not-for-profit agencies.

9 (g) Early childhood programs under this Section are
10 subject to the requirements under paragraph (7) of subsection
11 (a) of Section 15-30 of this Act.

12 Section 15-50. Early childhood construction grants.

13 (a) The Capital Development Board is authorized to make
14 grants to public school districts and not-for-profit entities
15 for early childhood construction projects, except that in
16 Fiscal Year 2024 those grants may be made only to public school
17 districts. These grants shall be paid out of moneys
18 appropriated for that purpose from the School Construction
19 Fund, the Build Illinois Bond Fund, or the Rebuild Illinois
20 Projects Fund. No grants may be awarded to entities providing
21 services within private residences. A public school district
22 or other eligible entity must provide local matching funds in
23 the following manner:

24 (1) A public school district assigned to Tier 1 under
25 Section 18-8.15 of the School Code or any other eligible

1 entity in an area encompassed by that district must
2 provide local matching funds in an amount equal to 3% of
3 the grant awarded under this Section.

4 (2) A public school district assigned to Tier 2 under
5 Section 18-8.15 of the School Code or any other eligible
6 entity in an area encompassed by that district must
7 provide local matching funds in an amount equal to 7.5% of
8 the grant awarded under this Section.

9 (3) A public school district assigned to Tier 3 under
10 Section 18-8.15 of the School Code or any other eligible
11 entity in an area encompassed by that district must
12 provide local matching funds in an amount equal to 8.75%
13 of the grant awarded under this Section.

14 (4) A public school district assigned to Tier 4 under
15 Section 18-8.15 of the School Code or any other eligible
16 entity in an area encompassed by that district must
17 provide local matching funds in an amount equal to 10% of
18 the grant awarded under this Section.

19 A public school district or other eligible entity has no
20 entitlement to a grant under this Section.

21 (b) The Capital Development Board shall adopt rules to
22 implement this Section. These rules need not be the same as the
23 rules for school construction project grants or school
24 maintenance project grants. The rules may specify:

25 (1) the manner of applying for grants;

26 (2) project eligibility requirements;

1 (3) restrictions on the use of grant moneys;

2 (4) the manner in which school districts and other
3 eligible entities must account for the use of grant
4 moneys;

5 (5) requirements that new or improved facilities be
6 used for early childhood and other related programs for a
7 period of at least 10 years; and

8 (6) any other provision that the Capital Development
9 Board determines to be necessary or useful for the
10 administration of this Section.

11 (b-5) When grants are made to non-profit corporations for
12 the acquisition or construction of new facilities, the Capital
13 Development Board or any State agency it so designates shall
14 hold title to or place a lien on the facility for a period of
15 10 years after the date of the grant award, after which title
16 to the facility shall be transferred to the non-profit
17 corporation or the lien shall be removed, provided that the
18 non-profit corporation has complied with the terms of its
19 grant agreement. When grants are made to non-profit
20 corporations for the purpose of renovation or rehabilitation,
21 if the non-profit corporation does not comply with item (5) of
22 subsection (b) of this Section, the Capital Development Board
23 or any State agency it so designates shall recover the grant
24 pursuant to the procedures outlined in the Illinois Grant
25 Funds Recovery Act.

26 (c) On and after July 1, 2026, the Capital Development

1 Board, in consultation with the Department of Early Childhood,
2 shall establish standards for the determination of priority
3 needs concerning early childhood projects based on projects
4 located in communities in the State with the greatest
5 underserved population of young children, utilizing Census
6 data and other reliable local early childhood service data.

7 (d) In each school year in which early childhood
8 construction project grants are awarded, 20% of the total
9 amount awarded shall be awarded to a school district with a
10 population of more than 500,000, provided that the school
11 district complies with the requirements of this Section and
12 the rules adopted under this Section.

13 Section 15-55. Infant/early childhood mental health
14 consultations.

15 (a) Findings; policies.

16 (1) The General Assembly finds that social and
17 emotional development is a core, developmental domain in
18 young children and is codified in the Illinois Early
19 Learning Standards.

20 (2) Fostering social and emotional development in,
21 early childhood means both providing the supportive
22 settings and interactions to maximize healthy social and
23 emotional development for all children, as well as
24 providing communities, programs, and providers with
25 systems of tiered supports with training to respond to

1 more significant social and emotional challenges or where
2 experiences of trauma may be more prevalent.

3 (3) Early care and education programs and providers,
4 across a range of settings, have an important role to play
5 in supporting young children and families, especially
6 those who face greater challenges, such as trauma
7 exposure, social isolation, pervasive poverty, and toxic
8 stress. If programs, teaching staff, caregivers, and
9 providers are not provided with the support, services, and
10 training needed to accomplish these goals, it can lead to
11 children and families being asked to leave programs,
12 particularly without connection to more appropriate
13 services, thereby creating a disruption in learning and
14 social-emotional development. Investments in reflective
15 supervision, professional development specific to
16 diversity, equity, and inclusion practice, culturally
17 responsive training, implicit bias training, and how
18 trauma experienced during the early years can manifest in
19 challenging behaviors will create systems for serving
20 children that are informed in developmentally appropriate
21 and responsive supports.

22 (4) Studies have shown that the expulsion of infants,
23 toddlers, and young children in early care and education
24 settings is occurring at alarmingly high rates, more than
25 3 times that of students in K-12; further, expulsion
26 occurs more frequently for Black children and Latinx

1 children and more frequently for boys than for girls, with
2 Black boys being most frequently expelled; there is
3 evidence to show that the expulsion of Black girls is
4 occurring with increasing frequency.

5 (5) Illinois took its first steps toward addressing
6 this disparity through Public Act 100-105 to prohibit
7 expulsion due to child behavior in early care and
8 education settings, but further work is needed to
9 implement this law, including strengthening provider
10 understanding of a successful transition and beginning to
11 identify strategies to reduce "soft expulsions" and to
12 ensure more young children and their teachers, providers,
13 and caregivers, in a range of early care and education
14 settings, can benefit from services, such as Infant/Early
15 Childhood Mental Health Consultations (I/ECMHC) and
16 positive behavior interventions and supports such as the
17 Pyramid Model.

18 (6) I/ECMHC is a critical component needed to align
19 social-emotional well-being with the public health model
20 of promotion, prevention, and intervention across early
21 care and education systems.

22 (b) The General Assembly encourages that all of the
23 following actions be taken by:

24 (1) the State to increase the availability of
25 Infant/Early Childhood Mental Health Consultations
26 (I/ECMHC) through increased funding in early childhood

1 programs and sustainable funding for coordination of
2 I/ECMHC and other social and emotional support at the
3 State level;

4 (2) the Department of Early Childhood, the Department
5 of Human Services, the Illinois State Board of Education,
6 and other relevant agencies to develop and promote
7 provider-accessible and parent-accessible materials,
8 including native language, on the role and value of
9 I/ECMHC, including targeted promotion in underserved
10 communities, and promote the use of existing I/ECMHCs, the
11 I/ECMHC consultant database, or other existing services;

12 (3) the State to increase funding to promote and
13 provide training and implementation support for systems of
14 tiered support, such as the Pyramid Model, across early
15 childhood settings and urge the Department of Early
16 Childhood, the Department of Human Services, the Illinois
17 State Board of Education, and other relevant State
18 agencies to coordinate efforts and develop strategies to
19 provide outreach to and support providers in underserved
20 communities and communities with fewer programmatic
21 resources; and

22 (4) State agencies to provide the data required by
23 Public Act 100-105, even if the data is incomplete at the
24 time due to data system challenges.

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Section 20-5. Transition. Beginning July 1, 2024, the Department of Early Childhood and the Department of Human Services shall collaborate and plan for the transition of child care services for children established in Section 5.15 of the Children and Family Services Act.

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Section 20-10. Child care.

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(a) The General Assembly recognizes that families with children need child care in order to work. Child care is expensive and families with limited access to economic resources, including those who are transitioning from welfare to work, often struggle to pay the costs of day care. The General Assembly understands the importance of helping working families with limited access to economic resources become and remain self-sufficient. The General Assembly also believes that it is the responsibility of families to share in the costs of child care. It is also the preference of the General Assembly that all working families with limited access to economic resources should be treated equally, regardless of their welfare status.

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(b) On and after July 1, 2026, to the extent resources permit, the Illinois Department of Early Childhood shall provide child care services to parents or other relatives as defined by rule who are working or participating in employment

1 or Department approved education or training programs as
2 prescribed in Section 9A-11 of the Illinois Public Aid Code.

3 (c) Smart Start Child Care Program. Through June 30, 2026,
4 subject to appropriation, the Department of Human Services
5 shall establish and administer the Smart Start Child Care
6 Program. On and after July 1, 2026, the Department of Early
7 Childhood shall administer the Smart Start Child Care Program.
8 The Smart Start Child Care Program shall focus on creating
9 affordable child care, as well as increasing access to child
10 care, for Illinois residents and may include, but is not
11 limited to, providing funding to increase preschool
12 availability, providing funding for childcare workforce
13 compensation or capital investments, and expanding funding for
14 Early Childhood Access Consortium for Equity Scholarships. The
15 Department with authority to administer the Smart Start Child
16 Care Program shall establish program eligibility criteria,
17 participation conditions, payment levels, and other program
18 requirements by rule. The Department with authority to
19 administer the Smart Start Child Care Program may consult with
20 the Capital Development Board, the Department of Commerce and
21 Economic Opportunity, the State Board of Education, and the
22 Illinois Housing Development Authority, and other state
23 agencies as determined by the Department in the management and
24 disbursement of funds for capital-related projects. The
25 Capital Development Board, the Department of Commerce and
26 Economic Opportunity, the State Board of Education, and the

1 Illinois Housing Development Authority, and other state
2 agencies as determined by the Department shall act in a
3 consulting role only for the evaluation of applicants, scoring
4 of applicants, or administration of the grant program.

5 Section 20-15. Day care services.

6 (a) For the purpose of ensuring effective statewide
7 planning, development, and utilization of resources for the
8 day care of children, operated under various auspices, the
9 Department of Early Childhood is designated on and after July
10 1, 2026 to coordinate all day care activities for children of
11 the State and shall develop or continue, and shall update
12 every year, a State comprehensive day care plan for submission
13 to the Governor that identifies high-priority areas and
14 groups, relating them to available resources and identifying
15 the most effective approaches to the use of existing day care
16 services. The State comprehensive day care plan shall be made
17 available to the General Assembly following the Governor's
18 approval of the plan.

19 The plan shall include methods and procedures for the
20 development of additional day care resources for children to
21 meet the goal of reducing short-run and long-run dependency
22 and to provide necessary enrichment and stimulation to the
23 education of young children. Recommendations shall be made for
24 State policy on optimum use of private and public, local,
25 State and federal resources, including an estimate of the

1 resources needed for the licensing and regulation of day care
2 facilities.

3 A written report shall be submitted to the Governor and
4 the General Assembly annually on April 15. The report shall
5 include an evaluation of developments over the preceding
6 fiscal year, including cost-benefit analyses of various
7 arrangements. Beginning with the report in 1990 submitted by
8 the Department's predecessor agency and every 2 years
9 thereafter, the report shall also include the following:

10 (1) An assessment of the child care services, needs
11 and available resources throughout the State and an
12 assessment of the adequacy of existing child care
13 services, including, but not limited to, services assisted
14 under this Act and under any other program administered by
15 other State agencies.

16 (2) A survey of day care facilities to determine the
17 number of qualified caregivers, as defined by rule,
18 attracted to vacant positions and any problems encountered
19 by facilities in attracting and retaining capable
20 caregivers. The report shall include an assessment, based
21 on the survey, of improvements in employee benefits that
22 may attract capable caregivers.

23 (3) The average wages and salaries and fringe benefit
24 packages paid to caregivers throughout the State, computed
25 on a regional basis, compared to similarly qualified
26 employees in other but related fields.

1 (4) The qualifications of new caregivers hired at
2 licensed day care facilities during the previous 2-year
3 period.

4 (5) Recommendations for increasing caregiver wages and
5 salaries to ensure quality care for children.

6 (6) Evaluation of the fee structure and income
7 eligibility for child care subsidized by the State.

8 (b) The Department of Early Childhood shall establish
9 policies and procedures for developing and implementing
10 interagency agreements with other agencies of the State
11 providing child care services or reimbursement for such
12 services. The plans shall be annually reviewed and modified
13 for the purpose of addressing issues of applicability and
14 service system barriers.

15 (c) In cooperation with other State agencies, the
16 Department of Early Childhood shall develop and implement, or
17 shall continue, a resource and referral system for the State
18 of Illinois either within the Department or by contract with
19 local or regional agencies. Funding for implementation of this
20 system may be provided through Department appropriations or
21 other interagency funding arrangements. The resource and
22 referral system shall provide at least the following services:

23 (1) Assembling and maintaining a database on the
24 supply of child care services.

25 (2) Providing information and referrals for parents.

26 (3) Coordinating the development of new child care

1 resources.

2 (4) Providing technical assistance and training to
3 child care service providers.

4 (5) Recording and analyzing the demand for child care
5 services.

6 (d) The Department of Early Childhood shall conduct day
7 care planning activities with the following priorities:

8 (1) Development of voluntary day care resources
9 wherever possible, with the provision for grants-in-aid
10 only where demonstrated to be useful and necessary as
11 incentives or supports. The Department shall design a plan
12 to create more child care slots as well as goals and
13 timetables to improve quality and accessibility of child
14 care.

15 (2) Emphasis on service to children of recipients of
16 public assistance when such service will allow training or
17 employment of the parent toward achieving the goal of
18 independence.

19 (3) Care of children from families in stress and
20 crises whose members potentially may become, or are in
21 danger of becoming, non-productive and dependent.

22 (4) Expansion of family day care facilities wherever
23 possible.

24 (5) Location of centers in economically depressed
25 neighborhoods, preferably in multi-service centers with
26 cooperation of other agencies. The Department shall

1 coordinate the provision of grants, but only to the extent
2 funds are specifically appropriated for this purpose, to
3 encourage the creation and expansion of child care centers
4 in high need communities to be issued by the State,
5 business, and local governments.

6 (6) Use of existing facilities free of charge or for
7 reasonable rental whenever possible in lieu of
8 construction.

9 (7) Development of strategies for assuring a more
10 complete range of day care options, including provision of
11 day care services in homes, in schools, or in centers,
12 which will enable parents to complete a course of
13 education or obtain or maintain employment and the
14 creation of more child care options for swing shift,
15 evening, and weekend workers and for working women with
16 sick children. The Department shall encourage companies to
17 provide child care in their own offices or in the building
18 in which the corporation is located so that employees of
19 all the building's tenants can benefit from the facility.

20 (8) Development of strategies for subsidizing students
21 pursuing degrees in the child care field.

22 (9) Continuation and expansion of service programs
23 that assist teen parents to continue and complete their
24 education.

25 Emphasis shall be given to support services that will help
26 to ensure such parents' graduation from high school and to

1 services for participants in any programs of job training
2 conducted by the Department.

3 (e) The Department of Early Childhood shall actively
4 stimulate the development of public and private resources at
5 the local level. It shall also seek the fullest utilization of
6 federal funds directly or indirectly available to the
7 Department. Where appropriate, existing non-governmental
8 agencies or associations shall be involved in planning by the
9 Department.

10 Section 20-20. Day care facilities for the children of
11 migrant workers. On and after July 1, 2026, the Department of
12 Early Childhood shall operate day care facilities for the
13 children of migrant workers in areas of the State where they
14 are needed. The Department of Early Childhood may provide
15 these day care services by contracting with private centers if
16 practicable. "Migrant worker" means any person who moves
17 seasonally from one place to another, within or without the
18 State, for the purpose of employment in agricultural
19 activities.

20 Section 20-25. Licensing day care facilities.

21 (a) Beginning July 1, 2024, the Department of Early
22 Childhood and the Department of Children and Family Services
23 shall collaborate and plan for the transition of
24 administrative responsibilities related to licensing day care

1 centers, day care homes, and group day care homes as
2 prescribed throughout the Child Care Act of 1969.

3 (b) Beginning July 1, 2026, the Department of Early
4 Childhood shall manage all facets of licensing for day care
5 centers, day care homes, and group day care homes as
6 prescribed throughout the Child Care Act of 1969.

7 Section 20-30. Off-Hours Child Care Program.

8 (a) Legislative intent. The General Assembly finds that:

9 (1) Finding child care can be a challenge for
10 firefighters, paramedics, police officers, nurses, and
11 other third shift workers across the State who often work
12 non-typical work hours. This can impact home life, school,
13 bedtime routines, job safety, and the mental health of
14 some of our most critical front line workers and their
15 families.

16 (2) There is a need for increased options for
17 off-hours child care in the State.

18 (3) Illinois has a vested interest in ensuring that
19 our first responders and working families can provide
20 their children with appropriate care during off hours to
21 improve the morale of existing first responders and to
22 improve recruitment into the future.

23 (b) As used in this Section, "first responders" means
24 emergency medical services personnel as defined in the
25 Emergency Medical Services (EMS) Systems Act, firefighters,

1 law enforcement officers, and, as determined by the Department
2 of Early Childhood on and after July 1, 2026, any other workers
3 who, on account of their work schedule, need child care
4 outside of the hours when licensed child care facilities
5 typically operate.

6 (c) Beginning July 1, 2026, the Department of Early
7 Childhood shall administer the Off-Hours Child Care Program to
8 help first responders and other workers identify and access
9 off-hours, night, or sleep time child care, subject to
10 appropriation. Services funded under the program must address
11 the child care needs of first responders. Funding provided
12 under the program may also be used to cover any capital and
13 operating expenses related to the provision of off-hours,
14 night, or sleep time child care for first responders. Funding
15 awarded under this Section shall be funded through
16 appropriations from the Off-Hours Child Care Program Fund
17 created under Public Act 102-912. The Department of Early
18 Childhood may adopt any rules necessary to implement the
19 program.

20 Section 20-35. Great START program.

21 (a) Through June 30, 2026, the Department of Human
22 Services shall, subject to a specific appropriation for this
23 purpose, operate a Great START (Strategy To Attract and Retain
24 Teachers) program. The goal of the program is to improve
25 children's developmental and educational outcomes in child

1 care by encouraging increased professional preparation by
2 staff and staff retention. The Great START program shall
3 coordinate with the TEACH professional development program.

4 The program shall provide wage supplements and may include
5 other incentives to licensed child care center personnel,
6 including early childhood teachers, school-age workers, early
7 childhood assistants, school-age assistants, and directors, as
8 such positions are defined by administrative rule of the
9 Department of Children and Family Services. The program shall
10 provide wage supplements and may include other incentives to
11 licensed family day care home personnel and licensed group day
12 care home personnel, including caregivers and assistants as
13 such positions are defined by administrative rule of the
14 Department of Children and Family Services. Individuals will
15 receive supplements commensurate with their qualifications.

16 (b) On and after July 1, 2026, the Department of Early
17 Childhood shall, subject to a specific appropriation for this
18 purpose, operate a Great START program. The goal of the
19 program is to improve children's developmental and educational
20 outcomes in child care by encouraging increased professional
21 preparation by staff and staff retention. The Great START
22 program shall coordinate with the TEACH professional
23 development program.

24 The program shall provide wage supplements and may include
25 other incentives to licensed child care center personnel,
26 including early childhood teachers, school-age workers, early

1 childhood assistants, school-age assistants, and directors, as
2 such positions are defined by administrative rule by the
3 Department pursuant to subsections (a) and this subsection.

4 (c) The Department, pursuant to subsections (a) and (b),
5 shall, by rule, define the scope and operation of the program,
6 including a wage supplement scale. The scale shall pay
7 increasing amounts for higher levels of educational attainment
8 beyond minimum qualifications and shall recognize longevity of
9 employment. Subject to the availability of sufficient
10 appropriation, the wage supplements shall be paid to child
11 care personnel in the form of bonuses at 6-month intervals.
12 Six months of continuous service with a single employer is
13 required to be eligible to receive a wage supplement bonus.
14 Wage supplements shall be paid directly to individual day care
15 personnel, not to their employers. Eligible individuals must
16 provide to the Department or its agent all information and
17 documentation, including but not limited to college
18 transcripts, to demonstrate their qualifications for a
19 particular wage supplement level.

20 If appropriations permit, the Department may include
21 one-time signing bonuses or other incentives to help providers
22 attract staff, provided that the signing bonuses are less than
23 the supplement staff would have received if they had remained
24 employed with another day care center or family day care home.

25 If appropriations permit, the Department may include
26 one-time longevity bonuses or other incentives to recognize

1 staff who have remained with a single employer.

2 Section 20-40. Programs to train low-income older persons
3 to be child care workers. On and after July 1, 2026, the
4 Department of Early Childhood may, in conjunction with
5 colleges or universities in this State, establish programs to
6 train low-income older persons to be child care workers. The
7 Department shall prescribe, by rule:

8 (a) age and income qualifications for persons to be
9 trained under such programs; and

10 (b) standards for such programs to ensure that such
11 programs train participants to be skilled workers for the
12 child care industry.

13 Section 20-45. Home child care demonstration project;
14 conversion and renovation grants; Department of Early
15 Childhood.

16 (a) The General Assembly finds that the demand for quality
17 child care far outweighs the number of safe, quality spaces
18 for our children. The purpose of this Section is to increase
19 the number of child care providers by:

20 (1) developing a demonstration project to train
21 individuals to become home child care providers who are
22 able to establish and operate their own child care
23 facility; and

24 (2) providing grants to convert and renovate existing

1 facilities.

2 (b) On and after July 1, 2026, the Department of Early
3 Childhood may from appropriations from the Child Care
4 Development Block Grant establish a demonstration project to
5 train individuals to become home child care providers who are
6 able to establish and operate their own home-based child care
7 facilities. On and after July 1, 2026, the Department of Early
8 Childhood is authorized to use funds for this purpose from the
9 child care and development funds deposited into the DHS
10 Special Purposes Trust Fund as described in Section 12-10 of
11 the Illinois Public Aid Code or deposited into the Employment
12 and Training Fund as described in Section 12-10.3 of the
13 Illinois Public Aid Code. As an economic development program,
14 the project's focus is to foster individual self-sufficiency
15 through an entrepreneurial approach by the creation of new
16 jobs and opening of new small home-based child care
17 businesses. The demonstration project shall involve
18 coordination among State and county governments and the
19 private sector, including but not limited to: the community
20 college system, the Departments of Labor and Commerce and
21 Economic Opportunity, the State Board of Education, large and
22 small private businesses, non-profit programs, unions, and
23 child care providers in the State.

24 (c) On and after July 1, 2026, the Department of Early
25 Childhood may from appropriations from the Child Care
26 Development Block Grant provide grants to family child care

1 providers and center based programs to convert and renovate
2 existing facilities, to the extent permitted by federal law,
3 so additional family child care homes and child care centers
4 can be located in such facilities.

5 (1) Applications for grants shall be made to the
6 Department and shall contain information as the Department
7 shall require by rule. Every applicant shall provide
8 assurance to the Department that:

9 (A) the facility to be renovated or improved shall
10 be used as family child care home or child care center
11 for a continuous period of at least 5 years;

12 (B) any family child care home or child care
13 center program located in a renovated or improved
14 facility shall be licensed by the Department;

15 (C) the program shall comply with applicable
16 federal and State laws prohibiting discrimination
17 against any person on the basis of race, color,
18 national origin, religion, creed, or sex;

19 (D) the grant shall not be used for purposes of
20 entertainment or perquisites;

21 (E) the applicant shall comply with any other
22 requirement the Department may prescribe to ensure
23 adherence to applicable federal, State, and county
24 laws;

25 (F) all renovations and improvements undertaken
26 with funds received under this Section shall comply

1 with all applicable State and county statutes and
2 ordinances including applicable building codes and
3 structural requirements of the Department; and

4 (G) the applicant shall indemnify and save
5 harmless the State and its officers, agents, and
6 employees from and against any and all claims arising
7 out of or resulting from the renovation and
8 improvements made with funds provided by this Section,
9 and, upon request of the Department, the applicant
10 shall procure sufficient insurance to provide that
11 indemnification.

12 (2) To receive a grant under this Section to convert
13 an existing facility into a family child care home or
14 child care center facility, the applicant shall:

15 (A) agree to make available to the Department all
16 records it may have relating to the operation of any
17 family child care home and child care center facility,
18 and to allow State agencies to monitor its compliance
19 with the purpose of this Section;

20 (B) agree that, if the facility is to be altered or
21 improved, or is to be used by other groups, moneys
22 appropriated by this Section shall be used for
23 renovating or improving the facility only to the
24 proportionate extent that the floor space will be used
25 by the child care program; and

26 (C) establish, to the satisfaction of the

1 Department, that sufficient funds are available for
2 the effective use of the facility for the purpose for
3 which it is being renovated or improved.

4 (3) In selecting applicants for funding, the
5 Department shall make every effort to ensure that family
6 child care home or child care center facilities are
7 equitably distributed throughout the State according to
8 demographic need. The Department shall give priority
9 consideration to rural/Downstate areas of the State that
10 are currently experiencing a shortage of child care
11 services.

12 (4) In considering applications for grants to renovate
13 or improve an existing facility used for the operations of
14 a family child care home or child care center, the
15 Department shall give preference to applications to
16 renovate facilities most in need of repair to address
17 safety and habitability concerns. No grant shall be
18 disbursed unless an agreement is entered into between the
19 applicant and the State, by and through the Department.
20 The agreement shall include the assurances and conditions
21 required by this Section and any other terms which the
22 Department may require.

23 ARTICLE 80. TRANSITION PROVISIONS

24 Section 80-5. Transfer of functions. On and after July 1,

1 2026:

2 (a) The powers, duties, rights, and responsibilities
3 vested in the transferring agencies relating to early care and
4 education programs and services to children and families
5 transferred by this Act shall be vested in and shall be
6 exercised by the Department of Early Childhood.

7 (b) Personnel employed by the Department of Human Services
8 or the Department of Children and Family Services who are
9 engaged in the performance of functions transferred to the
10 Department or who are engaged in the administration of a law
11 the administration of which is transferred to the Department
12 shall be transferred to the Department of Early Childhood.

13 (c) All books, records, papers, documents, property (real
14 and personal), contracts, causes of action, and pending
15 business pertaining to the powers, duties, rights, and
16 responsibilities relating to functions transferred under this
17 Act to the Department of Early Childhood, including, but not
18 limited to, material in electronic or magnetic format and
19 necessary computer hardware and software, shall be transferred
20 to the Department.

21 (d) Whenever reports or notices are now required to be
22 made or given or papers or documents furnished or served by any
23 person in connection with any of the powers, duties, rights,
24 and responsibilities relating to functions transferred by this
25 Act, the same shall be made, given, furnished, or served in the
26 same manner to or upon the Department.

1 (e) This Act does not affect any act done, ratified, or
2 canceled or any right occurring or established or any action
3 or proceeding had or commenced in an administrative, civil, or
4 criminal cause by each transferring agency relating to
5 functions transferred by this Act before the transfer of
6 responsibilities; such actions or proceedings may be
7 prosecuted and continued by the Department.

8 Section 80-10. Rules and standards.

9 (a) The rules and standards of the Department's
10 predecessor agencies that are in effect on June 30, 2026 and
11 pertain to the rights, powers, duties, and functions
12 transferred to the Department under this Act shall become the
13 rules and standards of the Department of Early Childhood on
14 July 1, 2026 and shall continue in effect until amended or
15 repealed by the Department.

16 (b) Any rules pertaining to the rights, powers, duties,
17 and functions transferred to the Department under this Act
18 that have been proposed by a predecessor agency but have not
19 taken effect or been finally adopted by June 30, 2026 shall
20 become proposed rules of the Department of Early Childhood on
21 July 1, 2026, and any rulemaking procedures that have already
22 been completed by the predecessor agency for those proposed
23 rules need not be repeated.

24 (c) As soon as practical after July 1, 2026, the
25 Department of Early Childhood shall revise and clarify the

1 rules transferred to it under this Act to reflect the
2 reorganization of rights, powers, duties, and functions
3 effected by this Act using the procedures for recodification
4 of rules available under the Illinois Administrative Procedure
5 Act, except that existing Title, Part, and Section numbering
6 for the affected rules may be retained. The Department may
7 propose and adopt under the Illinois Administrative Procedure
8 Act such other rules as may be necessary to consolidate and
9 clarify the rules of the agencies reorganized by this Act.

10 Section 80-15. Savings provisions.

11 (a) The rights, powers, duties, and functions transferred
12 to the Department of Early Childhood by this Act shall be
13 vested in and exercised by the Department subject to the
14 provisions of this Act. An act done by the Department or an
15 officer, employee, or agent of the Department in the exercise
16 of the transferred rights, powers, duties, or functions shall
17 have the same legal effect as if done by the predecessor agency
18 or an officer, employee, or agent of the predecessor agency.

19 (b) The transfer of rights, powers, duties, and functions
20 to the Department of Early Childhood under this Act does not
21 invalidate any previous action taken by or in respect to any of
22 its predecessor agencies or their officers, employees, or
23 agents. References to those predecessor agencies or their
24 officers, employees or agents in any document, contract,
25 agreement, or law shall, in appropriate contexts, be deemed to

1 refer to the Department or its officers, employees, or agents.

2 (c) The transfer of rights, powers, duties, and functions
3 to the Department of Early Childhood under this Act does not
4 affect any person's rights, obligations, or duties, including
5 any civil or criminal penalties applicable thereto, arising
6 out of those transferred rights, powers, duties, and
7 functions.

8 (d) With respect to matters that pertain to a right,
9 power, duty, or function transferred to the Department of
10 Early Childhood under this Act:

11 (1) Beginning July 1, 2026, a report or notice that
12 was previously required to be made or given by any person
13 to a predecessor agency or any of its officers, employees,
14 or agents shall be made or given in the same manner to the
15 Department or its appropriate officer, employee, or agent.

16 (2) Beginning July 1, 2026, a document that was
17 previously required to be furnished or served by any
18 person to or upon a predecessor agency or any of its
19 officers, employees, or agents shall be furnished or
20 served in the same manner to or upon the Department or its
21 appropriate officer, employee, or agent.

22 (e) This Act does not affect any act done, ratified, or
23 canceled, any right occurring or established, or any action or
24 proceeding had or commenced in an administrative, civil, or
25 criminal cause before July 1, 2026. Any such action or
26 proceeding that pertains to a right, power, duty, or function

1 transferred to the Department of Early Childhood under this
2 Act and that is pending on that date may be prosecuted,
3 defended, or continued by the Department of Early Childhood.

4 ARTICLE 90. AMENDATORY PROVISIONS

5 Section 90-5. The Civil Administrative Code of Illinois is
6 amended by changing Sections 5-10, 5-15, and 5-20 and by
7 adding Section 5-336 as follows:

8 (20 ILCS 5/5-10) (was 20 ILCS 5/2.1)

9 Sec. 5-10. "Director". As used in the Civil Administrative
10 Code of Illinois, unless the context clearly indicates
11 otherwise, the word "director" means the several directors of
12 the departments of State government as designated in Section
13 5-20 of this Law and includes the Secretary of Early
14 Childhood, the Secretary of Financial and Professional
15 Regulation, the Secretary of Innovation and Technology, the
16 Secretary of Human Services, and the Secretary of
17 Transportation.

18 (Source: P.A. 100-611, eff. 7-20-18.)

19 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

20 Sec. 5-15. Departments of State government. The
21 Departments of State government are created as follows:

22 The Department on Aging.

1 The Department of Agriculture.
2 The Department of Central Management Services.
3 The Department of Children and Family Services.
4 The Department of Commerce and Economic Opportunity.
5 The Department of Corrections.
6 The Department of Early Childhood.
7 The Department of Employment Security.
8 The Illinois Emergency Management Agency.
9 The Department of Financial and Professional Regulation.
10 The Department of Healthcare and Family Services.
11 The Department of Human Rights.
12 The Department of Human Services.
13 The Department of Innovation and Technology.
14 The Department of Insurance.
15 The Department of Juvenile Justice.
16 The Department of Labor.
17 The Department of the Lottery.
18 The Department of Natural Resources.
19 The Department of Public Health.
20 The Department of Revenue.
21 The Illinois State Police.
22 The Department of Transportation.
23 The Department of Veterans' Affairs.
24 (Source: P.A. 102-538, eff. 8-20-21.)

25 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

1 Sec. 5-20. Heads of departments. Each department shall
2 have an officer as its head who shall be known as director or
3 secretary and who shall, subject to the provisions of the
4 Civil Administrative Code of Illinois, execute the powers and
5 discharge the duties vested by law in his or her respective
6 department.

7 The following officers are hereby created:

8 Director of Aging, for the Department on Aging.

9 Director of Agriculture, for the Department of
10 Agriculture.

11 Director of Central Management Services, for the
12 Department of Central Management Services.

13 Director of Children and Family Services, for the
14 Department of Children and Family Services.

15 Director of Commerce and Economic Opportunity, for the
16 Department of Commerce and Economic Opportunity.

17 Director of Corrections, for the Department of
18 Corrections.

19 Director of the Illinois Emergency Management Agency, for
20 the Illinois Emergency Management Agency.

21 Secretary of Early Childhood, for the Department of Early
22 Childhood.

23 Director of Employment Security, for the Department of
24 Employment Security.

25 Secretary of Financial and Professional Regulation, for
26 the Department of Financial and Professional Regulation.

1 Director of Healthcare and Family Services, for the
2 Department of Healthcare and Family Services.

3 Director of Human Rights, for the Department of Human
4 Rights.

5 Secretary of Human Services, for the Department of Human
6 Services.

7 Secretary of Innovation and Technology, for the Department
8 of Innovation and Technology.

9 Director of Insurance, for the Department of Insurance.

10 Director of Juvenile Justice, for the Department of
11 Juvenile Justice.

12 Director of Labor, for the Department of Labor.

13 Director of the Lottery, for the Department of the
14 Lottery.

15 Director of Natural Resources, for the Department of
16 Natural Resources.

17 Director of Public Health, for the Department of Public
18 Health.

19 Director of Revenue, for the Department of Revenue.

20 Director of the Illinois State Police, for the Illinois
21 State Police.

22 Secretary of Transportation, for the Department of
23 Transportation.

24 Director of Veterans' Affairs, for the Department of
25 Veterans' Affairs.

26 (Source: P.A. 102-538, eff. 8-20-21.)

1 (20 ILCS 5/5-336 new)

2 Sec. 5-336. In the Department of Early Childhood. For
3 terms beginning on or after July 1, 2024, the Secretary shall
4 receive an annual salary of \$214,988 or as set by the Governor,
5 whichever is higher. On July 1, 2025, and on each July 1
6 thereafter, the Secretary shall receive an increase in salary
7 based on the cost of living adjustment as authorized by Senate
8 Joint Resolution 192 of the 86th General Assembly.

9 Section 90-10. The Children and Family Services Act is
10 amended by changing Sections 5a, 5.15, 5.20, 22.1, 34.9, and
11 34.10 as follows:

12 (20 ILCS 505/5a) (from Ch. 23, par. 5005a)

13 Sec. 5a. Reimbursable services for which the Department of
14 Children and Family Services shall pay 100% of the reasonable
15 cost pursuant to a written contract negotiated between the
16 Department and the agency furnishing the services (which shall
17 include but not be limited to the determination of reasonable
18 cost, the services being purchased and the duration of the
19 agreement) include, but are not limited to:

20 SERVICE ACTIVITIES

21 Adjunctive Therapy;

22 Child Care Service, including day care;

1 Clinical Therapy;
2 Custodial Service;
3 Field Work Students;
4 Food Service;
5 Normal Education;
6 In-Service Training;
7 Intake or Evaluation, or both;
8 Medical Services;
9 Recreation;
10 Social Work or Counselling, or both;
11 Supportive Staff;
12 Volunteers.

13 OBJECT EXPENSES

14 Professional Fees and Contract Service Payments;
15 Supplies;
16 Telephone and Telegram;
17 Occupancy;
18 Local Transportation;
19 Equipment and Other Fixed Assets, including amortization
20 of same;
21 Miscellaneous.

22 ADMINISTRATIVE COSTS

23 Program Administration;
24 Supervision and Consultation;

1 Inspection and Monitoring for purposes of issuing
2 licenses;
3 Determination of Children who are eligible
4 for federal or other reimbursement;
5 Postage and Shipping;
6 Outside Printing, Artwork, etc.;
7 Subscriptions and Reference Publications;
8 Management and General Expense.

9 Reimbursement of administrative costs other than inspection
10 and monitoring for purposes of issuing licenses may not exceed
11 20% of the costs for other services.

12 The Department may offer services to any child or family
13 with respect to whom a report of suspected child abuse or
14 neglect has been called in to the hotline after completion of a
15 family assessment as provided under subsection (a-5) of
16 Section 7.4 of the Abused and Neglected Child Reporting Act
17 and the Department has determined that services are needed to
18 address the safety of the child and other family members and
19 the risk of subsequent maltreatment. Acceptance of such
20 services shall be voluntary.

21 All Object Expenses, Service Activities and Administrative
22 Costs are allowable.

23 If a survey instrument is used in the rate setting
24 process:

25 (a) with respect to any day care centers, it shall be
26 limited to those agencies which receive reimbursement from

1 the State;

2 (b) the cost survey instrument shall be promulgated by
3 rule;

4 (c) any requirements of the respondents shall be
5 promulgated by rule;

6 (d) all screens, limits or other tests of
7 reasonableness, allowability and reimbursability shall be
8 promulgated by rule;

9 (e) adjustments may be made by the Department to rates
10 when it determines that reported wage and salary levels
11 are insufficient to attract capable caregivers in
12 sufficient numbers.

13 The Department of Children and Family Services may pay
14 100% of the reasonable costs of research and valuation focused
15 exclusively on services to youth in care. Such research
16 projects must be approved, in advance, by the Director of the
17 Department.

18 In addition to reimbursements otherwise provided for in
19 this Section, the Department of Human Services, through June
20 30, 2026 and Department of Early Childhood beginning on and
21 after July 1, 2026, shall, in accordance with annual written
22 agreements, make advance quarterly disbursements to local
23 public agencies for child day care services with funds
24 appropriated from the Local Effort Day Care Fund.

25 Neither the Department of Children and Family Services nor
26 the Department of Human Services through June 30, 2026 and the

1 Department of Early Childhood beginning on and after July 1,
2 2026 shall pay or approve reimbursement for day care in a
3 facility which is operating without a valid license or permit,
4 except in the case of day care homes or day care centers which
5 are exempt from the licensing requirements of the Child Care
6 Act of 1969.

7 The rates paid to day care providers by the Department of
8 Children and Family Services shall match the rates paid to
9 child care providers by the Department of Human Services,
10 including base rates and any relevant rate enhancements
11 through June 30, 2026. On and after July 1, 2026, the
12 Department of Early Childhood shall pay day care providers,
13 who service the Department of Children and Family Services
14 under the child care assistance program, including base rates
15 and any relevant rate enhancements.

16 ~~In addition to reimbursements otherwise provided for in~~
17 ~~this Section, the Department of Human Services shall, in~~
18 ~~accordance with annual written agreements, make advance~~
19 ~~quarterly disbursements to local public agencies for child day~~
20 ~~care services with funds appropriated from the Local Effort~~
21 ~~Day Care Fund.~~

22 ~~Neither the Department of Children and Family Services nor~~
23 ~~the Department of Human Services shall pay or approve~~
24 ~~reimbursement for day care in a facility which is operating~~
25 ~~without a valid license or permit, except in the case of day~~
26 ~~care homes or day care centers which are exempt from the~~

1 ~~licensing requirements of the "Child Care Act of 1969".~~

2 ~~The rates paid to day care providers by the Department of~~
3 ~~Children and Family Services shall match the rates paid to~~
4 ~~child care providers by the Department of Human Services under~~
5 ~~the child care assistance program, including base rates and~~
6 ~~any relevant rate enhancements.~~

7 (Source: P.A. 102-926, eff. 7-1-23.)

8 (20 ILCS 505/5.15)

9 Sec. 5.15. Day care ~~Daycare~~; Department of Human Services.

10 (a) For the purpose of ensuring effective statewide
11 planning, development, and utilization of resources for the
12 day care of children, operated under various auspices, the
13 Department of Human Services is designated to coordinate all
14 day care activities for children of the State and shall
15 develop or continue, and shall update every year, a State
16 comprehensive day-care plan for submission to the Governor
17 that identifies high-priority areas and groups, relating them
18 to available resources and identifying the most effective
19 approaches to the use of existing day care services. The State
20 comprehensive day-care plan shall be made available to the
21 General Assembly following the Governor's approval of the
22 plan.

23 The plan shall include methods and procedures for the
24 development of additional day care resources for children to
25 meet the goal of reducing short-run and long-run dependency

1 and to provide necessary enrichment and stimulation to the
2 education of young children. Recommendations shall be made for
3 State policy on optimum use of private and public, local,
4 State and federal resources, including an estimate of the
5 resources needed for the licensing and regulation of day care
6 facilities.

7 A written report shall be submitted to the Governor and
8 the General Assembly annually on April 15. The report shall
9 include an evaluation of developments over the preceding
10 fiscal year, including cost-benefit analyses of various
11 arrangements. Beginning with the report in 1990 submitted by
12 the Department's predecessor agency and every 2 years
13 thereafter, the report shall also include the following:

14 (1) An assessment of the child care services, needs
15 and available resources throughout the State and an
16 assessment of the adequacy of existing child care
17 services, including, but not limited to, services assisted
18 under this Act and under any other program administered by
19 other State agencies.

20 (2) A survey of day care facilities to determine the
21 number of qualified caregivers, as defined by rule,
22 attracted to vacant positions and any problems encountered
23 by facilities in attracting and retaining capable
24 caregivers. The report shall include an assessment, based
25 on the survey, of improvements in employee benefits that
26 may attract capable caregivers.

1 (3) The average wages and salaries and fringe benefit
2 packages paid to caregivers throughout the State, computed
3 on a regional basis, compared to similarly qualified
4 employees in other but related fields.

5 (4) The qualifications of new caregivers hired at
6 licensed day care facilities during the previous 2-year
7 period.

8 (5) Recommendations for increasing caregiver wages and
9 salaries to ensure quality care for children.

10 (6) Evaluation of the fee structure and income
11 eligibility for child care subsidized by the State.

12 The requirement for reporting to the General Assembly
13 shall be satisfied by filing copies of the report as required
14 by Section 3.1 of the General Assembly Organization Act, and
15 filing such additional copies with the State Government Report
16 Distribution Center for the General Assembly as is required
17 under paragraph (t) of Section 7 of the State Library Act.

18 (b) The Department of Human Services shall establish
19 policies and procedures for developing and implementing
20 interagency agreements with other agencies of the State
21 providing child care services or reimbursement for such
22 services. The plans shall be annually reviewed and modified
23 for the purpose of addressing issues of applicability and
24 service system barriers.

25 (c) In cooperation with other State agencies, the
26 Department of Human Services shall develop and implement, or

1 shall continue, a resource and referral system for the State
2 of Illinois either within the Department or by contract with
3 local or regional agencies. Funding for implementation of this
4 system may be provided through Department appropriations or
5 other inter-agency funding arrangements. The resource and
6 referral system shall provide at least the following services:

7 (1) Assembling and maintaining a data base on the
8 supply of child care services.

9 (2) Providing information and referrals for parents.

10 (3) Coordinating the development of new child care
11 resources.

12 (4) Providing technical assistance and training to
13 child care service providers.

14 (5) Recording and analyzing the demand for child care
15 services.

16 (d) The Department of Human Services shall conduct day
17 care planning activities with the following priorities:

18 (1) Development of voluntary day care resources
19 wherever possible, with the provision for grants-in-aid
20 only where demonstrated to be useful and necessary as
21 incentives or supports. By January 1, 2002, the Department
22 shall design a plan to create more child care slots as well
23 as goals and timetables to improve quality and
24 accessibility of child care.

25 (2) Emphasis on service to children of recipients of
26 public assistance when such service will allow training or

1 employment of the parent toward achieving the goal of
2 independence.

3 (3) (Blank).

4 (4) Care of children from families in stress and
5 crises whose members potentially may become, or are in
6 danger of becoming, non-productive and dependent.

7 (5) Expansion of family day care facilities wherever
8 possible.

9 (6) Location of centers in economically depressed
10 neighborhoods, preferably in multi-service centers with
11 cooperation of other agencies. The Department shall
12 coordinate the provision of grants, but only to the extent
13 funds are specifically appropriated for this purpose, to
14 encourage the creation and expansion of child care centers
15 in high need communities to be issued by the State,
16 business, and local governments.

17 (7) Use of existing facilities free of charge or for
18 reasonable rental whenever possible in lieu of
19 construction.

20 (8) Development of strategies for assuring a more
21 complete range of day care options, including provision of
22 day care services in homes, in schools, or in centers,
23 which will enable a parent or parents to complete a course
24 of education or obtain or maintain employment and the
25 creation of more child care options for swing shift,
26 evening, and weekend workers and for working women with

1 sick children. The Department shall encourage companies to
2 provide child care in their own offices or in the building
3 in which the corporation is located so that employees of
4 all the building's tenants can benefit from the facility.

5 (9) Development of strategies for subsidizing students
6 pursuing degrees in the child care field.

7 (10) Continuation and expansion of service programs
8 that assist teen parents to continue and complete their
9 education.

10 Emphasis shall be given to support services that will help
11 to ensure such parents' graduation from high school and to
12 services for participants in any programs of job training
13 conducted by the Department.

14 (e) The Department of Human Services shall actively
15 stimulate the development of public and private resources at
16 the local level. It shall also seek the fullest utilization of
17 federal funds directly or indirectly available to the
18 Department.

19 Where appropriate, existing non-governmental agencies or
20 associations shall be involved in planning by the Department.

21 (f) To better accommodate the child care needs of low
22 income working families, especially those who receive
23 Temporary Assistance for Needy Families (TANF) or who are
24 transitioning from TANF to work, or who are at risk of
25 depending on TANF in the absence of child care, the Department
26 shall complete a study using outcome-based assessment

1 measurements to analyze the various types of child care needs,
2 including but not limited to: child care homes; child care
3 facilities; before and after school care; and evening and
4 weekend care. Based upon the findings of the study, the
5 Department shall develop a plan by April 15, 1998, that
6 identifies the various types of child care needs within
7 various geographic locations. The plan shall include, but not
8 be limited to, the special needs of parents and guardians in
9 need of non-traditional child care services such as early
10 mornings, evenings, and weekends; the needs of very low income
11 families and children and how they might be better served; and
12 strategies to assist child care providers to meet the needs
13 and schedules of low income families.

14 (g) This Section is repealed on July 1, 2026.

15 (Source: P.A. 100-1148, eff. 12-10-18.)

16 (20 ILCS 505/5.20)

17 Sec. 5.20. Child care for former public aid recipients;
18 Department of Human Services. The Department of Human Services
19 may provide child care services to former recipients of
20 assistance under the Illinois Public Aid Code as authorized by
21 Section 9-6.3 of that Code. This Section is repealed on July 1,
22 2026.

23 (Source: P.A. 89-507, eff. 7-1-97.)

24 (20 ILCS 505/22.1) (from Ch. 23, par. 5022.1)

1 Sec. 22.1. Grants-in-aid for child care services;
2 Department of Human Services.

3 (a) Blank.

4 (b) Blank.

5 (c) The Department of Human Services shall establish and
6 operate day care facilities for the children of migrant
7 workers in areas of the State where they are needed. The
8 Department may provide these day care services by contracting
9 with private centers if practicable. "Migrant worker" means
10 any person who moves seasonally from one place to another,
11 within or without the State, for the purpose of employment in
12 agricultural activities. This Section is repealed on July 1,
13 2026.

14 (Source: P.A. 97-516, eff. 8-23-11.)

15 (20 ILCS 505/34.9) (from Ch. 23, par. 5034.9)

16 Sec. 34.9. The Department may, in conjunction with
17 colleges or universities in this State, establish programs to
18 train low-income older persons to be child care workers. The
19 Department shall prescribe, by rule:

20 (a) age and income qualifications for persons to be
21 trained under such programs; and

22 (b) standards for such programs to ensure that such
23 programs train participants to be skilled workers for the
24 child care industry.

25 This Section is repealed on July 1, 2026.

1 (Source: P.A. 86-889.)

2 (20 ILCS 505/34.10) (from Ch. 23, par. 5034.10)

3 Sec. 34.10. Home child care demonstration project;
4 conversion and renovation grants; Department of Human
5 Services.

6 (a) The legislature finds that the demand for quality
7 child care far outweighs the number of safe, quality spaces
8 for our children. The purpose of this Section is to increase
9 the number of child care providers by:

10 (1) developing a demonstration project to train
11 individuals to become home child care providers who are
12 able to establish and operate their own child care
13 facility; and

14 (2) providing grants to convert and renovate existing
15 facilities.

16 (b) The Department of Human Services may from
17 appropriations from the Child Care Development Block Grant
18 establish a demonstration project to train individuals to
19 become home child care providers who are able to establish and
20 operate their own home-based child care facilities. The
21 Department of Human Services is authorized to use funds for
22 this purpose from the child care and development funds
23 deposited into the DHS Special Purposes Trust Fund as
24 described in Section 12-10 of the Illinois Public Aid Code or
25 deposited into the Employment and Training Fund as described

1 in Section 12-10.3 of the Illinois Public Aid Code. As an
2 economic development program, the project's focus is to foster
3 individual self-sufficiency through an entrepreneurial
4 approach by the creation of new jobs and opening of new small
5 home-based child care businesses. The demonstration project
6 shall involve coordination among State and county governments
7 and the private sector, including but not limited to: the
8 community college system, the Departments of Labor and
9 Commerce and Economic Opportunity, the State Board of
10 Education, large and small private businesses, nonprofit
11 programs, unions, and child care providers in the State.

12 The Department shall submit:

13 (1) a progress report on the demonstration project to
14 the legislature by one year after January 1, 1992 (the
15 effective date of Public Act 87-332); and

16 (2) a final evaluation report on the demonstration
17 project, including findings and recommendations, to the
18 legislature by one year after the due date of the progress
19 report.

20 (c) The Department of Human Services may from
21 appropriations from the Child Care Development Block Grant
22 provide grants to family child care providers and center based
23 programs to convert and renovate existing facilities, to the
24 extent permitted by federal law, so additional family child
25 care homes and child care centers can be located in such
26 facilities.

1 (1) Applications for grants shall be made to the
2 Department and shall contain information as the Department
3 shall require by rule. Every applicant shall provide
4 assurance to the Department that:

5 (A) the facility to be renovated or improved shall
6 be used as family child care home or child care center
7 for a continuous period of at least 5 years;

8 (B) any family child care home or child care
9 center program located in a renovated or improved
10 facility shall be licensed by the Department;

11 (C) the program shall comply with applicable
12 federal and State laws prohibiting discrimination
13 against any person on the basis of race, color,
14 national origin, religion, creed, or sex;

15 (D) the grant shall not be used for purposes of
16 entertainment or perquisites;

17 (E) the applicant shall comply with any other
18 requirement the Department may prescribe to ensure
19 adherence to applicable federal, State, and county
20 laws;

21 (F) all renovations and improvements undertaken
22 with funds received under this Section shall comply
23 with all applicable State and county statutes and
24 ordinances including applicable building codes and
25 structural requirements of the Department; and

26 (G) the applicant shall indemnify and save

1 harmless the State and its officers, agents, and
2 employees from and against any and all claims arising
3 out of or resulting from the renovation and
4 improvements made with funds provided by this Section,
5 and, upon request of the Department, the applicant
6 shall procure sufficient insurance to provide that
7 indemnification.

8 (2) To receive a grant under this Section to convert
9 an existing facility into a family child care home or
10 child care center facility, the applicant shall:

11 (A) agree to make available to the Department of
12 Human Services all records it may have relating to the
13 operation of any family child care home and child care
14 center facility, and to allow State agencies to
15 monitor its compliance with the purpose of this
16 Section;

17 (B) agree that, if the facility is to be altered or
18 improved, or is to be used by other groups, moneys
19 appropriated by this Section shall be used for
20 renovating or improving the facility only to the
21 proportionate extent that the floor space will be used
22 by the child care program; and

23 (C) establish, to the satisfaction of the
24 Department, that sufficient funds are available for
25 the effective use of the facility for the purpose for
26 which it is being renovated or improved.

1 (3) In selecting applicants for funding, the
2 Department shall make every effort to ensure that family
3 child care home or child care center facilities are
4 equitably distributed throughout the State according to
5 demographic need. The Department shall give priority
6 consideration to rural/Downstate areas of the State that
7 are currently experiencing a shortage of child care
8 services.

9 (4) In considering applications for grants to renovate
10 or improve an existing facility used for the operations of
11 a family child care home or child care center, the
12 Department shall give preference to applications to
13 renovate facilities most in need of repair to address
14 safety and habitability concerns. No grant shall be
15 disbursed unless an agreement is entered into between the
16 applicant and the State, by and through the Department.
17 The agreement shall include the assurances and conditions
18 required by this Section and any other terms which the
19 Department may require.

20 (d) This Section is repealed on July 1, 2026.

21 (Source: P.A. 103-363, eff. 7-28-23.)

22 Section 90-15. The Department of Human Services Act is
23 amended by changing Sections 1-75, 10-16, and 10-22 as
24 follows:

1 (20 ILCS 1305/1-75)

2 Sec. 1-75. Off-Hours Child Care Program.

3 (a) Legislative intent. The General Assembly finds that:

4 (1) Finding child care can be a challenge for
5 firefighters, paramedics, police officers, nurses, and
6 other third shift workers across the State who often work
7 non-typical work hours. This can impact home life, school,
8 bedtime routines, job safety, and the mental health of
9 some of our most critical front line workers and their
10 families.

11 (2) There is a need for increased options for
12 off-hours child care in the State. A majority of the
13 State's child care facilities do not provide care outside
14 of normal work hours, with just 3,251 day care homes and
15 435 group day care homes that provide night care.

16 (3) Illinois has a vested interest in ensuring that
17 our first responders and working families can provide
18 their children with appropriate care during off hours to
19 improve the morale of existing first responders and to
20 improve recruitment into the future.

21 (b) As used in this Section, "first responders" means
22 emergency medical services personnel as defined in the
23 Emergency Medical Services (EMS) Systems Act, firefighters,
24 law enforcement officers, and, as determined by the
25 Department, any other workers who, on account of their work
26 schedule, need child care outside of the hours when licensed

1 child care facilities typically operate.

2 (c) Subject to appropriation, the Department of Human
3 Services shall establish and administer an Off-Hours Child
4 Care Program to help first responders and other workers
5 identify and access off-hours, night, or sleep time child
6 care. Services funded under the program must address the child
7 care needs of first responders. Funding provided under the
8 program may also be used to cover any capital and operating
9 expenses related to the provision of off-hours, night, or
10 sleep time child care for first responders. Funding awarded
11 under this Section shall be funded through appropriations from
12 the Off-Hours Child Care Program Fund created under subsection
13 (d). The Department shall implement the program by July 1,
14 2023. The Department may adopt any rules necessary to
15 implement the program.

16 (d) The Off-Hours Child Care Program Fund is created as a
17 special fund in the State treasury. The Fund shall consist of
18 any moneys appropriated to the Department of Human Services
19 for the Off-Hours Child Care Program. Moneys in the Fund shall
20 be expended for the Off-Hours Child Care Program and for no
21 other purpose. All interest earned on moneys in the Fund shall
22 be deposited into the Fund.

23 (e) This Section is repealed on July 1, 2026.

24 (Source: P.A. 102-912, eff. 5-27-22; 103-154, eff. 6-30-23.)

25 (20 ILCS 1305/10-16)

1 Sec. 10-16. Home visiting program.

2 (a) The General Assembly finds that research-informed home
3 visiting programs work to strengthen families' functioning and
4 support parents in caring for their children to ensure optimal
5 child development.

6 (b) The Department shall establish a home visiting program
7 to support communities in providing intensive home visiting
8 programs to pregnant persons and families with children from
9 birth up to elementary school enrollment. Services shall be
10 offered on a voluntary basis to families. In awarding grants
11 under the program, the Department shall prioritize populations
12 or communities in need of such services, as determined by the
13 Department, based on data including, but not limited to,
14 statewide home visiting needs assessments. Eligibility under
15 the program shall also take into consideration requirements of
16 the federal Maternal, Infant, and Early Childhood Home
17 Visiting Program and Head Start and Early Head Start to ensure
18 appropriate alignment. The overall goals for these services
19 are to:

- 20 (1) improve maternal and newborn health;
21 (2) prevent child abuse and neglect;
22 (3) promote children's development and readiness to
23 participate in school; and
24 (4) connect families to needed community resources and
25 supports.

26 (b) Allowable uses of funding include:

1 (1) Grants to community-based organizations to
2 implement home visiting and family support services with
3 fidelity to research-informed home visiting program
4 models, as defined by the Department. Services may
5 include, but are not limited to:

6 (A) personal visits with a child and the child's
7 parent or caregiver at a periodicity aligned with the
8 model being implemented;

9 (B) opportunities for connections with other
10 parents and caregivers in their community and other
11 social and community supports;

12 (C) enhancements to research-informed home
13 visiting program models based on community needs
14 including doula services, and other program
15 innovations as approved by the Department; and

16 (D) referrals to other resources needed by
17 families.

18 (2) Infrastructure supports for grantees, including,
19 but not limited to, professional development for the
20 workforce, technical assistance and capacity-building,
21 data system and supports, infant and early childhood
22 mental health consultation, trauma-informed practices,
23 research, universal newborn screening, and coordinated
24 intake.

25 (c) Subject to appropriation, the Department shall award
26 grants to community-based agencies in accordance with this

1 Section and any other rules that may be adopted by the
2 Department. Successful grantees under this program shall
3 comply with policies and procedures on program, data, and
4 expense reporting as developed by the Department.

5 (d) Funds received under this Section shall supplement,
6 not supplant, other existing or new federal, State, or local
7 sources of funding for these services. Any new federal funding
8 received shall supplement and not supplant funding for this
9 program.

10 (e) The Department shall collaborate with relevant
11 agencies to support the coordination and alignment of home
12 visiting services provided through other State and federal
13 funds, to the extent possible. The Department shall
14 collaborate with the State Board of Education, the Department
15 of Healthcare and Family Services, and Head Start and Early
16 Head Start in the implementation of these services to support
17 alignment with home visiting services provided through the
18 Early Childhood Block Grant and the State's Medical Assistance
19 Program, respectively, to the extent possible.

20 (f) An advisory committee shall advise the Department
21 concerning the implementation of the home visiting program.
22 The advisory committee shall make recommendations on policy
23 and implementation. The Department shall determine whether the
24 advisory committee shall be a newly created body or an
25 existing body such as a committee of the Illinois Early
26 Learning Council. The advisory committee shall consist of one

1 or more representatives of the Department, other members
2 representing public and private entities that serve and
3 interact with the families served under the home visiting
4 program, with the input of families engaged in home visiting
5 or related services themselves. Family input may be secured by
6 engaging families as members of this advisory committee or as
7 a separate committee of family representatives.

8 (g) The Department may adopt any rules necessary to
9 implement this Section.

10 (i) This Section is repealed on July 1, 2026.

11 (Source: P.A. 103-498, eff. 1-1-24.)

12 (20 ILCS 1305/10-22)

13 Sec. 10-22. Great START program.

14 (a) The Department of Human Services shall, subject to a
15 specific appropriation for this purpose, operate a Great START
16 (Strategy To Attract and Retain Teachers) program. The goal of
17 the program is to improve children's developmental and
18 educational outcomes in child care by encouraging increased
19 professional preparation by staff and staff retention. The
20 Great START program shall coordinate with the TEACH
21 professional development program.

22 The program shall provide wage supplements and may include
23 other incentives to licensed child care center personnel,
24 including early childhood teachers, school-age workers, early
25 childhood assistants, school-age assistants, and directors, as

1 such positions are defined by administrative rule of the
2 Department of Children and Family Services. The program shall
3 provide wage supplements and may include other incentives to
4 licensed family day care home personnel and licensed group day
5 care home personnel, including caregivers and assistants as
6 such positions are defined by administrative rule of the
7 Department of Children and Family Services. Individuals will
8 receive supplements commensurate with their qualifications.

9 (b) (Blank).

10 (c) The Department shall, by rule, define the scope and
11 operation of the program, including a wage supplement scale.
12 The scale shall pay increasing amounts for higher levels of
13 educational attainment beyond minimum qualifications and shall
14 recognize longevity of employment. Subject to the availability
15 of sufficient appropriation, the wage supplements shall be
16 paid to child care personnel in the form of bonuses at 6 month
17 intervals. Six months of continuous service with a single
18 employer is required to be eligible to receive a wage
19 supplement bonus. Wage supplements shall be paid directly to
20 individual day care personnel, not to their employers.
21 Eligible individuals must provide to the Department or its
22 agent all information and documentation, including but not
23 limited to college transcripts, to demonstrate their
24 qualifications for a particular wage supplement level.

25 If appropriations permit, the Department may include
26 one-time signing bonuses or other incentives to help providers

1 attract staff, provided that the signing bonuses are less than
2 the supplement staff would have received if they had remained
3 employed with another day care center or family day care home.

4 If appropriations permit, the Department may include
5 one-time longevity bonuses or other incentives to recognize
6 staff who have remained with a single employer.

7 (d) (Blank).

8 (e) This Section is repealed on July 1, 2026.

9 (Source: P.A. 93-711, eff. 7-12-04.)

10 Section 90-20. The Illinois Early Learning Council Act is
11 amended by changing Section 10 as follows:

12 (20 ILCS 3933/10)

13 Sec. 10. Membership. The Illinois Early Learning Council
14 shall include representation from both public and private
15 organizations, and its membership shall reflect regional,
16 racial, and cultural diversity to ensure representation of the
17 needs of all Illinois children. One member shall be appointed
18 by the President of the Senate, one member appointed by the
19 Minority Leader of the Senate, one member appointed by the
20 Speaker of the House of Representatives, one member appointed
21 by the Minority Leader of the House of Representatives, and
22 other members appointed by the Governor. The Governor's
23 appointments shall include without limitation the following:

24 (1) A leader of stature from the Governor's office, to

1 serve as co-chairperson of the Council.

2 (2) The chief administrators of the following State
3 agencies: Department of Early Childhood, State Board of
4 Education; Department of Human Services; Department of
5 Children and Family Services; Department of Public Health;
6 Department of Healthcare and Family Services; Board of
7 Higher Education; and Illinois Community College Board.

8 (3) Local government stakeholders and nongovernment
9 stakeholders with an interest in early childhood care and
10 education, including representation from the following
11 private-sector fields and constituencies: early childhood
12 education and development; child care; child advocacy;
13 parenting support; local community collaborations among
14 early care and education programs and services; maternal
15 and child health; children with special needs; business;
16 labor; and law enforcement. The Governor shall designate
17 one of the members who is a nongovernment stakeholder to
18 serve as co-chairperson.

19 In addition, the Governor shall request that the Region V
20 office of the U.S. Department of Health and Human Services'
21 Administration for Children and Families appoint a member to
22 the Council to represent federal children's programs and
23 services.

24 Members appointed by General Assembly members and members
25 appointed by the Governor who are local government or
26 nongovernment stakeholders shall serve 3-year terms, except

1 that of the initial appointments, half of these members, as
2 determined by lot, shall be appointed to 2-year terms so that
3 terms are staggered. Members shall serve on a voluntary,
4 unpaid basis.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 Section 90-25. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant
17 entered into with respect to any revenue bonds or similar
18 instruments. All procurements for which contracts are
19 solicited between the effective date of Articles 50 and 99 and
20 July 1, 1998 shall be substantially in accordance with this
21 Code and its intent.

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal
24 assistance moneys. This Code shall not apply to:

1 (1) Contracts between the State and its political
2 subdivisions or other governments, or between State
3 governmental bodies, except as specifically provided in
4 this Code.

5 (2) Grants, except for the filing requirements of
6 Section 20-80.

7 (3) Purchase of care, except as provided in Section
8 5-30.6 of the Illinois Public Aid Code and this Section.

9 (4) Hiring of an individual as an employee and not as
10 an independent contractor, whether pursuant to an
11 employment code or policy or by contract directly with
12 that individual.

13 (5) Collective bargaining contracts.

14 (6) Purchase of real estate, except that notice of
15 this type of contract with a value of more than \$25,000
16 must be published in the Procurement Bulletin within 10
17 calendar days after the deed is recorded in the county of
18 jurisdiction. The notice shall identify the real estate
19 purchased, the names of all parties to the contract, the
20 value of the contract, and the effective date of the
21 contract.

22 (7) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations,
24 provided that the chief legal counsel to the Governor
25 shall give his or her prior approval when the procuring
26 agency is one subject to the jurisdiction of the Governor,

1 and provided that the chief legal counsel of any other
2 procuring entity subject to this Code shall give his or
3 her prior approval when the procuring entity is not one
4 subject to the jurisdiction of the Governor.

5 (8) (Blank).

6 (9) Procurement expenditures by the Illinois
7 Conservation Foundation when only private funds are used.

8 (10) (Blank).

9 (11) Public-private agreements entered into according
10 to the procurement requirements of Section 20 of the
11 Public-Private Partnerships for Transportation Act and
12 design-build agreements entered into according to the
13 procurement requirements of Section 25 of the
14 Public-Private Partnerships for Transportation Act.

15 (12) (A) Contracts for legal, financial, and other
16 professional and artistic services entered into by the
17 Illinois Finance Authority in which the State of Illinois
18 is not obligated. Such contracts shall be awarded through
19 a competitive process authorized by the members of the
20 Illinois Finance Authority and are subject to Sections
21 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
22 as well as the final approval by the members of the
23 Illinois Finance Authority of the terms of the contract.

24 (B) Contracts for legal and financial services entered
25 into by the Illinois Housing Development Authority in
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be
2 awarded through a competitive process authorized by the
3 members of the Illinois Housing Development Authority and
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
5 and 50-37 of this Code, as well as the final approval by
6 the members of the Illinois Housing Development Authority
7 of the terms of the contract.

8 (13) Contracts for services, commodities, and
9 equipment to support the delivery of timely forensic
10 science services in consultation with and subject to the
11 approval of the Chief Procurement Officer as provided in
12 subsection (d) of Section 5-4-3a of the Unified Code of
13 Corrections, except for the requirements of Sections
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
15 Code; however, the Chief Procurement Officer may, in
16 writing with justification, waive any certification
17 required under Article 50 of this Code. For any contracts
18 for services which are currently provided by members of a
19 collective bargaining agreement, the applicable terms of
20 the collective bargaining agreement concerning
21 subcontracting shall be followed.

22 On and after January 1, 2019, this paragraph (13),
23 except for this sentence, is inoperative.

24 (14) Contracts for participation expenditures required
25 by a domestic or international trade show or exhibition of
26 an exhibitor, member, or sponsor.

1 (15) Contracts with a railroad or utility that
2 requires the State to reimburse the railroad or utilities
3 for the relocation of utilities for construction or other
4 public purpose. Contracts included within this paragraph
5 (15) shall include, but not be limited to, those
6 associated with: relocations, crossings, installations,
7 and maintenance. For the purposes of this paragraph (15),
8 "railroad" means any form of non-highway ground
9 transportation that runs on rails or electromagnetic
10 guideways and "utility" means: (1) public utilities as
11 defined in Section 3-105 of the Public Utilities Act, (2)
12 telecommunications carriers as defined in Section 13-202
13 of the Public Utilities Act, (3) electric cooperatives as
14 defined in Section 3.4 of the Electric Supplier Act, (4)
15 telephone or telecommunications cooperatives as defined in
16 Section 13-212 of the Public Utilities Act, (5) rural
17 water or waste water systems with 10,000 connections or
18 less, (6) a holder as defined in Section 21-201 of the
19 Public Utilities Act, and (7) municipalities owning or
20 operating utility systems consisting of public utilities
21 as that term is defined in Section 11-117-2 of the
22 Illinois Municipal Code.

23 (16) Procurement expenditures necessary for the
24 Department of Public Health to provide the delivery of
25 timely newborn screening services in accordance with the
26 Newborn Metabolic Screening Act.

1 (17) Procurement expenditures necessary for the
2 Department of Agriculture, the Department of Financial and
3 Professional Regulation, the Department of Human Services,
4 and the Department of Public Health to implement the
5 Compassionate Use of Medical Cannabis Program and Opioid
6 Alternative Pilot Program requirements and ensure access
7 to medical cannabis for patients with debilitating medical
8 conditions in accordance with the Compassionate Use of
9 Medical Cannabis Program Act.

10 (18) This Code does not apply to any procurements
11 necessary for the Department of Agriculture, the
12 Department of Financial and Professional Regulation, the
13 Department of Human Services, the Department of Commerce
14 and Economic Opportunity, and the Department of Public
15 Health to implement the Cannabis Regulation and Tax Act if
16 the applicable agency has made a good faith determination
17 that it is necessary and appropriate for the expenditure
18 to fall within this exemption and if the process is
19 conducted in a manner substantially in accordance with the
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
23 Section 50-35, compliance applies only to contracts or
24 subcontracts over \$100,000. Notice of each contract
25 entered into under this paragraph (18) that is related to
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be
2 published in the Procurement Bulletin within 14 calendar
3 days after contract execution. The Chief Procurement
4 Officer shall prescribe the form and content of the
5 notice. Each agency shall provide the Chief Procurement
6 Officer, on a monthly basis, in the form and content
7 prescribed by the Chief Procurement Officer, a report of
8 contracts that are related to the procurement of goods and
9 services identified in this subsection. At a minimum, this
10 report shall include the name of the contractor, a
11 description of the supply or service provided, the total
12 amount of the contract, the term of the contract, and the
13 exception to this Code utilized. A copy of any or all of
14 these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor
17 and General Assembly no later than November 1 of each year
18 that includes, at a minimum, an annual summary of the
19 monthly information reported to the Chief Procurement
20 Officer. This exemption becomes inoperative 5 years after
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,
23 limited to assistive technology devices and assistive
24 technology services, adaptive equipment, repairs, and
25 replacement parts to provide reasonable accommodations (i)
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for
2 the position such qualified applicant desires, (ii) that
3 modify or adjust the work environment to enable a
4 qualified current employee with a disability to perform
5 the essential functions of the position held by that
6 employee, (iii) to enable a qualified current employee
7 with a disability to enjoy equal benefits and privileges
8 of employment as are enjoyed by other similarly situated
9 employees without disabilities, and (iv) that allow a
10 customer, client, claimant, or member of the public
11 seeking State services full use and enjoyment of and
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece
15 of equipment, or product system, whether acquired
16 commercially off the shelf, modified, or customized, that
17 is used to increase, maintain, or improve functional
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that
20 directly assists an individual with a disability in
21 selection, acquisition, or use of an assistive technology
22 device.

23 "Qualified" has the same meaning and use as provided
24 under the federal Americans with Disabilities Act when
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party
2 facilitators pursuant to Sections 16-105.17 and 16-108.18
3 of the Public Utilities Act or an ombudsman pursuant to
4 Section 16-107.5 of the Public Utilities Act, a
5 facilitator pursuant to Section 16-105.17 of the Public
6 Utilities Act, or a grid auditor pursuant to Section
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,
9 renewal, and expansion of software, software licenses, or
10 software maintenance agreements that support the efforts
11 of the Illinois State Police to enforce, regulate, and
12 administer the Firearm Owners Identification Card Act, the
13 Firearm Concealed Carry Act, the Firearms Restraining
14 Order Act, the Firearm Dealer License Certification Act,
15 the Law Enforcement Agencies Data System (LEADS), the
16 Uniform Crime Reporting Act, the Criminal Identification
17 Act, the Illinois Uniform Conviction Information Act, and
18 the Gun Trafficking Information Act, or establish or
19 maintain record management systems necessary to conduct
20 human trafficking investigations or gun trafficking or
21 other stolen firearm investigations. This paragraph (21)
22 applies to contracts entered into on or after January 10,
23 2023 (the effective date of Public Act 102-1116) and the
24 renewal of contracts that are in effect on January 10,
25 2023 (the effective date of Public Act 102-1116).

26 (22) Contracts for project management services and

1 system integration services required for the completion of
2 the State's enterprise resource planning project. This
3 exemption becomes inoperative 5 years after June 7, 2023
4 (the effective date of the changes made to this Section by
5 Public Act 103-8). This paragraph (22) applies to
6 contracts entered into on or after June 7, 2023 (the
7 effective date of the changes made to this Section by
8 Public Act 103-8) and the renewal of contracts that are in
9 effect on June 7, 2023 (the effective date of the changes
10 made to this Section by Public Act 103-8).

11 (23) Procurements necessary for the Department of
12 Insurance to implement the Illinois Health Benefits
13 Exchange Law if the Department of Insurance has made a
14 good faith determination that it is necessary and
15 appropriate for the expenditure to fall within this
16 exemption. The procurement process shall be conducted in a
17 manner substantially in accordance with the requirements
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A
19 copy of these contracts shall be made available to the
20 Chief Procurement Officer immediately upon request. This
21 paragraph is inoperative 5 years after June 27, 2023 (the
22 effective date of Public Act 103-103).

23 (24) ~~(22)~~ Contracts for public education programming,
24 noncommercial sustaining announcements, public service
25 announcements, and public awareness and education
26 messaging with the nonprofit trade associations of the

1 providers of those services that inform the public on
2 immediate and ongoing health and safety risks and hazards.

3 (25) Procurements necessary for the Department of
4 Early Childhood to implement the Department of Early
5 Childhood Act if the Department has made a good faith
6 determination that it is necessary and appropriate for the
7 expenditure to fall within this exemption. This exemption
8 shall only be used for products and services procured
9 solely for use by the Department of Early Childhood. The
10 procurements may include those necessary to design and
11 build integrated, operational systems of programs and
12 services. The procurements may include, but are not
13 limited to, those necessary to align and update program
14 standards, integrate funding systems, design and establish
15 data and reporting systems, align and update models for
16 technical assistance and professional development, design
17 systems to manage grants and ensure compliance, design and
18 implement management and operational structures, and
19 establish new means of engaging with families, educators,
20 providers, and stakeholders. The procurement processes
21 shall be conducted in a manner substantially in accordance
22 with the requirements of Article 50 (ethics) and Sections
23 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
24 and Inclusion), 20-80 (contract files), 20-120
25 (subcontractors), 20-155 (paperwork), 20-160
26 (ethics/campaign contribution prohibitions), 25-60

1 (prevailing wage), and 25-90 (prohibited and authorized
2 cybersecurity) of this Code. Beginning January 1, 2025,
3 the Department of Early Childhood shall provide a
4 quarterly report to the General Assembly detailing a list
5 of expenditures and contracts for which the Department
6 uses this exemption. This paragraph is inoperative on and
7 after July 1, 2027.

8 Notwithstanding any other provision of law, for contracts
9 with an annual value of more than \$100,000 entered into on or
10 after October 1, 2017 under an exemption provided in any
11 paragraph of this subsection (b), except paragraph (1), (2),
12 or (5), each State agency shall post to the appropriate
13 procurement bulletin the name of the contractor, a description
14 of the supply or service provided, the total amount of the
15 contract, the term of the contract, and the exception to the
16 Code utilized. The chief procurement officer shall submit a
17 report to the Governor and General Assembly no later than
18 November 1 of each year that shall include, at a minimum, an
19 annual summary of the monthly information reported to the
20 chief procurement officer.

21 (c) This Code does not apply to the electric power
22 procurement process provided for under Section 1-75 of the
23 Illinois Power Agency Act and Section 16-111.5 of the Public
24 Utilities Act. This Code does not apply to the procurement of
25 technical and policy experts pursuant to Section 1-129 of the
26 Illinois Power Agency Act.

1 (d) Except for Section 20-160 and Article 50 of this Code,
2 and as expressly required by Section 9.1 of the Illinois
3 Lottery Law, the provisions of this Code do not apply to the
4 procurement process provided for under Section 9.1 of the
5 Illinois Lottery Law.

6 (e) This Code does not apply to the process used by the
7 Capital Development Board to retain a person or entity to
8 assist the Capital Development Board with its duties related
9 to the determination of costs of a clean coal SNG brownfield
10 facility, as defined by Section 1-10 of the Illinois Power
11 Agency Act, as required in subsection (h-3) of Section 9-220
12 of the Public Utilities Act, including calculating the range
13 of capital costs, the range of operating and maintenance
14 costs, or the sequestration costs or monitoring the
15 construction of clean coal SNG brownfield facility for the
16 full duration of construction.

17 (f) (Blank).

18 (g) (Blank).

19 (h) This Code does not apply to the process to procure or
20 contracts entered into in accordance with Sections 11-5.2 and
21 11-5.3 of the Illinois Public Aid Code.

22 (i) Each chief procurement officer may access records
23 necessary to review whether a contract, purchase, or other
24 expenditure is or is not subject to the provisions of this
25 Code, unless such records would be subject to attorney-client
26 privilege.

1 (j) This Code does not apply to the process used by the
2 Capital Development Board to retain an artist or work or works
3 of art as required in Section 14 of the Capital Development
4 Board Act.

5 (k) This Code does not apply to the process to procure
6 contracts, or contracts entered into, by the State Board of
7 Elections or the State Electoral Board for hearing officers
8 appointed pursuant to the Election Code.

9 (l) This Code does not apply to the processes used by the
10 Illinois Student Assistance Commission to procure supplies and
11 services paid for from the private funds of the Illinois
12 Prepaid Tuition Fund. As used in this subsection (l), "private
13 funds" means funds derived from deposits paid into the
14 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

15 (m) This Code shall apply regardless of the source of
16 funds with which contracts are paid, including federal
17 assistance moneys. Except as specifically provided in this
18 Code, this Code shall not apply to procurement expenditures
19 necessary for the Department of Public Health to conduct the
20 Healthy Illinois Survey in accordance with Section 2310-431 of
21 the Department of Public Health Powers and Duties Law of the
22 Civil Administrative Code of Illinois.

23 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
24 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
25 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
26 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.

1 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised
2 1-2-24.)

3 Section 90-30. The School Code is amended by changing
4 Sections 1A-4, 1C-2, 1C-4, 1D-1, 2-3.47, 2-3.64a-10, 2-3.71,
5 2-3.71a, 2-3.79, 2-3.89, 10-22.6, 21B-50, 22-45, and 26-19 as
6 follows:

7 (105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

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

9 A. (Blank).

10 B. The Board shall determine the qualifications of and
11 appoint a chief education officer, to be known as the State
12 Superintendent of Education, who may be proposed by the
13 Governor and who shall serve at the pleasure of the Board and
14 pursuant to a performance-based contract linked to statewide
15 student performance and academic improvement within Illinois
16 schools. Upon expiration or buyout of the contract of the
17 State Superintendent of Education in office on the effective
18 date of this amendatory Act of the 93rd General Assembly, a
19 State Superintendent of Education shall be appointed by a
20 State Board of Education that includes the 7 new Board members
21 who were appointed to fill seats of members whose terms were
22 terminated on the effective date of this amendatory Act of the
23 93rd General Assembly. Thereafter, a State Superintendent of
24 Education must, at a minimum, be appointed at the beginning of

1 each term of a Governor after that Governor has made
2 appointments to the Board. A performance-based contract issued
3 for the employment of a State Superintendent of Education
4 entered into on or after the effective date of this amendatory
5 Act of the 93rd General Assembly must expire no later than
6 February 1, 2007, and subsequent contracts must expire no
7 later than February 1 each 4 years thereafter. No contract
8 shall be extended or renewed beyond February 1, 2007 and
9 February 1 each 4 years thereafter, but a State Superintendent
10 of Education shall serve until his or her successor is
11 appointed. Each contract entered into on or before January 8,
12 2007 with a State Superintendent of Education must provide
13 that the State Board of Education may terminate the contract
14 for cause, and the State Board of Education shall not
15 thereafter be liable for further payments under the contract.
16 With regard to this amendatory Act of the 93rd General
17 Assembly, it is the intent of the General Assembly that,
18 beginning with the Governor who takes office on the second
19 Monday of January, 2007, a State Superintendent of Education
20 be appointed at the beginning of each term of a Governor after
21 that Governor has made appointments to the Board. The State
22 Superintendent of Education shall not serve as a member of the
23 State Board of Education. The Board shall set the compensation
24 of the State Superintendent of Education who shall serve as
25 the Board's chief executive officer. The Board shall also
26 establish the duties, powers and responsibilities of the State

1 Superintendent, which shall be included in the State
2 Superintendent's performance-based contract along with the
3 goals and indicators of student performance and academic
4 improvement used to measure the performance and effectiveness
5 of the State Superintendent. The State Board of Education may
6 delegate to the State Superintendent of Education the
7 authority to act on the Board's behalf, provided such
8 delegation is made pursuant to adopted board policy or the
9 powers delegated are ministerial in nature. The State Board
10 may not delegate authority under this Section to the State
11 Superintendent to (1) nonrecognize school districts, (2)
12 withhold State payments as a penalty, or (3) make final
13 decisions under the contested case provisions of the Illinois
14 Administrative Procedure Act unless otherwise provided by law.

15 C. The powers and duties of the State Board of Education
16 shall encompass all duties delegated to the Office of
17 Superintendent of Public Instruction on January 12, 1975,
18 except as the law providing for such powers and duties is
19 thereafter amended, and such other powers and duties as the
20 General Assembly shall designate. The Board shall be
21 responsible for the educational policies and guidelines for
22 public schools, pre-school through grade 12 and Vocational
23 Education in the State of Illinois. Beginning July 1, 2024,
24 educational policies and guidelines pertaining to pre-school
25 and the Prevention Initiative program shall be done in
26 consultation with the Department of Early Childhood. The Board

1 shall analyze the present and future aims, needs, and
2 requirements of education in the State of Illinois and
3 recommend to the General Assembly the powers which should be
4 exercised by the Board. The Board shall recommend the passage
5 and the legislation necessary to determine the appropriate
6 relationship between the Board and local boards of education
7 and the various State agencies and shall recommend desirable
8 modifications in the laws which affect schools.

9 D. Two members of the Board shall be appointed by the
10 chairperson to serve on a standing joint Education Committee,
11 2 others shall be appointed from the Board of Higher
12 Education, 2 others shall be appointed by the chairperson of
13 the Illinois Community College Board, and 2 others shall be
14 appointed by the chairperson of the Human Resource Investment
15 Council. The Committee shall be responsible for making
16 recommendations concerning the submission of any workforce
17 development plan or workforce training program required by
18 federal law or under any block grant authority. The Committee
19 will be responsible for developing policy on matters of mutual
20 concern to elementary, secondary and higher education such as
21 Occupational and Career Education, Teacher Preparation and
22 Licensure, Educational Finance, Articulation between
23 Elementary, Secondary and Higher Education and Research and
24 Planning. The joint Education Committee shall meet at least
25 quarterly and submit an annual report of its findings,
26 conclusions, and recommendations to the State Board of

1 Education, the Board of Higher Education, the Illinois
2 Community College Board, the Human Resource Investment
3 Council, the Governor, and the General Assembly. All meetings
4 of this Committee shall be official meetings for reimbursement
5 under this Act. On the effective date of this amendatory Act of
6 the 95th General Assembly, the Joint Education Committee is
7 abolished.

8 E. Five members of the Board shall constitute a quorum. A
9 majority vote of the members appointed, confirmed and serving
10 on the Board is required to approve any action, except that the
11 7 new Board members who were appointed to fill seats of members
12 whose terms were terminated on the effective date of this
13 amendatory act of the 93rd General Assembly may vote to
14 approve actions when appointed and serving.

15 F. Upon appointment of the 7 new Board members who were
16 appointed to fill seats of members whose terms were terminated
17 on the effective date of this amendatory Act of the 93rd
18 General Assembly, the Board shall review all of its current
19 rules in an effort to streamline procedures, improve
20 efficiency, and eliminate unnecessary forms and paperwork.

21 (Source: P.A. 102-894, eff. 5-20-22.)

22 (105 ILCS 5/1C-2)

23 Sec. 1C-2. Block grants.

24 (a) For fiscal year 1999, and each fiscal year thereafter
25 through fiscal year 2026, the State Board of Education shall

1 award to school districts block grants as described in
2 subsection (c). The State Board of Education may adopt rules
3 and regulations necessary to implement this Section. In
4 accordance with Section 2-3.32, all state block grants are
5 subject to an audit. Therefore, block grant receipts and block
6 grant expenditures shall be recorded to the appropriate fund
7 code.

8 (b) (Blank).

9 (c) An Early Childhood Education Block Grant shall be
10 created by combining the following programs: Preschool
11 Education, Parental Training and Prevention Initiative. These
12 funds shall be distributed to school districts and other
13 entities on a competitive basis, except that the State Board
14 of Education shall award to a school district having a
15 population exceeding 500,000 inhabitants 37% of the funds in
16 each fiscal year. Not less than 14% of the Early Childhood
17 Education Block Grant allocation of funds shall be used to
18 fund programs for children ages 0-3. Beginning in Fiscal Year
19 2016, at least 25% of any additional Early Childhood Education
20 Block Grant funding over and above the previous fiscal year's
21 allocation shall be used to fund programs for children ages
22 0-3. Once the percentage of Early Childhood Education Block
23 Grant funding allocated to programs for children ages 0-3
24 reaches 20% of the overall Early Childhood Education Block
25 Grant allocation for a full fiscal year, thereafter in
26 subsequent fiscal years the percentage of Early Childhood

1 Education Block Grant funding allocated to programs for
2 children ages 0-3 each fiscal year shall remain at least 20% of
3 the overall Early Childhood Education Block Grant allocation.
4 However, if, in a given fiscal year, the amount appropriated
5 for the Early Childhood Education Block Grant is insufficient
6 to increase the percentage of the grant to fund programs for
7 children ages 0-3 without reducing the amount of the grant for
8 existing providers of preschool education programs, then the
9 percentage of the grant to fund programs for children ages 0-3
10 may be held steady instead of increased. This subsection (c) is
11 inoperative on and after July 1, 2026.

12 (Source: P.A. 99-589, eff. 7-21-16; 100-465, eff. 8-31-17.)

13 (105 ILCS 5/1C-4)

14 Sec. 1C-4. Reports. A school district that receives an
15 Early Childhood Education Block Grant shall report to the
16 State Board of Education on its use of the block grant in such
17 form and detail as the State Board of Education may specify. In
18 addition, the report must include the following description
19 for the district, which must also be reported to the General
20 Assembly: block grant allocation and expenditures by program;
21 population and service levels by program; and administrative
22 expenditures by program. The State Board of Education shall
23 ensure that the reporting requirements for a district
24 organized under Article 34 of this Code are the same as for all
25 other school districts in this State.

1 This Section is repealed on July 1, 2026.

2 (Source: P.A. 99-30, eff. 7-10-15.)

3 (105 ILCS 5/1D-1)

4 (Text of Section from P.A. 100-55)

5 Sec. 1D-1. Block grant funding.

6 (a) For fiscal year 1996 and each fiscal year thereafter,
7 the State Board of Education shall award to a school district
8 having a population exceeding 500,000 inhabitants a general
9 education block grant and an educational services block grant,
10 determined as provided in this Section, in lieu of
11 distributing to the district separate State funding for the
12 programs described in subsections (b) and (c). The provisions
13 of this Section, however, do not apply to any federal funds
14 that the district is entitled to receive. In accordance with
15 Section 2-3.32, all block grants are subject to an audit.
16 Therefore, block grant receipts and block grant expenditures
17 shall be recorded to the appropriate fund code for the
18 designated block grant.

19 (b) The general education block grant shall include the
20 following programs: REI Initiative, Summer Bridges, ~~Preschool~~
21 ~~Education~~, K-6 Comprehensive Arts, School Improvement Support,
22 Urban Education, Scientific Literacy, Substance Abuse
23 Prevention, Second Language Planning, Staff Development,
24 Outcomes and Assessment, K-6 Reading Improvement, 7-12
25 Continued Reading Improvement, Truants' Optional Education,

1 Hispanic Programs, Agriculture Education, ~~Parental Training,~~
2 ~~Prevention Initiative,~~ Report Cards, and Criminal Background
3 Investigations. The general education block grant shall also
4 include Preschool Education, Parental Training, and Prevention
5 Initiative through June 30, 2026. Notwithstanding any other
6 provision of law, all amounts paid under the general education
7 block grant from State appropriations to a school district in
8 a city having a population exceeding 500,000 inhabitants shall
9 be appropriated and expended by the board of that district for
10 any of the programs included in the block grant or any of the
11 board's lawful purposes. Beginning in Fiscal Year 2018, at
12 least 25% of any additional Preschool Education, Parental
13 Training, and Prevention Initiative program funding over and
14 above the previous fiscal year's allocation shall be used to
15 fund programs for children ages 0-3. Beginning in Fiscal Year
16 2018, funding for Preschool Education, Parental Training, and
17 Prevention Initiative programs above the allocation for these
18 programs in Fiscal Year 2017 must be used solely as a
19 supplement for these programs and may not supplant funds
20 received from other sources.

21 (b-5) Beginning in Fiscal Year 2027, the Department of
22 Early Childhood shall award a block grant for Preschool
23 Education, Parental Training, and Prevention Initiative to a
24 school district having a population exceeding 500,000
25 inhabitants. The grants are subject to audit. Therefore, block
26 grant receipts and block grant expenditures shall be recorded

1 to the appropriate fund code for the designated block grant.
2 Notwithstanding any other provision of law, all amounts paid
3 under the block grant from State appropriations to a school
4 district in a city having a population exceeding 500,000
5 inhabitants shall be appropriated and expended by the board of
6 that district for any of the programs included in the block
7 grant or any of the board's lawful purposes. The district is
8 not required to file any application or other claim in order to
9 receive the block grant to which it is entitled under this
10 Section. The Department of Early Childhood shall make payments
11 to the district of amounts due under the district's block
12 grant on a schedule determined by the Department. A school
13 district to which this Section applies shall report to the
14 Department of Early Childhood on its use of the block grant in
15 such form and detail as the Department may specify. In
16 addition, the report must include the following description
17 for the district, which must also be reported to the General
18 Assembly: block grant allocation and expenditures by program;
19 population and service levels by program; and administrative
20 expenditures by program. The Department shall ensure that the
21 reporting requirements for the district are the same as for
22 all other school districts in this State. Beginning in Fiscal
23 Year 2018, at least 25% of any additional Preschool Education,
24 Parental Training, and Prevention Initiative program funding
25 over and above the previous fiscal year's allocation shall be
26 used to fund programs for children ages 0-3. Beginning in

1 Fiscal Year 2018, funding for Preschool Education, Parental
2 Training, and Prevention Initiative programs above the
3 allocation for these programs in Fiscal Year 2017 must be used
4 solely as a supplement for these programs and may not supplant
5 funds received from other sources.

6 (c) The educational services block grant shall include the
7 following programs: Regular and Vocational Transportation,
8 State Lunch and Free Breakfast Program, Special Education
9 (Personnel, Transportation, Orphanage, Private Tuition),
10 funding for children requiring special education services,
11 Summer School, Educational Service Centers, and
12 Administrator's Academy. This subsection (c) does not relieve
13 the district of its obligation to provide the services
14 required under a program that is included within the
15 educational services block grant. It is the intention of the
16 General Assembly in enacting the provisions of this subsection
17 (c) to relieve the district of the administrative burdens that
18 impede efficiency and accompany single-program funding. The
19 General Assembly encourages the board to pursue mandate
20 waivers pursuant to Section 2-3.25g.

21 The funding program included in the educational services
22 block grant for funding for children requiring special
23 education services in each fiscal year shall be treated in
24 that fiscal year as a payment to the school district in respect
25 of services provided or costs incurred in the prior fiscal
26 year, calculated in each case as provided in this Section.

1 Nothing in this Section shall change the nature of payments
2 for any program that, apart from this Section, would be or,
3 prior to adoption or amendment of this Section, was on the
4 basis of a payment in a fiscal year in respect of services
5 provided or costs incurred in the prior fiscal year,
6 calculated in each case as provided in this Section.

7 (d) For fiscal year 1996 and each fiscal year thereafter,
8 the amount of the district's block grants shall be determined
9 as follows: (i) with respect to each program that is included
10 within each block grant, the district shall receive an amount
11 equal to the same percentage of the current fiscal year
12 appropriation made for that program as the percentage of the
13 appropriation received by the district from the 1995 fiscal
14 year appropriation made for that program, and (ii) the total
15 amount that is due the district under the block grant shall be
16 the aggregate of the amounts that the district is entitled to
17 receive for the fiscal year with respect to each program that
18 is included within the block grant that the State Board of
19 Education shall award the district under this Section for that
20 fiscal year. In the case of the Summer Bridges program, the
21 amount of the district's block grant shall be equal to 44% of
22 the amount of the current fiscal year appropriation made for
23 that program.

24 (e) The district is not required to file any application
25 or other claim in order to receive the block grants to which it
26 is entitled under this Section. The State Board of Education

1 shall make payments to the district of amounts due under the
2 district's block grants on a schedule determined by the State
3 Board of Education.

4 (f) A school district to which this Section applies shall
5 report to the State Board of Education on its use of the block
6 grants in such form and detail as the State Board of Education
7 may specify. In addition, the report must include the
8 following description for the district, which must also be
9 reported to the General Assembly: block grant allocation and
10 expenditures by program; population and service levels by
11 program; and administrative expenditures by program. The State
12 Board of Education shall ensure that the reporting
13 requirements for the district are the same as for all other
14 school districts in this State.

15 (g) This paragraph provides for the treatment of block
16 grants under Article 1C for purposes of calculating the amount
17 of block grants for a district under this Section. Those block
18 grants under Article 1C are, for this purpose, treated as
19 included in the amount of appropriation for the various
20 programs set forth in paragraph (b) above. The appropriation
21 in each current fiscal year for each block grant under Article
22 1C shall be treated for these purposes as appropriations for
23 the individual program included in that block grant. The
24 proportion of each block grant so allocated to each such
25 program included in it shall be the proportion which the
26 appropriation for that program was of all appropriations for

1 such purposes now in that block grant, in fiscal 1995.

2 Payments to the school district under this Section with
3 respect to each program for which payments to school districts
4 generally, as of the date of this amendatory Act of the 92nd
5 General Assembly, are on a reimbursement basis shall continue
6 to be made to the district on a reimbursement basis, pursuant
7 to the provisions of this Code governing those programs.

8 (h) Notwithstanding any other provision of law, any school
9 district receiving a block grant under this Section may
10 classify all or a portion of the funds that it receives in a
11 particular fiscal year from any block grant authorized under
12 this Code or from general State aid pursuant to Section
13 18-8.05 of this Code (other than supplemental general State
14 aid) as funds received in connection with any funding program
15 for which it is entitled to receive funds from the State in
16 that fiscal year (including, without limitation, any funding
17 program referred to in subsection (c) of this Section),
18 regardless of the source or timing of the receipt. The
19 district may not classify more funds as funds received in
20 connection with the funding program than the district is
21 entitled to receive in that fiscal year for that program. Any
22 classification by a district must be made by a resolution of
23 its board of education. The resolution must identify the
24 amount of any block grant or general State aid to be classified
25 under this subsection (h) and must specify the funding program
26 to which the funds are to be treated as received in connection

1 therewith. This resolution is controlling as to the
2 classification of funds referenced therein. A certified copy
3 of the resolution must be sent to the State Superintendent of
4 Education. The resolution shall still take effect even though
5 a copy of the resolution has not been sent to the State
6 Superintendent of Education in a timely manner. No
7 classification under this subsection (h) by a district shall
8 affect the total amount or timing of money the district is
9 entitled to receive under this Code. No classification under
10 this subsection (h) by a district shall in any way relieve the
11 district from or affect any requirements that otherwise would
12 apply with respect to the block grant as provided in this
13 Section, including any accounting of funds by source,
14 reporting expenditures by original source and purpose,
15 reporting requirements, or requirements of provision of
16 services.

17 (Source: P.A. 100-55, eff. 8-11-17.)

18 (Text of Section from P.A. 100-465)

19 Sec. 1D-1. Block grant funding.

20 (a) For fiscal year 1996 through fiscal year 2017, the
21 State Board of Education shall award to a school district
22 having a population exceeding 500,000 inhabitants a general
23 education block grant and an educational services block grant,
24 determined as provided in this Section, in lieu of
25 distributing to the district separate State funding for the

1 programs described in subsections (b) and (c). The provisions
2 of this Section, however, do not apply to any federal funds
3 that the district is entitled to receive. In accordance with
4 Section 2-3.32, all block grants are subject to an audit.
5 Therefore, block grant receipts and block grant expenditures
6 shall be recorded to the appropriate fund code for the
7 designated block grant.

8 (b) The general education block grant shall include the
9 following programs: REI Initiative, Summer Bridges, Preschool
10 At Risk, K-6 Comprehensive Arts, School Improvement Support,
11 Urban Education, Scientific Literacy, Substance Abuse
12 Prevention, Second Language Planning, Staff Development,
13 Outcomes and Assessment, K-6 Reading Improvement, 7-12
14 Continued Reading Improvement, Truants' Optional Education,
15 Hispanic Programs, Agriculture Education, ~~Parental Education,~~
16 ~~Prevention Initiative,~~ Report Cards, and Criminal Background
17 Investigations. The general education block grant shall also
18 include Preschool Education, Parental Training, and Prevention
19 Initiative through June 30, 2026. Notwithstanding any other
20 provision of law, all amounts paid under the general education
21 block grant from State appropriations to a school district in
22 a city having a population exceeding 500,000 inhabitants shall
23 be appropriated and expended by the board of that district for
24 any of the programs included in the block grant or any of the
25 board's lawful purposes.

26 (b-5) Beginning in Fiscal Year 2027, the Department of

1 Early Childhood shall award a block grant for Preschool
2 Education, Parental Training, and Prevention Initiative to a
3 school district having a population exceeding 500,000
4 inhabitants. The grants are subject to audit. Therefore, block
5 grant receipts and block grant expenditures shall be recorded
6 to the appropriate fund code for the designated block grant.
7 Notwithstanding any other provision of law, all amounts paid
8 under the block grant from State appropriations to a school
9 district in a city having a population exceeding 500,000
10 inhabitants shall be appropriated and expended by the board of
11 that district for any of the programs included in the block
12 grant or any of the board's lawful purposes. The district is
13 not required to file any application or other claim in order to
14 receive the block grant to which it is entitled under this
15 Section. The Department of Early Childhood shall make payments
16 to the district of amounts due under the district's block
17 grant on a schedule determined by the Department. A school
18 district to which this Section applies shall report to the
19 Department of Early Childhood on its use of the block grant in
20 such form and detail as the Department may specify. In
21 addition, the report must include the following description
22 for the district, which must also be reported to the General
23 Assembly: block grant allocation and expenditures by program;
24 population and service levels by program; and administrative
25 expenditures by program. The Department shall ensure that the
26 reporting requirements for the district are the same as for

1 all other school districts in this State. Beginning in Fiscal
2 Year 2018, at least 25% of any additional Preschool Education,
3 Parental Training, and Prevention Initiative program funding
4 over and above the previous fiscal year's allocation shall be
5 used to fund programs for children ages 0-3. Beginning in
6 Fiscal Year 2018, funding for Preschool Education, Parental
7 Training, and Prevention Initiative programs above the
8 allocation for these programs in Fiscal Year 2017 must be used
9 solely as a supplement for these programs and may not supplant
10 funds received from other sources. (b-10).

11 (c) The educational services block grant shall include the
12 following programs: Regular and Vocational Transportation,
13 State Lunch and Free Breakfast Program, Special Education
14 (Personnel, Transportation, Orphanage, Private Tuition),
15 funding for children requiring special education services,
16 Summer School, Educational Service Centers, and
17 Administrator's Academy. This subsection (c) does not relieve
18 the district of its obligation to provide the services
19 required under a program that is included within the
20 educational services block grant. It is the intention of the
21 General Assembly in enacting the provisions of this subsection
22 (c) to relieve the district of the administrative burdens that
23 impede efficiency and accompany single-program funding. The
24 General Assembly encourages the board to pursue mandate
25 waivers pursuant to Section 2-3.25g.

26 The funding program included in the educational services

1 block grant for funding for children requiring special
2 education services in each fiscal year shall be treated in
3 that fiscal year as a payment to the school district in respect
4 of services provided or costs incurred in the prior fiscal
5 year, calculated in each case as provided in this Section.
6 Nothing in this Section shall change the nature of payments
7 for any program that, apart from this Section, would be or,
8 prior to adoption or amendment of this Section, was on the
9 basis of a payment in a fiscal year in respect of services
10 provided or costs incurred in the prior fiscal year,
11 calculated in each case as provided in this Section.

12 (d) For fiscal year 1996 through fiscal year 2017, the
13 amount of the district's block grants shall be determined as
14 follows: (i) with respect to each program that is included
15 within each block grant, the district shall receive an amount
16 equal to the same percentage of the current fiscal year
17 appropriation made for that program as the percentage of the
18 appropriation received by the district from the 1995 fiscal
19 year appropriation made for that program, and (ii) the total
20 amount that is due the district under the block grant shall be
21 the aggregate of the amounts that the district is entitled to
22 receive for the fiscal year with respect to each program that
23 is included within the block grant that the State Board of
24 Education shall award the district under this Section for that
25 fiscal year. In the case of the Summer Bridges program, the
26 amount of the district's block grant shall be equal to 44% of

1 the amount of the current fiscal year appropriation made for
2 that program.

3 (e) The district is not required to file any application
4 or other claim in order to receive the block grants to which it
5 is entitled under this Section. The State Board of Education
6 shall make payments to the district of amounts due under the
7 district's block grants on a schedule determined by the State
8 Board of Education.

9 (f) A school district to which this Section applies shall
10 report to the State Board of Education on its use of the block
11 grants in such form and detail as the State Board of Education
12 may specify. In addition, the report must include the
13 following description for the district, which must also be
14 reported to the General Assembly: block grant allocation and
15 expenditures by program; population and service levels by
16 program; and administrative expenditures by program. The State
17 Board of Education shall ensure that the reporting
18 requirements for the district are the same as for all other
19 school districts in this State.

20 (g) Through fiscal year 2017, this paragraph provides for
21 the treatment of block grants under Article 1C for purposes of
22 calculating the amount of block grants for a district under
23 this Section. Those block grants under Article 1C are, for
24 this purpose, treated as included in the amount of
25 appropriation for the various programs set forth in paragraph
26 (b) above. The appropriation in each current fiscal year for

1 each block grant under Article 1C shall be treated for these
2 purposes as appropriations for the individual program included
3 in that block grant. The proportion of each block grant so
4 allocated to each such program included in it shall be the
5 proportion which the appropriation for that program was of all
6 appropriations for such purposes now in that block grant, in
7 fiscal 1995.

8 Payments to the school district under this Section with
9 respect to each program for which payments to school districts
10 generally, as of the date of this amendatory Act of the 92nd
11 General Assembly, are on a reimbursement basis shall continue
12 to be made to the district on a reimbursement basis, pursuant
13 to the provisions of this Code governing those programs.

14 (h) Notwithstanding any other provision of law, any school
15 district receiving a block grant under this Section may
16 classify all or a portion of the funds that it receives in a
17 particular fiscal year from any block grant authorized under
18 this Code or from general State aid pursuant to Section
19 18-8.05 of this Code (other than supplemental general State
20 aid) as funds received in connection with any funding program
21 for which it is entitled to receive funds from the State in
22 that fiscal year (including, without limitation, any funding
23 program referred to in subsection (c) of this Section),
24 regardless of the source or timing of the receipt. The
25 district may not classify more funds as funds received in
26 connection with the funding program than the district is

1 entitled to receive in that fiscal year for that program. Any
2 classification by a district must be made by a resolution of
3 its board of education. The resolution must identify the
4 amount of any block grant or general State aid to be classified
5 under this subsection (h) and must specify the funding program
6 to which the funds are to be treated as received in connection
7 therewith. This resolution is controlling as to the
8 classification of funds referenced therein. A certified copy
9 of the resolution must be sent to the State Superintendent of
10 Education. The resolution shall still take effect even though
11 a copy of the resolution has not been sent to the State
12 Superintendent of Education in a timely manner. No
13 classification under this subsection (h) by a district shall
14 affect the total amount or timing of money the district is
15 entitled to receive under this Code. No classification under
16 this subsection (h) by a district shall in any way relieve the
17 district from or affect any requirements that otherwise would
18 apply with respect to the block grant as provided in this
19 Section, including any accounting of funds by source,
20 reporting expenditures by original source and purpose,
21 reporting requirements, or requirements of provision of
22 services.

23 (Source: P.A. 100-465, eff. 8-31-17.)

24 (105 ILCS 5/2-3.47) (from Ch. 122, par. 2-3.47)

25 Sec. 2-3.47. The State Board of Education shall annually

1 submit a budget recommendation to the Governor and General
2 Assembly that contains recommendations for funding for
3 pre-school through grade 12 through Fiscal Year 2026. For
4 Fiscal Year 2027, and annually thereafter, the State Board of
5 Education shall submit a budget recommendation to the Governor
6 and General Assembly that contains recommendations for funding
7 for kindergarten through grade 12.

8 (Source: P.A. 98-739, eff. 7-16-14.)

9 (105 ILCS 5/2-3.64a-10)

10 Sec. 2-3.64a-10. Kindergarten assessment.

11 (a) For the purposes of this Section, "kindergarten"
12 includes both full-day and half-day kindergarten programs.

13 (b) Beginning no later than the 2021-2022 school year, the
14 State Board of Education shall annually assess all public
15 school students entering kindergarten using a common
16 assessment tool, unless the State Board determines that a
17 student is otherwise exempt. The common assessment tool must
18 assess multiple developmental domains, including literacy,
19 language, mathematics, and social and emotional development.
20 The assessment must be valid, reliable, and developmentally
21 appropriate to formatively assess a child's development and
22 readiness for kindergarten.

23 (c) Results from the assessment may be used by the school
24 to understand the child's development and readiness for
25 kindergarten, to tailor instruction, and to measure the

1 child's progress over time. Assessment results may also be
2 used to identify a need for the professional development of
3 teachers and early childhood educators and to inform
4 State-level and district-level policies and resource
5 allocation.

6 The school shall make the assessment results available to
7 the child's parent or guardian.

8 The assessment results may not be used (i) to prevent a
9 child from enrolling in kindergarten or (ii) as the sole
10 measure used in determining the grade promotion or retention
11 of a student.

12 (d) On an annual basis, the State Board shall report
13 publicly, at a minimum, data from the assessment for the State
14 overall and for each school district. The State Board's report
15 must disaggregate data by race and ethnicity, household
16 income, students who are English learners, and students who
17 have an individualized education program.

18 (e) The State Superintendent of Education shall appoint a
19 committee of no more than 22 ~~21~~ members, including the
20 Secretary of Early Childhood or the Secretary's designee,
21 parents, teachers, school administrators, assessment experts,
22 regional superintendents of schools, state policy advocates,
23 early childhood administrators, and other stakeholders, to
24 review, on an ongoing basis, the content and design of the
25 assessment, the collective results of the assessment as
26 measured against kindergarten-readiness standards, and other

1 issues involving the assessment as identified by the
2 committee.

3 The committee shall make periodic recommendations to the
4 State Superintendent of Education and the General Assembly
5 concerning the assessments.

6 (f) The State Board may adopt rules to implement and
7 administer this Section.

8 (Source: P.A. 101-654, eff. 3-8-21; 102-635, eff. 11-30-21

9 (See Section 10 of P.A. 102-671 for effective date of P.A.

10 102-209).)

11 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

12 Sec. 2-3.71. Grants for preschool educational programs.

13 (a) Preschool program.

14 (1) Through June 30, 2026, the ~~The~~ State Board of
15 Education shall implement and administer a grant program
16 under the provisions of this subsection which shall
17 consist of grants to public school districts and other
18 eligible entities, as defined by the State Board of
19 Education, to conduct voluntary preschool educational
20 programs for children ages 3 to 5 which include a parent
21 education component. A public school district which
22 receives grants under this subsection may subcontract with
23 other entities that are eligible to conduct a preschool
24 educational program. These grants must be used to
25 supplement, not supplant, funds received from any other

1 source.

2 (1.5) On and after July 1, 2026, the Department of
3 Early Childhood shall implement and administer a grant
4 program for school districts and other eligible entities,
5 as defined by the Department, to conduct voluntary
6 preschool educational programs for children ages 3 to 5
7 which include a parent education component. A public
8 school district which receives grants under this
9 subsection may subcontract with other entities that are
10 eligible to conduct a preschool educational program. These
11 grants must be used to supplement, not supplant, funds
12 received from any other source.

13 (2) (Blank).

14 (3) Except as otherwise provided under this subsection
15 (a), any teacher of preschool children in the program
16 authorized by this subsection shall hold a Professional
17 Educator License with an early childhood education
18 endorsement.

19 (3.5) Beginning with the 2018-2019 school year and
20 until the 2028-2029 school year, an individual may teach
21 preschool children in an early childhood program under
22 this Section if he or she holds a Professional Educator
23 License with an early childhood education endorsement or
24 with short-term approval for early childhood education or
25 he or she pursues a Professional Educator License and
26 holds any of the following:

1 (A) An ECE Credential Level of 5 awarded by the
2 Department of Human Services under the Gateways to
3 Opportunity Program developed under Section 10-70 of
4 the Department of Human Services Act.

5 (B) An Educator License with Stipulations with a
6 transitional bilingual educator endorsement and he or
7 she has (i) passed an early childhood education
8 content test or (ii) completed no less than 9 semester
9 hours of postsecondary coursework in the area of early
10 childhood education.

11 (4) (Blank).

12 (4.5) Through June 30, 2026, the State Board of
13 Education shall provide the primary source of funding
14 through appropriations for the program. On and after July
15 1, 2026, the Department of Early Childhood shall provide
16 the primary source of funding through appropriations for
17 the program. The State Board of Education shall provide
18 the primary source of funding through appropriations for
19 the program. Such funds shall be distributed to achieve a
20 goal of "Preschool for All Children" for the benefit of
21 all children whose families choose to participate in the
22 program. Based on available appropriations, newly funded
23 programs shall be selected through a process giving first
24 priority to qualified programs serving primarily at-risk
25 children and second priority to qualified programs serving
26 primarily children with a family income of less than 4

1 times the poverty guidelines updated periodically in the
2 Federal Register by the U.S. Department of Health and
3 Human Services under the authority of 42 U.S.C. 9902(2).
4 For purposes of this paragraph (4.5), at-risk children are
5 those who because of their home and community environment
6 are subject to such language, cultural, economic and like
7 disadvantages to cause them to have been determined as a
8 result of screening procedures to be at risk of academic
9 failure. Through June 30, 2026, such screening procedures
10 shall be based on criteria established by the State Board
11 of Education. On and after July 1, 2026, such screening
12 procedures shall be based on criteria established by the
13 Department of Early Childhood. ~~Such screening procedures~~
14 ~~shall be based on criteria established by the State Board~~
15 ~~of Education.~~

16 Except as otherwise provided in this paragraph (4.5),
17 grantees under the program must enter into a memorandum of
18 understanding with the appropriate local Head Start
19 agency. This memorandum must be entered into no later than
20 3 months after the award of a grantee's grant under the
21 program, except that, in the case of the 2009-2010 program
22 year, the memorandum must be entered into no later than
23 the deadline set by the State Board of Education for
24 applications to participate in the program in fiscal year
25 2011, and must address collaboration between the grantee's
26 program and the local Head Start agency on certain issues,

1 which shall include without limitation the following:

2 (A) educational activities, curricular objectives,
3 and instruction;

4 (B) public information dissemination and access to
5 programs for families contacting programs;

6 (C) service areas;

7 (D) selection priorities for eligible children to
8 be served by programs;

9 (E) maximizing the impact of federal and State
10 funding to benefit young children;

11 (F) staff training, including opportunities for
12 joint staff training;

13 (G) technical assistance;

14 (H) communication and parent outreach for smooth
15 transitions to kindergarten;

16 (I) provision and use of facilities,
17 transportation, and other program elements;

18 (J) facilitating each program's fulfillment of its
19 statutory and regulatory requirements;

20 (K) improving local planning and collaboration;
21 and

22 (L) providing comprehensive services for the
23 neediest Illinois children and families.

24 Through June 30, 2026, if ~~if~~ the appropriate local Head
25 Start agency is unable or unwilling to enter into a
26 memorandum of understanding as required under this

1 paragraph (4.5), the memorandum of understanding
2 requirement shall not apply and the grantee under the
3 program must notify the State Board of Education in
4 writing of the Head Start agency's inability or
5 unwillingness. The State Board of Education shall compile
6 all such written notices and make them available to the
7 public. On and after July 1, 2026, if the appropriate
8 local Head Start agency is unable or unwilling to enter
9 into a memorandum of understanding as required under this
10 paragraph (4.5), the memorandum of understanding
11 requirement shall not apply and the grantee under the
12 program must notify the Department of Early Childhood in
13 writing of the Head Start agency's inability or
14 unwillingness. The Department of Early Childhood shall
15 compile all such written notices and make them available
16 to the public.

17 (5) Through June 30, 2026, the ~~The~~ State Board of
18 Education shall develop and provide evaluation tools,
19 including tests, that school districts and other eligible
20 entities may use to evaluate children for school readiness
21 prior to age 5. The State Board of Education shall require
22 school districts and other eligible entities to obtain
23 consent from the parents or guardians of children before
24 any evaluations are conducted. The State Board of
25 Education shall encourage local school districts and other
26 eligible entities to evaluate the population of preschool

1 children in their communities and provide preschool
2 programs, pursuant to this subsection, where appropriate.

3 (5.1) On and after July 1, 2026, the Department of
4 Early Childhood shall develop and provide evaluation
5 tools, including tests, that school districts and other
6 eligible entities may use to evaluate children for school
7 readiness prior to age 5. The Department of Early
8 Childhood shall require school districts and other
9 eligible entities to obtain consent from the parents or
10 guardians of children before any evaluations are
11 conducted. The Department of Early Childhood shall
12 encourage local school districts and other eligible
13 entities to evaluate the population of preschool children
14 in their communities and provide preschool programs,
15 pursuant to this subsection, where appropriate.

16 (6) Through June 30, 2026, the ~~The~~ State Board of
17 Education shall report to the General Assembly by November
18 1, 2018 and every 2 years thereafter on the results and
19 progress of students who were enrolled in preschool
20 educational programs, including an assessment of which
21 programs have been most successful in promoting academic
22 excellence and alleviating academic failure. Through June
23 30, 2026, the ~~The~~ State Board of Education shall assess
24 the academic progress of all students who have been
25 enrolled in preschool educational programs.

26 Through fiscal year 2026, on ~~on~~ or before November 1

1 of each fiscal year in which the General Assembly provides
2 funding for new programs under paragraph (4.5) of this
3 Section, the State Board of Education shall report to the
4 General Assembly on what percentage of new funding was
5 provided to programs serving primarily at-risk children,
6 what percentage of new funding was provided to programs
7 serving primarily children with a family income of less
8 than 4 times the federal poverty level, and what
9 percentage of new funding was provided to other programs.

10 (6.1) On and after July 1, 2026, the Department of
11 Early Childhood shall report to the General Assembly by
12 November 1, 2026 and every 2 years thereafter on the
13 results and progress of students who were enrolled in
14 preschool educational programs, including an assessment of
15 which programs have been most successful in promoting
16 academic excellence and alleviating academic failure. On
17 and after July 1, 2026, the Department of Early Childhood
18 shall assess the academic progress of all students who
19 have been enrolled in preschool educational programs.
20 Beginning in fiscal year 2027, on or before November 1 of
21 each fiscal year in which the General Assembly provides
22 funding for new programs under paragraph (4.5) of this
23 Section, the Department of Early Childhood shall report to
24 the General Assembly on what percentage of new funding was
25 provided to programs serving primarily at-risk children,
26 what percentage of new funding was provided to programs

1 serving primarily children with a family income of less
2 than 4 times the federal poverty level, and what
3 percentage of new funding was provided to other programs.

4 (7) Due to evidence that expulsion practices in the
5 preschool years are linked to poor child outcomes and are
6 employed inconsistently across racial and gender groups,
7 early childhood programs receiving State funds under this
8 subsection (a) shall prohibit expulsions. Planned
9 transitions to settings that are able to better meet a
10 child's needs are not considered expulsion under this
11 paragraph (7).

12 (A) When persistent and serious challenging
13 behaviors emerge, the early childhood program shall
14 document steps taken to ensure that the child can
15 participate safely in the program; including
16 observations of initial and ongoing challenging
17 behaviors, strategies for remediation and intervention
18 plans to address the behaviors, and communication with
19 the parent or legal guardian, including participation
20 of the parent or legal guardian in planning and
21 decision-making.

22 (B) The early childhood program shall, with
23 parental or legal guardian consent as required,
24 utilize a range of community resources, if available
25 and deemed necessary, including, but not limited to,
26 developmental screenings, referrals to programs and

1 services administered by a local educational agency or
2 early intervention agency under Parts B and C of the
3 federal Individual with Disabilities Education Act,
4 and consultation with infant and early childhood
5 mental health consultants and the child's health care
6 provider. The program shall document attempts to
7 engage these resources, including parent or legal
8 guardian participation and consent attempted and
9 obtained. Communication with the parent or legal
10 guardian shall take place in a culturally and
11 linguistically competent manner.

12 (C) If there is documented evidence that all
13 available interventions and supports recommended by a
14 qualified professional have been exhausted and the
15 program determines in its professional judgment that
16 transitioning a child to another program is necessary
17 for the well-being of the child or his or her peers and
18 staff, with parent or legal guardian permission, both
19 the current and pending programs shall create a
20 transition plan designed to ensure continuity of
21 services and the comprehensive development of the
22 child. Communication with families shall occur in a
23 culturally and linguistically competent manner.

24 (D) Nothing in this paragraph (7) shall preclude a
25 parent's or legal guardian's right to voluntarily
26 withdraw his or her child from an early childhood

1 program. Early childhood programs shall request and
2 keep on file, when received, a written statement from
3 the parent or legal guardian stating the reason for
4 his or her decision to withdraw his or her child.

5 (E) In the case of the determination of a serious
6 safety threat to a child or others or in the case of
7 behaviors listed in subsection (d) of Section 10-22.6
8 of this Code, the temporary removal of a child from
9 attendance in group settings may be used. Temporary
10 removal of a child from attendance in a group setting
11 shall trigger the process detailed in subparagraphs
12 (A), (B), and (C) of this paragraph (7), with the child
13 placed back in a group setting as quickly as possible.

14 (F) Early childhood programs may utilize and the
15 Department of Early Childhood, State Board of
16 Education, the Department of Human Services, and the
17 Department of Children and Family Services shall
18 recommend training, technical support, and
19 professional development resources to improve the
20 ability of teachers, administrators, program
21 directors, and other staff to promote social-emotional
22 development and behavioral health, to address
23 challenging behaviors, and to understand trauma and
24 trauma-informed care, cultural competence, family
25 engagement with diverse populations, the impact of
26 implicit bias on adult behavior, and the use of

1 reflective practice techniques. Support shall include
2 the availability of resources to contract with infant
3 and early childhood mental health consultants.

4 (G) Through June 30, 2026 ~~Beginning on July 1,~~
5 ~~2018,~~ early childhood programs shall annually report
6 to the State Board of Education, and, beginning in
7 fiscal year 2020, the State Board of Education shall
8 make available on a biennial basis, in an existing
9 report, all of the following data for children from
10 birth to age 5 who are served by the program:

11 (i) Total number served over the course of the
12 program year and the total number of children who
13 left the program during the program year.

14 (ii) Number of planned transitions to another
15 program due to children's behavior, by children's
16 race, gender, disability, language, class/group
17 size, teacher-child ratio, and length of program
18 day.

19 (iii) Number of temporary removals of a child
20 from attendance in group settings due to a serious
21 safety threat under subparagraph (E) of this
22 paragraph (7), by children's race, gender,
23 disability, language, class/group size,
24 teacher-child ratio, and length of program day.

25 (iv) Hours of infant and early childhood
26 mental health consultant contact with program

1 leaders, staff, and families over the program
2 year.

3 (G-5) On and after July 1, 2026, early childhood
4 programs shall annually report to the Department of
5 Early Childhood, and beginning in fiscal year 2028,
6 the Department of Early Childhood shall make available
7 on a biennial basis, in a report, all of the following
8 data for children from birth to age 5 who are served by
9 the program:

10 (i) Total number served over the course of the
11 program year and the total number of children who
12 left the program during the program year.

13 (ii) Number of planned transitions to another
14 program due to children's behavior, by children's
15 race, gender, disability, language, class/group
16 size, teacher-child ratio, and length of program
17 day.

18 (iii) Number of temporary removals of a child
19 from attendance in group settings due to a serious
20 safety threat under subparagraph (E) of this
21 paragraph (7), by children's race, gender,
22 disability, language, class/group size,
23 teacher-child ratio, and length of program day.

24 (iv) Hours of infant and early childhood
25 mental health consultant contact with program
26 leaders, staff, and families over the program

1 year.

2 (H) Changes to services for children with an
3 individualized education program or individual family
4 service plan shall be construed in a manner consistent
5 with the federal Individuals with Disabilities
6 Education Act.

7 The Department of Early Childhood ~~State Board of~~
8 ~~Education~~, in consultation with the ~~Governor's Office of~~
9 ~~Early Childhood Development and the~~ Department of Children
10 and Family Services, shall adopt rules to administer this
11 paragraph (7).

12 (b) (Blank).

13 (c) Notwithstanding any other provisions of this Section,
14 grantees may serve children ages 0 to 12 of essential workers
15 if the Governor has declared a disaster due to a public health
16 emergency pursuant to Section 7 of the Illinois Emergency
17 Management Agency Act. For the purposes of this subsection,
18 essential workers include those outlined in Executive Order
19 20-8 and school employees. The State Board of Education shall
20 adopt rules to administer this subsection.

21 (d) Paragraphs (a) (1), (a) (1.5), (a) (4.5), (a) (5),
22 (a) (5.1), (a) (6), (a) (6.1), and (a) (7) and subsection (c) of
23 this Section are inoperative on and after July 1, 2026.

24 (Source: P.A. 103-111, eff. 6-29-23.)

25 (105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

1 Sec. 2-3.71a. Grants for early childhood parental training
2 programs. The State Board of Education shall implement and
3 administer a grant program consisting of grants to public
4 school districts and other eligible entities, as defined by
5 the State Board of Education, to conduct early childhood
6 parental training programs for the parents of children in the
7 period of life from birth to kindergarten. A public school
8 district that receives grants under this Section may contract
9 with other eligible entities to conduct an early childhood
10 parental training program. These grants must be used to
11 supplement, not supplant, funds received from any other
12 source. A school board or other eligible entity shall employ
13 appropriately qualified personnel for its early childhood
14 parental training program, including but not limited to
15 certified teachers, counselors, psychiatrists, psychologists
16 and social workers.

17 (a) As used in this Section, "parental training" means and
18 includes instruction in the following:

19 (1) Child growth and development, including prenatal
20 development.

21 (2) Childbirth and child care.

22 (3) Family structure, function and management.

23 (4) Prenatal and postnatal care for mothers and
24 infants.

25 (5) Prevention of child abuse.

26 (6) The physical, mental, emotional, social, economic

1 and psychological aspects of interpersonal and family
2 relationships.

3 (7) Parenting skill development.

4 The programs shall include activities that require
5 substantial participation and interaction between parent and
6 child.

7 (b) The Board shall annually award funds through a grant
8 approval process established by the State Board of Education,
9 providing that an annual appropriation is made for this
10 purpose from State, federal or private funds. Nothing in this
11 Section shall preclude school districts from applying for or
12 accepting private funds to establish and implement programs.

13 (c) The State Board of Education shall assist those
14 districts and other eligible entities offering early childhood
15 parental training programs, upon request, in developing
16 instructional materials, training teachers and staff, and
17 establishing appropriate time allotments for each of the areas
18 included in such instruction.

19 (d) School districts and other eligible entities may offer
20 early childhood parental training courses during that period
21 of the day which is not part of the regular school day.
22 Residents of the community may enroll in such courses. The
23 school board or other eligible entity may establish fees and
24 collect such charges as may be necessary for attendance at
25 such courses in an amount not to exceed the per capita cost of
26 the operation thereof, except that the board or other eligible

1 entity may waive all or part of such charges if it determines
2 that the parent is indigent or that the educational needs of
3 the parent require his or her attendance at such courses.

4 (e) Parents who participate in early childhood parental
5 training programs under this Section may be eligible for
6 reasonable reimbursement of any incidental transportation and
7 child care expenses from the school district receiving funds
8 pursuant to this Section.

9 (f) Districts and other eligible entities receiving grants
10 pursuant to this Section shall coordinate programs created
11 under this Section with other preschool educational programs,
12 including "at-risk" preschool programs, special and vocational
13 education, and related services provided by other governmental
14 agencies and not-for-profit agencies.

15 (g) The State Board of Education shall report to the
16 General Assembly by July 1, 1991, on the results of the
17 programs funded pursuant to this Section and whether a need
18 continues for such programs.

19 (h) After July 1, 2006, any parental training services
20 funded pursuant to this Section on the effective date of this
21 amendatory Act of the 94th General Assembly shall continue to
22 be funded pursuant to this Section, subject to appropriation
23 and the meeting of program standards. Any additional parental
24 training services must be funded, subject to appropriation,
25 through preschool education grants pursuant to subdivision (4)
26 of subsection (a) of Section 2-3.71 of this Code for families

1 with children ages 3 to 5 and through prevention initiative
2 grants pursuant to subsection (b) of Section 2-3.89 of this
3 Code for expecting families and those with children from birth
4 to 3 years of age.

5 (i) Early childhood programs under this Section are
6 subject to the requirements under paragraph (7) of subsection
7 (a) of Section 2-3.71 of this Code.

8 (j) This Section is repealed on July 1, 2026.

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

10 (105 ILCS 5/2-3.79) (from Ch. 122, par. 2-3.79)

11 Sec. 2-3.79. Pilot programs and special education services
12 for preschool children with disabilities from birth to age 3.
13 The State Board of Education may enter into contracts with
14 public or not-for-profit private organizations or agencies to
15 establish model pilot programs which provide services to
16 children with disabilities from birth up to the age of 3 years.
17 Annual grants shall be awarded on a competitive basis pursuant
18 to established criteria provided that there is an annual
19 appropriation for this purpose. Public or not-for-profit
20 private organizations or agencies that are providing services
21 to children with disabilities up to the age of 3 years prior to
22 September 22, 1985 are eligible to receive grants awarded
23 pursuant to this Section.

24 Each pilot program shall include, but not be limited to: a
25 process for identification of infants with disabilities in the

1 region; community awareness of the project and the services
2 provided; an intervention system; methods to assess and
3 diagnose infants with disabilities; written individual
4 treatment programs that include parental involvement; an
5 interdisciplinary treatment approach to include other agencies
6 and not-for-profit organizations; and a written evaluation
7 submitted to the State Board of Education at the end of the
8 grant period.

9 An Interagency Coordination Council shall be established
10 consisting of a representative of the State Superintendent of
11 Education who shall serve as chairman, and one representative
12 from the following departments appointed by the respective
13 directors or secretary: Children and Family Services, Public
14 Health, Human Services, Public Aid, and the Division of
15 Specialized Care for Children of the University of Illinois.
16 The council shall recommend criteria to the State Board of
17 Education for the awarding of grants pursuant to this Section
18 and shall assist in coordinating the services provided by
19 agencies to the children with disabilities described in this
20 Section.

21 A report containing recommendations concerning all of the
22 pilot programs shall be submitted by the State Board of
23 Education to the General Assembly by January of 1989. The
24 report which shall analyze the results of the pilot programs
25 funded under this Section and make recommendations concerning
26 existing and proposed programs shall include, but not be

1 limited to: recommendations for staff licensure and
2 qualifications; the number of children and families eligible
3 for services statewide; the cost of serving the children and
4 their families; the types of services to be provided; and
5 designs for the most effective delivery systems of these
6 services.

7 This Section is repealed on July 1, 2026.

8 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97.)

9 (105 ILCS 5/2-3.89) (from Ch. 122, par. 2-3.89)

10 Sec. 2-3.89. Programs concerning services to at-risk
11 children and their families.

12 (a) The State Board of Education may provide grants to
13 eligible entities, as defined by the State Board of Education,
14 to establish programs which offer coordinated services to
15 at-risk infants and toddlers and their families. Each program
16 shall include a parent education program relating to the
17 development and nurturing of infants and toddlers and case
18 management services to coordinate existing services available
19 in the region served by the program. These services shall be
20 provided through the implementation of an individual family
21 service plan. Each program will have a community involvement
22 component to provide coordination in the service system.

23 (b) The State Board of Education shall administer the
24 programs through the grants to public school districts and
25 other eligible entities. These grants must be used to

1 supplement, not supplant, funds received from any other
2 source. School districts and other eligible entities receiving
3 grants pursuant to this Section shall conduct voluntary,
4 intensive, research-based, and comprehensive prevention
5 services, as defined by the State Board of Education, for
6 expecting parents and families with children from birth to age
7 3 who are at-risk of academic failure. A public school
8 district that receives a grant under this Section may
9 subcontract with other eligible entities.

10 (c) The State Board of Education shall report to the
11 General Assembly by July 1, 2006 and every 2 years thereafter,
12 using the most current data available, on the status of
13 programs funded under this Section, including without
14 limitation characteristics of participants, services
15 delivered, program models used, unmet needs, and results of
16 the programs funded.

17 (d) This Section is repealed on July 1, 2026.

18 (Source: P.A. 96-734, eff. 8-25-09.)

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

20 (Text of Section before amendment by P.A. 102-466)

21 Sec. 10-22.6. Suspension or expulsion of pupils; school
22 searches.

23 (a) To expel pupils guilty of gross disobedience or
24 misconduct, including gross disobedience or misconduct
25 perpetuated by electronic means, pursuant to subsection (b-20)

1 of this Section, and no action shall lie against them for such
2 expulsion. Expulsion shall take place only after the parents
3 have been requested to appear at a meeting of the board, or
4 with a hearing officer appointed by it, to discuss their
5 child's behavior. Such request shall be made by registered or
6 certified mail and shall state the time, place and purpose of
7 the meeting. The board, or a hearing officer appointed by it,
8 at such meeting shall state the reasons for dismissal and the
9 date on which the expulsion is to become effective. If a
10 hearing officer is appointed by the board, he shall report to
11 the board a written summary of the evidence heard at the
12 meeting and the board may take such action thereon as it finds
13 appropriate. If the board acts to expel a pupil, the written
14 expulsion decision shall detail the specific reasons why
15 removing the pupil from the learning environment is in the
16 best interest of the school. The expulsion decision shall also
17 include a rationale as to the specific duration of the
18 expulsion. An expelled pupil may be immediately transferred to
19 an alternative program in the manner provided in Article 13A
20 or 13B of this Code. A pupil must not be denied transfer
21 because of the expulsion, except in cases in which such
22 transfer is deemed to cause a threat to the safety of students
23 or staff in the alternative program.

24 (b) To suspend or by policy to authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend pupils

1 guilty of gross disobedience or misconduct, or to suspend
2 pupils guilty of gross disobedience or misconduct on the
3 school bus from riding the school bus, pursuant to subsections
4 (b-15) and (b-20) of this Section, and no action shall lie
5 against them for such suspension. The board may by policy
6 authorize the superintendent of the district or the principal,
7 assistant principal, or dean of students of any school to
8 suspend pupils guilty of such acts for a period not to exceed
9 10 school days. If a pupil is suspended due to gross
10 disobedience or misconduct on a school bus, the board may
11 suspend the pupil in excess of 10 school days for safety
12 reasons.

13 Any suspension shall be reported immediately to the
14 parents or guardian of a pupil along with a full statement of
15 the reasons for such suspension and a notice of their right to
16 a review. The school board must be given a summary of the
17 notice, including the reason for the suspension and the
18 suspension length. Upon request of the parents or guardian,
19 the school board or a hearing officer appointed by it shall
20 review such action of the superintendent or principal,
21 assistant principal, or dean of students. At such review, the
22 parents or guardian of the pupil may appear and discuss the
23 suspension with the board or its hearing officer. If a hearing
24 officer is appointed by the board, he shall report to the board
25 a written summary of the evidence heard at the meeting. After
26 its hearing or upon receipt of the written report of its

1 hearing officer, the board may take such action as it finds
2 appropriate. If a student is suspended pursuant to this
3 subsection (b), the board shall, in the written suspension
4 decision, detail the specific act of gross disobedience or
5 misconduct resulting in the decision to suspend. The
6 suspension decision shall also include a rationale as to the
7 specific duration of the suspension. A pupil who is suspended
8 in excess of 20 school days may be immediately transferred to
9 an alternative program in the manner provided in Article 13A
10 or 13B of this Code. A pupil must not be denied transfer
11 because of the suspension, except in cases in which such
12 transfer is deemed to cause a threat to the safety of students
13 or staff in the alternative program.

14 (b-5) Among the many possible disciplinary interventions
15 and consequences available to school officials, school
16 exclusions, such as out-of-school suspensions and expulsions,
17 are the most serious. School officials shall limit the number
18 and duration of expulsions and suspensions to the greatest
19 extent practicable, and it is recommended that they use them
20 only for legitimate educational purposes. To ensure that
21 students are not excluded from school unnecessarily, it is
22 recommended that school officials consider forms of
23 non-exclusionary discipline prior to using out-of-school
24 suspensions or expulsions.

25 (b-10) Unless otherwise required by federal law or this
26 Code, school boards may not institute zero-tolerance policies

1 by which school administrators are required to suspend or
2 expel students for particular behaviors.

3 (b-15) Out-of-school suspensions of 3 days or less may be
4 used only if the student's continuing presence in school would
5 pose a threat to school safety or a disruption to other
6 students' learning opportunities. For purposes of this
7 subsection (b-15), "threat to school safety or a disruption to
8 other students' learning opportunities" shall be determined on
9 a case-by-case basis by the school board or its designee.
10 School officials shall make all reasonable efforts to resolve
11 such threats, address such disruptions, and minimize the
12 length of suspensions to the greatest extent practicable.

13 (b-20) Unless otherwise required by this Code,
14 out-of-school suspensions of longer than 3 days, expulsions,
15 and disciplinary removals to alternative schools may be used
16 only if other appropriate and available behavioral and
17 disciplinary interventions have been exhausted and the
18 student's continuing presence in school would either (i) pose
19 a threat to the safety of other students, staff, or members of
20 the school community or (ii) substantially disrupt, impede, or
21 interfere with the operation of the school. For purposes of
22 this subsection (b-20), "threat to the safety of other
23 students, staff, or members of the school community" and
24 "substantially disrupt, impede, or interfere with the
25 operation of the school" shall be determined on a case-by-case
26 basis by school officials. For purposes of this subsection

1 (b-20), the determination of whether "appropriate and
2 available behavioral and disciplinary interventions have been
3 exhausted" shall be made by school officials. School officials
4 shall make all reasonable efforts to resolve such threats,
5 address such disruptions, and minimize the length of student
6 exclusions to the greatest extent practicable. Within the
7 suspension decision described in subsection (b) of this
8 Section or the expulsion decision described in subsection (a)
9 of this Section, it shall be documented whether other
10 interventions were attempted or whether it was determined that
11 there were no other appropriate and available interventions.

12 (b-25) Students who are suspended out-of-school for longer
13 than 4 school days shall be provided appropriate and available
14 support services during the period of their suspension. For
15 purposes of this subsection (b-25), "appropriate and available
16 support services" shall be determined by school authorities.
17 Within the suspension decision described in subsection (b) of
18 this Section, it shall be documented whether such services are
19 to be provided or whether it was determined that there are no
20 such appropriate and available services.

21 A school district may refer students who are expelled to
22 appropriate and available support services.

23 A school district shall create a policy to facilitate the
24 re-engagement of students who are suspended out-of-school,
25 expelled, or returning from an alternative school setting.

26 (b-30) A school district shall create a policy by which

1 suspended pupils, including those pupils suspended from the
2 school bus who do not have alternate transportation to school,
3 shall have the opportunity to make up work for equivalent
4 academic credit. It shall be the responsibility of a pupil's
5 parent or guardian to notify school officials that a pupil
6 suspended from the school bus does not have alternate
7 transportation to school.

8 (c) A school board must invite a representative from a
9 local mental health agency to consult with the board at the
10 meeting whenever there is evidence that mental illness may be
11 the cause of a student's expulsion or suspension.

12 (c-5) School districts shall make reasonable efforts to
13 provide ongoing professional development to teachers,
14 administrators, school board members, school resource
15 officers, and staff on the adverse consequences of school
16 exclusion and justice-system involvement, effective classroom
17 management strategies, culturally responsive discipline, the
18 appropriate and available supportive services for the
19 promotion of student attendance and engagement, and
20 developmentally appropriate disciplinary methods that promote
21 positive and healthy school climates.

22 (d) The board may expel a student for a definite period of
23 time not to exceed 2 calendar years, as determined on a
24 case-by-case basis. A student who is determined to have
25 brought one of the following objects to school, any
26 school-sponsored activity or event, or any activity or event

1 that bears a reasonable relationship to school shall be
2 expelled for a period of not less than one year:

3 (1) A firearm. For the purposes of this Section,
4 "firearm" means any gun, rifle, shotgun, weapon as defined
5 by Section 921 of Title 18 of the United States Code,
6 firearm as defined in Section 1.1 of the Firearm Owners
7 Identification Card Act, or firearm as defined in Section
8 24-1 of the Criminal Code of 2012. The expulsion period
9 under this subdivision (1) may be modified by the
10 superintendent, and the superintendent's determination may
11 be modified by the board on a case-by-case basis.

12 (2) A knife, brass knuckles or other knuckle weapon
13 regardless of its composition, a billy club, or any other
14 object if used or attempted to be used to cause bodily
15 harm, including "look alike" of any firearm as defined in
16 subdivision (1) of this subsection (d). The expulsion
17 requirement under this subdivision (2) may be modified by
18 the superintendent, and the superintendent's determination
19 may be modified by the board on a case-by-case basis.

20 Expulsion or suspension shall be construed in a manner
21 consistent with the federal Individuals with Disabilities
22 Education Act. A student who is subject to suspension or
23 expulsion as provided in this Section may be eligible for a
24 transfer to an alternative school program in accordance with
25 Article 13A of the School Code.

26 (d-5) The board may suspend or by regulation authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend a
3 student for a period not to exceed 10 school days or may expel
4 a student for a definite period of time not to exceed 2
5 calendar years, as determined on a case-by-case basis, if (i)
6 that student has been determined to have made an explicit
7 threat on an Internet website against a school employee, a
8 student, or any school-related personnel, (ii) the Internet
9 website through which the threat was made is a site that was
10 accessible within the school at the time the threat was made or
11 was available to third parties who worked or studied within
12 the school grounds at the time the threat was made, and (iii)
13 the threat could be reasonably interpreted as threatening to
14 the safety and security of the threatened individual because
15 of his or her duties or employment status or status as a
16 student inside the school.

17 (e) To maintain order and security in the schools, school
18 authorities may inspect and search places and areas such as
19 lockers, desks, parking lots, and other school property and
20 equipment owned or controlled by the school, as well as
21 personal effects left in those places and areas by students,
22 without notice to or the consent of the student, and without a
23 search warrant. As a matter of public policy, the General
24 Assembly finds that students have no reasonable expectation of
25 privacy in these places and areas or in their personal effects
26 left in these places and areas. School authorities may request

1 the assistance of law enforcement officials for the purpose of
2 conducting inspections and searches of lockers, desks, parking
3 lots, and other school property and equipment owned or
4 controlled by the school for illegal drugs, weapons, or other
5 illegal or dangerous substances or materials, including
6 searches conducted through the use of specially trained dogs.
7 If a search conducted in accordance with this Section produces
8 evidence that the student has violated or is violating either
9 the law, local ordinance, or the school's policies or rules,
10 such evidence may be seized by school authorities, and
11 disciplinary action may be taken. School authorities may also
12 turn over such evidence to law enforcement authorities.

13 (f) Suspension or expulsion may include suspension or
14 expulsion from school and all school activities and a
15 prohibition from being present on school grounds.

16 (g) A school district may adopt a policy providing that if
17 a student is suspended or expelled for any reason from any
18 public or private school in this or any other state, the
19 student must complete the entire term of the suspension or
20 expulsion in an alternative school program under Article 13A
21 of this Code or an alternative learning opportunities program
22 under Article 13B of this Code before being admitted into the
23 school district if there is no threat to the safety of students
24 or staff in the alternative program.

25 (h) School officials shall not advise or encourage
26 students to drop out voluntarily due to behavioral or academic

1 difficulties.

2 (i) A student may not be issued a monetary fine or fee as a
3 disciplinary consequence, though this shall not preclude
4 requiring a student to provide restitution for lost, stolen,
5 or damaged property.

6 (j) Subsections (a) through (i) of this Section shall
7 apply to elementary and secondary schools, charter schools,
8 special charter districts, and school districts organized
9 under Article 34 of this Code.

10 (k) The expulsion of children enrolled in programs funded
11 under Section 1C-2 of this Code is subject to the requirements
12 under paragraph (7) of subsection (a) of Section 2-3.71 of
13 this Code.

14 (l) Beginning with the 2018-2019 school year, an in-school
15 suspension program provided by a school district for any
16 students in kindergarten through grade 12 may focus on
17 promoting non-violent conflict resolution and positive
18 interaction with other students and school personnel. A school
19 district may employ a school social worker or a licensed
20 mental health professional to oversee an in-school suspension
21 program in kindergarten through grade 12.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
23 102-813, eff. 5-13-22.)

24 (Text of Section after amendment by P.A. 102-466)

25 Sec. 10-22.6. Suspension or expulsion of pupils; school

1 searches.

2 (a) To expel pupils guilty of gross disobedience or
3 misconduct, including gross disobedience or misconduct
4 perpetuated by electronic means, pursuant to subsection (b-20)
5 of this Section, and no action shall lie against them for such
6 expulsion. Expulsion shall take place only after the parents
7 or guardians have been requested to appear at a meeting of the
8 board, or with a hearing officer appointed by it, to discuss
9 their child's behavior. Such request shall be made by
10 registered or certified mail and shall state the time, place
11 and purpose of the meeting. The board, or a hearing officer
12 appointed by it, at such meeting shall state the reasons for
13 dismissal and the date on which the expulsion is to become
14 effective. If a hearing officer is appointed by the board, he
15 shall report to the board a written summary of the evidence
16 heard at the meeting and the board may take such action thereon
17 as it finds appropriate. If the board acts to expel a pupil,
18 the written expulsion decision shall detail the specific
19 reasons why removing the pupil from the learning environment
20 is in the best interest of the school. The expulsion decision
21 shall also include a rationale as to the specific duration of
22 the expulsion. An expelled pupil may be immediately
23 transferred to an alternative program in the manner provided
24 in Article 13A or 13B of this Code. A pupil must not be denied
25 transfer because of the expulsion, except in cases in which
26 such transfer is deemed to cause a threat to the safety of

1 students or staff in the alternative program.

2 (b) To suspend or by policy to authorize the
3 superintendent of the district or the principal, assistant
4 principal, or dean of students of any school to suspend pupils
5 guilty of gross disobedience or misconduct, or to suspend
6 pupils guilty of gross disobedience or misconduct on the
7 school bus from riding the school bus, pursuant to subsections
8 (b-15) and (b-20) of this Section, and no action shall lie
9 against them for such suspension. The board may by policy
10 authorize the superintendent of the district or the principal,
11 assistant principal, or dean of students of any school to
12 suspend pupils guilty of such acts for a period not to exceed
13 10 school days. If a pupil is suspended due to gross
14 disobedience or misconduct on a school bus, the board may
15 suspend the pupil in excess of 10 school days for safety
16 reasons.

17 Any suspension shall be reported immediately to the
18 parents or guardians of a pupil along with a full statement of
19 the reasons for such suspension and a notice of their right to
20 a review. The school board must be given a summary of the
21 notice, including the reason for the suspension and the
22 suspension length. Upon request of the parents or guardians,
23 the school board or a hearing officer appointed by it shall
24 review such action of the superintendent or principal,
25 assistant principal, or dean of students. At such review, the
26 parents or guardians of the pupil may appear and discuss the

1 suspension with the board or its hearing officer. If a hearing
2 officer is appointed by the board, he shall report to the board
3 a written summary of the evidence heard at the meeting. After
4 its hearing or upon receipt of the written report of its
5 hearing officer, the board may take such action as it finds
6 appropriate. If a student is suspended pursuant to this
7 subsection (b), the board shall, in the written suspension
8 decision, detail the specific act of gross disobedience or
9 misconduct resulting in the decision to suspend. The
10 suspension decision shall also include a rationale as to the
11 specific duration of the suspension. A pupil who is suspended
12 in excess of 20 school days may be immediately transferred to
13 an alternative program in the manner provided in Article 13A
14 or 13B of this Code. A pupil must not be denied transfer
15 because of the suspension, except in cases in which such
16 transfer is deemed to cause a threat to the safety of students
17 or staff in the alternative program.

18 (b-5) Among the many possible disciplinary interventions
19 and consequences available to school officials, school
20 exclusions, such as out-of-school suspensions and expulsions,
21 are the most serious. School officials shall limit the number
22 and duration of expulsions and suspensions to the greatest
23 extent practicable, and it is recommended that they use them
24 only for legitimate educational purposes. To ensure that
25 students are not excluded from school unnecessarily, it is
26 recommended that school officials consider forms of

1 non-exclusionary discipline prior to using out-of-school
2 suspensions or expulsions.

3 (b-10) Unless otherwise required by federal law or this
4 Code, school boards may not institute zero-tolerance policies
5 by which school administrators are required to suspend or
6 expel students for particular behaviors.

7 (b-15) Out-of-school suspensions of 3 days or less may be
8 used only if the student's continuing presence in school would
9 pose a threat to school safety or a disruption to other
10 students' learning opportunities. For purposes of this
11 subsection (b-15), "threat to school safety or a disruption to
12 other students' learning opportunities" shall be determined on
13 a case-by-case basis by the school board or its designee.
14 School officials shall make all reasonable efforts to resolve
15 such threats, address such disruptions, and minimize the
16 length of suspensions to the greatest extent practicable.

17 (b-20) Unless otherwise required by this Code,
18 out-of-school suspensions of longer than 3 days, expulsions,
19 and disciplinary removals to alternative schools may be used
20 only if other appropriate and available behavioral and
21 disciplinary interventions have been exhausted and the
22 student's continuing presence in school would either (i) pose
23 a threat to the safety of other students, staff, or members of
24 the school community or (ii) substantially disrupt, impede, or
25 interfere with the operation of the school. For purposes of
26 this subsection (b-20), "threat to the safety of other

1 students, staff, or members of the school community" and
2 "substantially disrupt, impede, or interfere with the
3 operation of the school" shall be determined on a case-by-case
4 basis by school officials. For purposes of this subsection
5 (b-20), the determination of whether "appropriate and
6 available behavioral and disciplinary interventions have been
7 exhausted" shall be made by school officials. School officials
8 shall make all reasonable efforts to resolve such threats,
9 address such disruptions, and minimize the length of student
10 exclusions to the greatest extent practicable. Within the
11 suspension decision described in subsection (b) of this
12 Section or the expulsion decision described in subsection (a)
13 of this Section, it shall be documented whether other
14 interventions were attempted or whether it was determined that
15 there were no other appropriate and available interventions.

16 (b-25) Students who are suspended out-of-school for longer
17 than 4 school days shall be provided appropriate and available
18 support services during the period of their suspension. For
19 purposes of this subsection (b-25), "appropriate and available
20 support services" shall be determined by school authorities.
21 Within the suspension decision described in subsection (b) of
22 this Section, it shall be documented whether such services are
23 to be provided or whether it was determined that there are no
24 such appropriate and available services.

25 A school district may refer students who are expelled to
26 appropriate and available support services.

1 A school district shall create a policy to facilitate the
2 re-engagement of students who are suspended out-of-school,
3 expelled, or returning from an alternative school setting.

4 (b-30) A school district shall create a policy by which
5 suspended pupils, including those pupils suspended from the
6 school bus who do not have alternate transportation to school,
7 shall have the opportunity to make up work for equivalent
8 academic credit. It shall be the responsibility of a pupil's
9 parents or guardians to notify school officials that a pupil
10 suspended from the school bus does not have alternate
11 transportation to school.

12 (b-35) In all suspension review hearings conducted under
13 subsection (b) or expulsion hearings conducted under
14 subsection (a), a student may disclose any factor to be
15 considered in mitigation, including his or her status as a
16 parent, expectant parent, or victim of domestic or sexual
17 violence, as defined in Article 26A. A representative of the
18 parent's or guardian's choice, or of the student's choice if
19 emancipated, must be permitted to represent the student
20 throughout the proceedings and to address the school board or
21 its appointed hearing officer. With the approval of the
22 student's parent or guardian, or of the student if
23 emancipated, a support person must be permitted to accompany
24 the student to any disciplinary hearings or proceedings. The
25 representative or support person must comply with any rules of
26 the school district's hearing process. If the representative

1 or support person violates the rules or engages in behavior or
2 advocacy that harasses, abuses, or intimidates either party, a
3 witness, or anyone else in attendance at the hearing, the
4 representative or support person may be prohibited from
5 further participation in the hearing or proceeding. A
6 suspension or expulsion proceeding under this subsection
7 (b-35) must be conducted independently from any ongoing
8 criminal investigation or proceeding, and an absence of
9 pending or possible criminal charges, criminal investigations,
10 or proceedings may not be a factor in school disciplinary
11 decisions.

12 (b-40) During a suspension review hearing conducted under
13 subsection (b) or an expulsion hearing conducted under
14 subsection (a) that involves allegations of sexual violence by
15 the student who is subject to discipline, neither the student
16 nor his or her representative shall directly question nor have
17 direct contact with the alleged victim. The student who is
18 subject to discipline or his or her representative may, at the
19 discretion and direction of the school board or its appointed
20 hearing officer, suggest questions to be posed by the school
21 board or its appointed hearing officer to the alleged victim.

22 (c) A school board must invite a representative from a
23 local mental health agency to consult with the board at the
24 meeting whenever there is evidence that mental illness may be
25 the cause of a student's expulsion or suspension.

26 (c-5) School districts shall make reasonable efforts to

1 provide ongoing professional development to teachers,
2 administrators, school board members, school resource
3 officers, and staff on the adverse consequences of school
4 exclusion and justice-system involvement, effective classroom
5 management strategies, culturally responsive discipline, the
6 appropriate and available supportive services for the
7 promotion of student attendance and engagement, and
8 developmentally appropriate disciplinary methods that promote
9 positive and healthy school climates.

10 (d) The board may expel a student for a definite period of
11 time not to exceed 2 calendar years, as determined on a
12 case-by-case basis. A student who is determined to have
13 brought one of the following objects to school, any
14 school-sponsored activity or event, or any activity or event
15 that bears a reasonable relationship to school shall be
16 expelled for a period of not less than one year:

17 (1) A firearm. For the purposes of this Section,
18 "firearm" means any gun, rifle, shotgun, weapon as defined
19 by Section 921 of Title 18 of the United States Code,
20 firearm as defined in Section 1.1 of the Firearm Owners
21 Identification Card Act, or firearm as defined in Section
22 24-1 of the Criminal Code of 2012. The expulsion period
23 under this subdivision (1) may be modified by the
24 superintendent, and the superintendent's determination may
25 be modified by the board on a case-by-case basis.

26 (2) A knife, brass knuckles or other knuckle weapon

1 regardless of its composition, a billy club, or any other
2 object if used or attempted to be used to cause bodily
3 harm, including "look alike" of any firearm as defined in
4 subdivision (1) of this subsection (d). The expulsion
5 requirement under this subdivision (2) may be modified by
6 the superintendent, and the superintendent's determination
7 may be modified by the board on a case-by-case basis.

8 Expulsion or suspension shall be construed in a manner
9 consistent with the federal Individuals with Disabilities
10 Education Act. A student who is subject to suspension or
11 expulsion as provided in this Section may be eligible for a
12 transfer to an alternative school program in accordance with
13 Article 13A of the School Code.

14 (d-5) The board may suspend or by regulation authorize the
15 superintendent of the district or the principal, assistant
16 principal, or dean of students of any school to suspend a
17 student for a period not to exceed 10 school days or may expel
18 a student for a definite period of time not to exceed 2
19 calendar years, as determined on a case-by-case basis, if (i)
20 that student has been determined to have made an explicit
21 threat on an Internet website against a school employee, a
22 student, or any school-related personnel, (ii) the Internet
23 website through which the threat was made is a site that was
24 accessible within the school at the time the threat was made or
25 was available to third parties who worked or studied within
26 the school grounds at the time the threat was made, and (iii)

1 the threat could be reasonably interpreted as threatening to
2 the safety and security of the threatened individual because
3 of his or her duties or employment status or status as a
4 student inside the school.

5 (e) To maintain order and security in the schools, school
6 authorities may inspect and search places and areas such as
7 lockers, desks, parking lots, and other school property and
8 equipment owned or controlled by the school, as well as
9 personal effects left in those places and areas by students,
10 without notice to or the consent of the student, and without a
11 search warrant. As a matter of public policy, the General
12 Assembly finds that students have no reasonable expectation of
13 privacy in these places and areas or in their personal effects
14 left in these places and areas. School authorities may request
15 the assistance of law enforcement officials for the purpose of
16 conducting inspections and searches of lockers, desks, parking
17 lots, and other school property and equipment owned or
18 controlled by the school for illegal drugs, weapons, or other
19 illegal or dangerous substances or materials, including
20 searches conducted through the use of specially trained dogs.
21 If a search conducted in accordance with this Section produces
22 evidence that the student has violated or is violating either
23 the law, local ordinance, or the school's policies or rules,
24 such evidence may be seized by school authorities, and
25 disciplinary action may be taken. School authorities may also
26 turn over such evidence to law enforcement authorities.

1 (f) Suspension or expulsion may include suspension or
2 expulsion from school and all school activities and a
3 prohibition from being present on school grounds.

4 (g) A school district may adopt a policy providing that if
5 a student is suspended or expelled for any reason from any
6 public or private school in this or any other state, the
7 student must complete the entire term of the suspension or
8 expulsion in an alternative school program under Article 13A
9 of this Code or an alternative learning opportunities program
10 under Article 13B of this Code before being admitted into the
11 school district if there is no threat to the safety of students
12 or staff in the alternative program. A school district that
13 adopts a policy under this subsection (g) must include a
14 provision allowing for consideration of any mitigating
15 factors, including, but not limited to, a student's status as
16 a parent, expectant parent, or victim of domestic or sexual
17 violence, as defined in Article 26A.

18 (h) School officials shall not advise or encourage
19 students to drop out voluntarily due to behavioral or academic
20 difficulties.

21 (i) A student may not be issued a monetary fine or fee as a
22 disciplinary consequence, though this shall not preclude
23 requiring a student to provide restitution for lost, stolen,
24 or damaged property.

25 (j) Subsections (a) through (i) of this Section shall
26 apply to elementary and secondary schools, charter schools,

1 special charter districts, and school districts organized
2 under Article 34 of this Code.

3 (k) Through June 30, 2026, the ~~The~~ expulsion of children
4 enrolled in programs funded under Section 1C-2 of this Code is
5 subject to the requirements under paragraph (7) of subsection
6 (a) of Section 2-3.71 of this Code.

7 (k-5) On and after July 1, 2026, the expulsion of children
8 enrolled in programs funded under Section 15-25 of the
9 Department of Early Childhood Act is subject to the
10 requirements of paragraph (7) of subsection (a) of Section
11 15-30 of the Department of Early Childhood Act.

12 (l) Beginning with the 2018-2019 school year, an in-school
13 suspension program provided by a school district for any
14 students in kindergarten through grade 12 may focus on
15 promoting non-violent conflict resolution and positive
16 interaction with other students and school personnel. A school
17 district may employ a school social worker or a licensed
18 mental health professional to oversee an in-school suspension
19 program in kindergarten through grade 12.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
21 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

22 (105 ILCS 5/21B-50)

23 Sec. 21B-50. Alternative Educator Licensure Program for
24 Teachers.

25 (a) There is established an alternative educator licensure

1 program, to be known as the Alternative Educator Licensure
2 Program for Teachers.

3 (b) The Alternative Educator Licensure Program for
4 Teachers may be offered by a recognized institution approved
5 to offer educator preparation programs by the State Board of
6 Education, in consultation with the State Educator Preparation
7 and Licensure Board.

8 The program shall be comprised of up to 3 phases:

9 (1) A course of study that at a minimum includes
10 instructional planning; instructional strategies,
11 including special education, reading, and English language
12 learning; classroom management; and the assessment of
13 students and use of data to drive instruction.

14 (2) A year of residency, which is a candidate's
15 assignment to a full-time teaching position or as a
16 co-teacher for one full school year. An individual must
17 hold an Educator License with Stipulations with an
18 alternative provisional educator endorsement in order to
19 enter the residency. In residency, the candidate must~~+~~ be
20 assigned an effective, fully licensed teacher by the
21 principal or principal equivalent to act as a mentor and
22 coach the candidate through residency, complete additional
23 program requirements that address required State and
24 national standards, pass the State Board's teacher
25 performance assessment, if required under Section 21B-30,
26 and be recommended by the principal or qualified

1 equivalent of a principal, as required under subsection
2 (d) of this Section, and the program coordinator to be
3 recommended for full licensure or to continue with a
4 second year of the residency.

5 (3) (Blank).

6 (4) A comprehensive assessment of the candidate's
7 teaching effectiveness, as evaluated by the principal or
8 qualified equivalent of a principal, as required under
9 subsection (d) of this Section, and the program
10 coordinator, at the end of either the first or the second
11 year of residency. If there is disagreement between the 2
12 evaluators about the candidate's teaching effectiveness at
13 the end of the first year of residency, a second year of
14 residency shall be required. If there is disagreement
15 between the 2 evaluators at the end of the second year of
16 residency, the candidate may complete one additional year
17 of residency teaching under a professional development
18 plan developed by the principal or qualified equivalent
19 and the preparation program. At the completion of the
20 third year, a candidate must have positive evaluations and
21 a recommendation for full licensure from both the
22 principal or qualified equivalent and the program
23 coordinator or no Professional Educator License shall be
24 issued.

25 Successful completion of the program shall be deemed to
26 satisfy any other practice or student teaching and content

1 matter requirements established by law.

2 (c) An alternative provisional educator endorsement on an
3 Educator License with Stipulations is valid for up to 2 years
4 of teaching in the public schools, including without
5 limitation a preschool educational program under Section
6 2-3.71 of this Code or Section 15-30 of the Department of Early
7 Childhood Act or charter school, or in a State-recognized
8 nonpublic school in which the chief administrator is required
9 to have the licensure necessary to be a principal in a public
10 school in this State and in which a majority of the teachers
11 are required to have the licensure necessary to be instructors
12 in a public school in this State, but may be renewed for a
13 third year if needed to complete the Alternative Educator
14 Licensure Program for Teachers. The endorsement shall be
15 issued only once to an individual who meets all of the
16 following requirements:

17 (1) Has graduated from a regionally accredited college
18 or university with a bachelor's degree or higher.

19 (2) (Blank).

20 (3) Has completed a major in the content area if
21 seeking a middle or secondary level endorsement or, if
22 seeking an early childhood, elementary, or special
23 education endorsement, has completed a major in the
24 content area of early childhood reading, English/language
25 arts, mathematics, or one of the sciences. If the
26 individual does not have a major in a content area for any

1 level of teaching, he or she must submit transcripts to
2 the State Board of Education to be reviewed for
3 equivalency.

4 (4) Has successfully completed phase (1) of subsection
5 (b) of this Section.

6 (5) Has passed a content area test required for the
7 specific endorsement for admission into the program, as
8 required under Section 21B-30 of this Code.

9 A candidate possessing the alternative provisional
10 educator endorsement may receive a salary, benefits, and any
11 other terms of employment offered to teachers in the school
12 who are members of an exclusive bargaining representative, if
13 any, but a school is not required to provide these benefits
14 during the years of residency if the candidate is serving only
15 as a co-teacher. If the candidate is serving as the teacher of
16 record, the candidate must receive a salary, benefits, and any
17 other terms of employment. Residency experiences must not be
18 counted towards tenure.

19 (d) The recognized institution offering the Alternative
20 Educator Licensure Program for Teachers must partner with a
21 school district, including without limitation a preschool
22 educational program under Section 2-3.71 of this Code or
23 Section 15-30 of the Department of Early Childhood Act or
24 charter school, or a State-recognized, nonpublic school in
25 this State in which the chief administrator is required to
26 have the licensure necessary to be a principal in a public

1 school in this State and in which a majority of the teachers
2 are required to have the licensure necessary to be instructors
3 in a public school in this State. A recognized institution
4 that partners with a public school district administering a
5 preschool educational program under Section 2-3.71 of this
6 Code or Section 15-30 of the Department of Early Childhood Act
7 must require a principal to recommend or evaluate candidates
8 in the program. A recognized institution that partners with an
9 eligible entity administering a preschool educational program
10 under Section 2-3.71 of this Code or Section 15-30 of the
11 Department of Early Childhood Act and that is not a public
12 school district must require a principal or qualified
13 equivalent of a principal to recommend or evaluate candidates
14 in the program. The program presented for approval by the
15 State Board of Education must demonstrate the supports that
16 are to be provided to assist the provisional teacher during
17 the one-year ~~1-year~~ or 2-year residency period and if the
18 residency period is to be less than 2 years in length,
19 assurances from the partner school districts to provide
20 intensive mentoring and supports through at least the end of
21 the second full year of teaching for educators who completed
22 the Alternative Educator ~~Educators~~ Licensure Program for
23 Teachers in less than 2 years. These supports must, at a
24 minimum, provide additional contact hours with mentors during
25 the first year of residency.

26 (e) Upon completion of phases under paragraphs (1), (2),

1 (4), and, if needed, (3) in subsection (b) of this Section and
2 all assessments required under Section 21B-30 of this Code, an
3 individual shall receive a Professional Educator License.

4 (f) The State Board of Education, in consultation with the
5 State Educator Preparation and Licensure Board, may adopt such
6 rules as may be necessary to establish and implement the
7 Alternative Educator Licensure Program for Teachers.

8 (Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23;
9 revised 9-1-23.)

10 (105 ILCS 5/22-45)

11 Sec. 22-45. Illinois P-20 Council.

12 (a) The General Assembly finds that preparing Illinoisans
13 for success in school and the workplace requires a continuum
14 of quality education from preschool through graduate school.
15 This State needs a framework to guide education policy and
16 integrate education at every level. A statewide coordinating
17 council to study and make recommendations concerning education
18 at all levels can avoid fragmentation of policies, promote
19 improved teaching and learning, and continue to cultivate and
20 demonstrate strong accountability and efficiency. Establishing
21 an Illinois P-20 Council will develop a statewide agenda that
22 will move the State towards the common goals of improving
23 academic achievement, increasing college access and success,
24 improving use of existing data and measurements, developing
25 improved accountability, fostering innovative approaches to

1 education, promoting lifelong learning, easing the transition
2 to college, and reducing remediation. A pre-kindergarten
3 through grade 20 agenda will strengthen this State's economic
4 competitiveness by producing a highly-skilled workforce. In
5 addition, lifelong learning plans will enhance this State's
6 ability to leverage funding.

7 (b) There is created the Illinois P-20 Council. The
8 Illinois P-20 Council shall include all of the following
9 members:

10 (1) The Governor or his or her designee, to serve as
11 chairperson.

12 (2) Four members of the General Assembly, one
13 appointed by the Speaker of the House of Representatives,
14 one appointed by the Minority Leader of the House of
15 Representatives, one appointed by the President of the
16 Senate, and one appointed by the Minority Leader of the
17 Senate.

18 (3) Six at-large members appointed by the Governor as
19 follows, with 2 members being from the City of Chicago, 2
20 members being from Lake County, McHenry County, Kane
21 County, DuPage County, Will County, or that part of Cook
22 County outside of the City of Chicago, and 2 members being
23 from the remainder of the State:

24 (A) one representative of civic leaders;

25 (B) one representative of local government;

26 (C) one representative of trade unions;

1 (D) one representative of nonprofit organizations
2 or foundations;

3 (E) one representative of parents' organizations;
4 and

5 (F) one education research expert.

6 (4) Five members appointed by statewide business
7 organizations and business trade associations.

8 (5) Six members appointed by statewide professional
9 organizations and associations representing
10 pre-kindergarten through grade 20 teachers, community
11 college faculty, and public university faculty.

12 (6) Two members appointed by associations representing
13 local school administrators and school board members. One
14 of these members must be a special education
15 administrator.

16 (7) One member representing community colleges,
17 appointed by the Illinois Council of Community College
18 Presidents.

19 (8) One member representing 4-year independent
20 colleges and universities, appointed by a statewide
21 organization representing private institutions of higher
22 learning.

23 (9) One member representing public 4-year
24 universities, appointed jointly by the university
25 presidents and chancellors.

26 (10) Ex-officio members as follows:

1 (A) The State Superintendent of Education or his
2 or her designee.

3 (A-5) The Secretary of Early Childhood or the
4 Secretary's designee.

5 (B) The Executive Director of the Board of Higher
6 Education or his or her designee.

7 (C) The Executive Director of the Illinois
8 Community College Board or his or her designee.

9 (D) The Executive Director of the Illinois Student
10 Assistance Commission or his or her designee.

11 (E) The Co-chairpersons of the Illinois Workforce
12 Investment Board or their designee.

13 (F) The Director of Commerce and Economic
14 Opportunity or his or her designee.

15 (G) The Chairperson of the Illinois Early Learning
16 Council or his or her designee.

17 (H) The President of the Illinois Mathematics and
18 Science Academy or his or her designee.

19 (I) The president of an association representing
20 educators of adult learners or his or her designee.

21 Ex-officio members shall have no vote on the Illinois P-20
22 Council.

23 Appointed members shall serve for staggered terms expiring
24 on July 1 of the first, second, or third calendar year
25 following their appointments or until their successors are
26 appointed and have qualified. Staggered terms shall be

1 determined by lot at the organizing meeting of the Illinois
2 P-20 Council.

3 Vacancies shall be filled in the same manner as original
4 appointments, and any member so appointed shall serve during
5 the remainder of the term for which the vacancy occurred.

6 (c) The Illinois P-20 Council shall be funded through
7 State appropriations to support staff activities, research,
8 data-collection, and dissemination. The Illinois P-20 Council
9 shall be staffed by the Office of the Governor, in
10 coordination with relevant State agencies, boards, and
11 commissions. The Illinois Education Research Council shall
12 provide research and coordinate research collection activities
13 for the Illinois P-20 Council.

14 (d) The Illinois P-20 Council shall have all of the
15 following duties:

16 (1) To make recommendations to do all of the
17 following:

18 (A) Coordinate pre-kindergarten through grade 20
19 (graduate school) education in this State through
20 working at the intersections of educational systems to
21 promote collaborative infrastructure.

22 (B) Coordinate and leverage strategies, actions,
23 legislation, policies, and resources of all
24 stakeholders to support fundamental and lasting
25 improvement in this State's public schools, community
26 colleges, and universities.

1 (C) Better align the high school curriculum with
2 postsecondary expectations.

3 (D) Better align assessments across all levels of
4 education.

5 (E) Reduce the need for students entering
6 institutions of higher education to take remedial
7 courses.

8 (F) Smooth the transition from high school to
9 college.

10 (G) Improve high school and college graduation
11 rates.

12 (H) Improve the rigor and relevance of academic
13 standards for college and workforce readiness.

14 (I) Better align college and university teaching
15 programs with the needs of Illinois schools.

16 (2) To advise the Governor, the General Assembly, the
17 State's education and higher education agencies, and the
18 State's workforce and economic development boards and
19 agencies on policies related to lifelong learning for
20 Illinois students and families.

21 (3) To articulate a framework for systemic educational
22 improvement and innovation that will enable every student
23 to meet or exceed Illinois learning standards and be
24 well-prepared to succeed in the workforce and community.

25 (4) To provide an estimated fiscal impact for
26 implementation of all Council recommendations.

1 (5) To make recommendations for short-term and
2 long-term learning recovery actions for public school
3 students in this State in the wake of the COVID-19
4 pandemic. The Illinois P-20 Council shall submit a report
5 with its recommendations for a multi-year recovery plan by
6 December 31, 2021 to the Governor, the State Board of
7 Education, the Board of Higher Education, the Illinois
8 Community College Board, and the General Assembly that
9 addresses all of the following:

10 (A) Closing the digital divide for all students,
11 including access to devices, Internet connectivity,
12 and ensuring that educators have the necessary support
13 and training to provide high quality remote and
14 blended learning to students.

15 (B) Evaluating the academic growth and proficiency
16 of students in order to understand the impact of
17 school closures and remote and blended remote learning
18 conditions on student academic outcomes, including
19 disaggregating data by race, income, diverse learners,
20 and English learners, in ways that balance the need to
21 understand that impact with the need to support
22 student well-being and also take into consideration
23 the logistical constraints facing schools and
24 districts.

25 (C) Establishing a system for the collection and
26 review of student data at the State level, including

1 data about prekindergarten through higher education
2 student attendance, engagement and participation,
3 discipline, and social-emotional and mental health
4 inputs and outcomes, in order to better understand the
5 full impact of disrupted learning.

6 (D) Providing students with resources and programs
7 for academic support, such as enrichment
8 opportunities, tutoring corps, summer bridge programs,
9 youth leadership and development programs, youth and
10 community-led restorative and transformative justice
11 programs, and youth internship and apprenticeship
12 programs.

13 (E) Providing students with resources and support
14 to ensure access to social-emotional learning, mental
15 health services, and trauma responsive, restorative
16 justice and anti-racist practices in order to support
17 the growth of the whole child, such as investing in
18 community schools and providing comprehensive
19 year-round services and support for both students and
20 their families.

21 (F) Ensuring more time for students' academic,
22 social-emotional, and mental health needs by
23 considering such strategies as: (i) extending planning
24 time for teachers, (ii) extending the school day and
25 school year, and (iii) transitioning to year-round
26 schooling.

1 (G) Strengthening the transition from secondary
2 education to postsecondary education in the wake of
3 threats to alignment and affordability created by the
4 pandemic and related conditions.

5 (e) The chairperson of the Illinois P-20 Council may
6 authorize the creation of working groups focusing on areas of
7 interest to Illinois educational and workforce development,
8 including without limitation the following areas:

9 (1) Preparation, recruitment, and certification of
10 highly qualified teachers.

11 (2) Mentoring and induction of highly qualified
12 teachers.

13 (3) The diversity of highly qualified teachers.

14 (4) Funding for highly qualified teachers, including
15 developing a strategic and collaborative plan to seek
16 federal and private grants to support initiatives
17 targeting teacher preparation and its impact on student
18 achievement.

19 (5) Highly effective administrators.

20 (6) Illinois birth through age 3 education,
21 pre-kindergarten, and early childhood education.

22 (7) The assessment, alignment, outreach, and network
23 of college and workforce readiness efforts.

24 (8) Alternative routes to college access.

25 (9) Research data and accountability.

26 (10) Community schools, community participation, and

1 other innovative approaches to education that foster
2 community partnerships.

3 (11) Tuition, financial aid, and other issues related
4 to keeping postsecondary education affordable for Illinois
5 residents.

6 (12) Learning recovery in the wake of the COVID-19
7 pandemic.

8 The chairperson of the Illinois P-20 Council may designate
9 Council members to serve as working group chairpersons.
10 Working groups may invite organizations and individuals
11 representing pre-kindergarten through grade 20 interests to
12 participate in discussions, data collection, and
13 dissemination.

14 (Source: P.A. 101-654, eff. 3-8-21.)

15 (105 ILCS 5/26-19)

16 Sec. 26-19. Chronic absenteeism in preschool children.

17 (a) In this Section, "chronic absence" has the meaning
18 ascribed to that term in Section 26-18 of this Code.

19 (b) The General Assembly makes all of the following
20 findings:

21 (1) The early years are an extremely important period
22 in a child's learning and development.

23 (2) Missed learning opportunities in the early years
24 make it difficult for a child to enter kindergarten ready
25 for success.

1 (3) Attendance patterns in the early years serve as
2 predictors of chronic absenteeism and reduced educational
3 outcomes in later school years. Therefore, it is crucial
4 that the implications of chronic absence be understood and
5 reviewed regularly under the Preschool for All Program and
6 Preschool for All Expansion Program under Section 2-3.71
7 of this Code.

8 (c) The Preschool for All Program and Preschool for All
9 Expansion Program under Section 2-3.71 of this Code shall
10 collect and review its chronic absence data and determine what
11 support and resources are needed to positively engage
12 chronically absent students and their families to encourage
13 the habit of daily attendance and promote success.

14 (d) The Preschool for All Program and Preschool for All
15 Expansion Program under Section 2-3.71 of this Code are
16 encouraged to do all of the following:

17 (1) Provide support to students who are at risk of
18 reaching or exceeding chronic absence levels.

19 (2) Make resources available to families, such as
20 those available through the State Board of Education's
21 Family Engagement Framework, to support and encourage
22 families to ensure their children's daily program
23 attendance.

24 (3) Include information about chronic absenteeism as
25 part of their preschool to kindergarten transition
26 resources.

1 (e) On or before July 1, 2020, and annually thereafter,
2 the Preschool for All Program and Preschool for All Expansion
3 Program shall report all data collected under subsection (c)
4 of this Section to the State Board of Education, which shall
5 make the report publicly available via the Illinois Early
6 Childhood Asset Map Internet website and the Preschool for All
7 Program or Preschool for All Expansion Program triennial
8 report.

9 (f) This Section is repealed on July 1, 2026.

10 (Source: P.A. 102-539, eff. 8-20-21.)

11 Section 90-35. The School Construction Law is amended by
12 changing Section 5-300 as follows:

13 (105 ILCS 230/5-300)

14 Sec. 5-300. Early childhood construction grants.

15 (a) The Capital Development Board is authorized to make
16 grants to public school districts and not-for-profit entities
17 for early childhood construction projects, except that in
18 fiscal year 2024 those grants may be made only to public school
19 districts. These grants shall be paid out of moneys
20 appropriated for that purpose from the School Construction
21 Fund, the Build Illinois Bond Fund, or the Rebuild Illinois
22 Projects Fund. No grants may be awarded to entities providing
23 services within private residences. A public school district
24 or other eligible entity must provide local matching funds in

1 the following manner:

2 (1) A public school district assigned to Tier 1 under
3 Section 18-8.15 of the School Code or any other eligible
4 entity in an area encompassed by that district must
5 provide local matching funds in an amount equal to 3% of
6 the grant awarded under this Section.

7 (2) A public school district assigned to Tier 2 under
8 Section 18-8.15 of the School Code or any other eligible
9 entity in an area encompassed by that district must
10 provide local matching funds in an amount equal to 7.5% of
11 the grant awarded under this Section.

12 (3) A public school district assigned to Tier 3 under
13 Section 18-8.15 of the School Code or any other eligible
14 entity in an area encompassed by that district must
15 provide local matching funds in an amount equal to 8.75%
16 of the grant awarded under this Section.

17 (4) A public school district assigned to Tier 4 under
18 Section 18-8.15 of the School Code or any other eligible
19 entity in an area encompassed by that district must
20 provide local matching funds in an amount equal to 10% of
21 the grant awarded under this Section.

22 A public school district or other eligible entity has no
23 entitlement to a grant under this Section.

24 (b) The Capital Development Board shall adopt rules to
25 implement this Section. These rules need not be the same as the
26 rules for school construction project grants or school

1 maintenance project grants. The rules may specify:

2 (1) the manner of applying for grants;

3 (2) project eligibility requirements;

4 (3) restrictions on the use of grant moneys;

5 (4) the manner in which school districts and other
6 eligible entities must account for the use of grant
7 moneys;

8 (5) requirements that new or improved facilities be
9 used for early childhood and other related programs for a
10 period of at least 10 years; and

11 (6) any other provision that the Capital Development
12 Board determines to be necessary or useful for the
13 administration of this Section.

14 (b-5) When grants are made to non-profit corporations for
15 the acquisition or construction of new facilities, the Capital
16 Development Board or any State agency it so designates shall
17 hold title to or place a lien on the facility for a period of
18 10 years after the date of the grant award, after which title
19 to the facility shall be transferred to the non-profit
20 corporation or the lien shall be removed, provided that the
21 non-profit corporation has complied with the terms of its
22 grant agreement. When grants are made to non-profit
23 corporations for the purpose of renovation or rehabilitation,
24 if the non-profit corporation does not comply with item (5) of
25 subsection (b) of this Section, the Capital Development Board
26 or any State agency it so designates shall recover the grant

1 pursuant to the procedures outlined in the Illinois Grant
2 Funds Recovery Act.

3 (c) The Capital Development Board, in consultation with
4 the State Board of Education, shall establish standards for
5 the determination of priority needs concerning early childhood
6 projects based on projects located in communities in the State
7 with the greatest underserved population of young children,
8 utilizing Census data and other reliable local early childhood
9 service data.

10 (d) In each school year in which early childhood
11 construction project grants are awarded, 20% of the total
12 amount awarded shall be awarded to a school district with a
13 population of more than 500,000, provided that the school
14 district complies with the requirements of this Section and
15 the rules adopted under this Section.

16 (e) This Section is repealed on July 1, 2026.

17 (Source: P.A. 102-16, eff. 6-17-21; 103-8, eff. 6-7-23.)

18 Section 90-40. The Early Childhood Access Consortium for
19 Equity Act is amended by changing Sections 25 and 35 as
20 follows:

21 (110 ILCS 28/25)

22 Sec. 25. Advisory committee; membership.

23 (a) The Board of Higher Education, the Illinois Community
24 College Board, the State Board of Education, the Department of

1 Human Services, and the Department of Early Childhood
2 ~~Governor's Office of Early Childhood Development~~ shall jointly
3 convene a Consortium advisory committee to provide guidance on
4 the operation of the Consortium.

5 (b) Membership on the advisory committee shall be
6 comprised of employers and experts appointed by the Board of
7 Higher Education, the Illinois Community College Board, the
8 Department of Early Childhood, the Department of Human
9 Services ~~Governor's Office of Early Childhood Development~~, and
10 the State Board of Education. Membership shall also include
11 all of the following members:

12 (1) An employer from a community-based child care
13 provider, appointed by the Department of Human Services
14 ~~Governor's Office of Early Childhood Development~~.

15 (2) An employer from a for-profit child care provider,
16 appointed by the Department of Human Services ~~Governor's~~
17 ~~Office of Early Childhood Development~~.

18 (3) An employer from a nonprofit child care provider,
19 appointed by the Department of Human Services ~~Governor's~~
20 ~~Office of Early Childhood Development~~.

21 (4) A provider of family child care, appointed by the
22 Department of Human Services ~~Governor's Office of Early~~
23 ~~Childhood Development~~.

24 (5) An employer located in southern Illinois,
25 appointed by the Department of Early Childhood ~~Governor's~~
26 ~~Office of Early Childhood Development~~.

1 (6) An employer located in central Illinois, appointed
2 by the Department of Early Childhood ~~Governor's Office of~~
3 ~~Early Childhood Development~~.

4 (7) At least one member who represents an urban school
5 district, appointed by the State Board of Education.

6 (8) At least one member who represents a suburban
7 school district, appointed by the State Board of
8 Education.

9 (9) At least one member who represents a rural school
10 district, appointed by the State Board of Education.

11 (10) At least one member who represents a school
12 district in a city with a population of 500,000 or more,
13 appointed by the State Board of Education.

14 (11) Two early childhood advocates with statewide
15 expertise in early childhood workforce issues, appointed
16 by the Department of Early Childhood ~~Governor's Office of~~
17 ~~Early Childhood Development~~.

18 (12) The Chairperson or Vice-Chairperson and the
19 Minority Spokesperson or a designee of the Senate
20 Committee on Higher Education.

21 (13) The Chairperson or Vice-Chairperson and the
22 Minority Spokesperson or a designee of the House Committee
23 on Higher Education.

24 (14) One member representing the Illinois Community
25 College Board, who shall serve as co-chairperson,
26 appointed by the Illinois Community College Board.

1 (15) One member representing the Board of Higher
2 Education, who shall serve as co-chairperson, appointed by
3 the Board of Higher Education.

4 (16) One member representing the Illinois Student
5 Assistance Commission, appointed by the Board of Higher
6 Education.

7 (17) One member representing the State Board of
8 Education, who shall serve as co-chairperson, appointed by
9 the State Board of Education.

10 (18) One member representing the Department of Early
11 Childhood ~~Governor's Office of Early Childhood~~
12 ~~Development~~, who shall serve as co-chairperson, appointed
13 by the Department of Early Childhood ~~Governor's Office of~~
14 ~~Early Childhood Development~~.

15 (19) One member representing the Department of Human
16 Services, who shall serve as co-chairperson, appointed by
17 the Department of Human Services ~~Governor's Office of~~
18 ~~Early Childhood Development~~.

19 (20) One member representing INCCRRA, appointed by the
20 Department of Early Childhood ~~Governor's Office of Early~~
21 ~~Childhood Development~~.

22 (21) One member representing the Department of
23 Children and Family Services, appointed by the Department
24 of Children and Family Services ~~Governor's Office of Early~~
25 ~~Childhood Development~~.

26 (22) One member representing an organization that

1 advocates on behalf of community college trustees,
2 appointed by the Illinois Community College Board.

3 (23) One member of a union representing child care and
4 early childhood providers, appointed by the Department of
5 Human Services ~~Governor's Office of Early Childhood~~
6 ~~Development~~.

7 (24) Two members of unions representing higher
8 education faculty, appointed by the Board of Higher
9 Education.

10 (25) A representative from the College of Education of
11 an urban public university, appointed by the Board of
12 Higher Education.

13 (26) A representative from the College of Education of
14 a suburban public university, appointed by the Board of
15 Higher Education.

16 (27) A representative from the College of Education of
17 a rural public university, appointed by the Board of
18 Higher Education.

19 (28) A representative from the College of Education of
20 a private university, appointed by the Board of Higher
21 Education.

22 (29) A representative of an urban community college,
23 appointed by the Illinois Community College Board.

24 (30) A representative of a suburban community college,
25 appointed by the Illinois Community College Board.

26 (31) A representative of rural community college,

1 appointed by the Illinois Community College Board.

2 (c) The advisory committee shall meet quarterly. The
3 committee meetings shall be open to the public in accordance
4 with the provisions of the Open Meetings Act.

5 (Source: P.A. 102-174, eff. 7-28-21.)

6 (110 ILCS 28/35)

7 Sec. 35. Goals and metrics.

8 (a) By July 1, 2021 or within 60 days after the effective
9 date of this amendatory Act of the 102nd General Assembly, the
10 Board of Higher Education's Strategic Plan Educator Workforce
11 subgroup on the early childhood workforce must set goals for
12 the Consortium for the enrollment, persistence, and completion
13 of members of the incumbent workforce in associate,
14 bachelor's, and master's degree programs, Gateways Credentials
15 in Level 2, 3, or 4, and Professional Educator Licensure by
16 September 30, 2024. The goals set for the Consortium must be
17 data informed and include targets for annual enrollment and
18 persistence.

19 (b) Data from the Gateways Registry, March 2020, indicates
20 that there are 7,670 individuals with an associate degree who
21 would benefit from progressing to a baccalaureate degree and
22 20,467 individuals with a high school diploma or some college
23 who would benefit from progressing to an associate degree. If
24 the goals cannot be set in accordance with subsection (a), the
25 goal for the Consortium shall be that by September 30, 2024,

1 20% of the individuals described in this subsection (b) who do
2 not have a degree will have enrolled and be persisting toward
3 or have attained a Gateways Credential in Level 2, 3, or 4 or
4 an associate degree and, of the individuals who have an
5 associate degree, will be enrolled and persisting toward or
6 have attained a baccalaureate degree or will be persisting
7 toward or have attained a Professional Educator License.

8 (c) Student financial aid, including incentives and
9 stipends, data-sharing, and professional statewide engagement
10 and marketing campaign and recruitment efforts are critical to
11 the Consortium's ability to quickly attract and enroll
12 students into these programs. Navigators, mentors, and
13 advisors are critical for persistence and completion. If
14 federal funds are not appropriated for these purposes and the
15 other purposes of this Section, the Board of Higher Education,
16 the Illinois Community College Board, the State Board of
17 Education, the Department of Human Services, and the
18 Department of Early Childhood ~~Governor's Office of Early~~
19 ~~Childhood Development~~, in consultation with the advisory
20 committee, shall adjust the initial target metrics
21 appropriately by adopting challenging goals that may be
22 attainable with less public investment.

23 (d) The Board of Higher Education, the Illinois Community
24 College Board, the State Board of Education, the Department of
25 Human Services, and the Department of Early Childhood
26 ~~Governor's Office of Early Childhood Development~~, in

1 consultation with the advisory committee, shall determine new
2 metrics and goals for the Consortium as they relate to the
3 remaining and future early childhood workforce, to be
4 instituted after the close of the 2024-2025 academic year and
5 going forward. Metrics must take into consideration that the
6 pipeline depends on sustained, increased student enrollment
7 and completion rates at the associate degree level if this
8 State aims to continue with sustained, increased student
9 enrollment and completion at the bachelor's degree level.

10 (Source: P.A. 102-174, eff. 7-28-21.)

11 Section 90-45. The Illinois Public Aid Code is amended by
12 changing Sections 2-12, 2-12.5, 9A-11, 9A-11.5, and 9A-17 as
13 follows:

14 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

15 Sec. 2-12. "Illinois Department"; "Department". In this
16 Code, "Illinois Department" or "Department", when a particular
17 entity is not specified, means the following:

18 (1) In the case of a function performed before July 1, 1997
19 (the effective date of the Department of Human Services Act),
20 the term means the Department of Public Aid.

21 (2) Except as provided in paragraph (2.5), in ~~in~~ the case
22 of a function to be performed on or after July 1, 1997 under
23 Article III, IV, VI, IX, or IXA, the term means the Department
24 of Human Services as successor to the Illinois Department of

1 Public Aid.

2 (2.5) In the case of a function to be performed on or after
3 July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means
4 the Department of Early Childhood.

5 (3) In the case of a function to be performed on or after
6 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,
7 or XV, the term means the Department of Healthcare and Family
8 Services (formerly Illinois Department of Public Aid).

9 (4) In the case of a function to be performed on or after
10 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
11 term means the Department of Human Services (acting as
12 successor to the Illinois Department of Public Aid) or the
13 Department of Healthcare and Family Services (formerly
14 Illinois Department of Public Aid) or both, according to
15 whether that function, in the specific context, has been
16 allocated to the Department of Human Services or the
17 Department of Healthcare and Family Services (formerly
18 Department of Public Aid) or both of those departments.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (305 ILCS 5/2-12.5)

21 Sec. 2-12.5. "Director of the Illinois Department";
22 "Director of the Department"; "Director". In this Code,
23 "Director of the Illinois Department", "Director of the
24 Department", or "Director", when a particular official is not
25 specified, means the following:

1 (1) In the case of a function performed before July 1, 1997
2 (the effective date of the Department of Human Services Act),
3 the term means the Director of Public Aid.

4 (2) Except as provided in paragraph (2.5), in ~~the~~ the case
5 of a function to be performed on or after July 1, 1997 under
6 Article III, IV, VI, IX, or IXA, the term means the Secretary
7 of Human Services.

8 (2.5) In the case of a function to be performed on or after
9 July 1, 2026 under Sections 9A-11 and 9A-11-5, the term means
10 the Secretary of Early Childhood.

11 (3) In the case of a function to be performed on or after
12 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,
13 or XV, the term means the Director of Healthcare and Family
14 Services (formerly Director of Public Aid).

15 (4) In the case of a function to be performed on or after
16 July 1, 1997 under Article I, II, VIII A, XI, XII, or XIII, the
17 term means the Secretary of Human Services or the Director of
18 Healthcare and Family Services (formerly Director of Public
19 Aid) or both, according to whether that function, in the
20 specific context, has been allocated to the Department of
21 Human Services or the Department of Healthcare and Family
22 Services (formerly Department of Public Aid) or both of those
23 departments.

24 (Source: P.A. 95-331, eff. 8-21-07.)

1 Sec. 9A-11. Child care.

2 (a) The General Assembly recognizes that families with
3 children need child care in order to work. Child care is
4 expensive and families with limited access to economic
5 resources, including those who are transitioning from welfare
6 to work, often struggle to pay the costs of day care. The
7 General Assembly understands the importance of helping working
8 families with limited access to economic resources become and
9 remain self-sufficient. The General Assembly also believes
10 that it is the responsibility of families to share in the costs
11 of child care. It is also the preference of the General
12 Assembly that all working families with limited access to
13 economic resources should be treated equally, regardless of
14 their welfare status.

15 (b) To the extent resources permit, the Illinois
16 Department shall provide child care services to parents or
17 other relatives as defined by rule who are working or
18 participating in employment or Department approved education
19 or training programs. At a minimum, the Illinois Department
20 shall cover the following categories of families:

21 (1) recipients of TANF under Article IV participating
22 in work and training activities as specified in the
23 personal plan for employment and self-sufficiency;

24 (2) families transitioning from TANF to work;

25 (3) families at risk of becoming recipients of TANF;

26 (4) families with special needs as defined by rule;

1 (5) working families with very low incomes as defined
2 by rule;

3 (6) families that are not recipients of TANF and that
4 need child care assistance to participate in education and
5 training activities;

6 (7) youth in care, as defined in Section 4d of the
7 Children and Family Services Act, who are parents,
8 regardless of income or whether they are working or
9 participating in Department-approved employment or
10 education or training programs. Any family that receives
11 child care assistance in accordance with this paragraph
12 shall receive one additional 12-month child care
13 eligibility period after the parenting youth in care's
14 case with the Department of Children and Family Services
15 is closed, regardless of income or whether the parenting
16 youth in care is working or participating in
17 Department-approved employment or education or training
18 programs;

19 (8) families receiving Extended Family Support Program
20 services from the Department of Children and Family
21 Services, regardless of income or whether they are working
22 or participating in Department-approved employment or
23 education or training programs; and

24 (9) families with children under the age of 5 who have
25 an open intact family services case with the Department of
26 Children and Family Services. Any family that receives

1 child care assistance in accordance with this paragraph
2 shall remain eligible for child care assistance 6 months
3 after the child's intact family services case is closed,
4 regardless of whether the child's parents or other
5 relatives as defined by rule are working or participating
6 in Department approved employment or education or training
7 programs. The Department of Early Childhood ~~Human~~
8 ~~Services~~, in consultation with the Department of Children
9 and Family Services, shall adopt rules to protect the
10 privacy of families who are the subject of an open intact
11 family services case when such families enroll in child
12 care services. Additional rules shall be adopted to offer
13 children who have an open intact family services case the
14 opportunity to receive an Early Intervention screening and
15 other services that their families may be eligible for as
16 provided by the Department of Human Services.

17 Beginning October 1, 2027 ~~2023~~, and every October 1
18 thereafter, the Department of Children and Family Services
19 shall report to the General Assembly on the number of children
20 who received child care via vouchers paid for by the
21 Department of Early Childhood ~~Children and Family Services~~
22 during the preceding fiscal year. The report shall include the
23 ages of children who received child care, the type of child
24 care they received, and the number of months they received
25 child care.

26 The Department shall specify by rule the conditions of

1 eligibility, the application process, and the types, amounts,
2 and duration of services. Eligibility for child care benefits
3 and the amount of child care provided may vary based on family
4 size, income, and other factors as specified by rule.

5 The Department shall update the Child Care Assistance
6 Program Eligibility Calculator posted on its website to
7 include a question on whether a family is applying for child
8 care assistance for the first time or is applying for a
9 redetermination of eligibility.

10 A family's eligibility for child care services shall be
11 redetermined no sooner than 12 months following the initial
12 determination or most recent redetermination. During the
13 12-month periods, the family shall remain eligible for child
14 care services regardless of (i) a change in family income,
15 unless family income exceeds 85% of State median income, or
16 (ii) a temporary change in the ongoing status of the parents or
17 other relatives, as defined by rule, as working or attending a
18 job training or educational program.

19 In determining income eligibility for child care benefits,
20 the Department annually, at the beginning of each fiscal year,
21 shall establish, by rule, one income threshold for each family
22 size, in relation to percentage of State median income for a
23 family of that size, that makes families with incomes below
24 the specified threshold eligible for assistance and families
25 with incomes above the specified threshold ineligible for
26 assistance. Through and including fiscal year 2007, the

1 specified threshold must be no less than 50% of the
2 then-current State median income for each family size.
3 Beginning in fiscal year 2008, the specified threshold must be
4 no less than 185% of the then-current federal poverty level
5 for each family size. Notwithstanding any other provision of
6 law or administrative rule to the contrary, beginning in
7 fiscal year 2019, the specified threshold for working families
8 with very low incomes as defined by rule must be no less than
9 185% of the then-current federal poverty level for each family
10 size. Notwithstanding any other provision of law or
11 administrative rule to the contrary, beginning in State fiscal
12 year 2022 through State fiscal year 2023, the specified income
13 threshold shall be no less than 200% of the then-current
14 federal poverty level for each family size. Beginning in State
15 fiscal year 2024, the specified income threshold shall be no
16 less than 225% of the then-current federal poverty level for
17 each family size.

18 In determining eligibility for assistance, the Department
19 shall not give preference to any category of recipients or
20 give preference to individuals based on their receipt of
21 benefits under this Code.

22 Nothing in this Section shall be construed as conferring
23 entitlement status to eligible families.

24 The Illinois Department is authorized to lower income
25 eligibility ceilings, raise parent co-payments, create waiting
26 lists, or take such other actions during a fiscal year as are

1 necessary to ensure that child care benefits paid under this
2 Article do not exceed the amounts appropriated for those child
3 care benefits. These changes may be accomplished by emergency
4 rule under Section 5-45 of the Illinois Administrative
5 Procedure Act, except that the limitation on the number of
6 emergency rules that may be adopted in a 24-month period shall
7 not apply.

8 The Illinois Department may contract with other State
9 agencies or child care organizations for the administration of
10 child care services.

11 (c) Payment shall be made for child care that otherwise
12 meets the requirements of this Section and applicable
13 standards of State and local law and regulation, including any
14 requirements the Illinois Department promulgates by rule.
15 Through June 30, 2026, the rules of this Section include
16 licensure requirements adopted by the Department of Children
17 and Family Services. On and after July 1, 2026, the rules of
18 this Section include licensure requirements adopted by the
19 Department of Early Childhood. In addition, the regulations of
20 this Section include the ~~in addition to the licensure~~
21 ~~requirements promulgated by the Department of Children and~~
22 ~~Family Services and Fire Prevention and Safety requirements~~
23 promulgated by the Office of the State Fire Marshal, and is
24 provided in any of the following:

25 (1) a child care center which is licensed or exempt
26 from licensure pursuant to Section 2.09 of the Child Care

1 Act of 1969;

2 (2) a licensed child care home or home exempt from
3 licensing;

4 (3) a licensed group child care home;

5 (4) other types of child care, including child care
6 provided by relatives or persons living in the same home
7 as the child, as determined by the Illinois Department by
8 rule.

9 (c-5) Solely for the purposes of coverage under the
10 Illinois Public Labor Relations Act, child and day care home
11 providers, including licensed and license exempt,
12 participating in the Department's child care assistance
13 program shall be considered to be public employees and the
14 State of Illinois shall be considered to be their employer as
15 of January 1, 2006 (the effective date of Public Act 94-320),
16 but not before. The State shall engage in collective
17 bargaining with an exclusive representative of child and day
18 care home providers participating in the child care assistance
19 program concerning their terms and conditions of employment
20 that are within the State's control. Nothing in this
21 subsection shall be understood to limit the right of families
22 receiving services defined in this Section to select child and
23 day care home providers or supervise them within the limits of
24 this Section. The State shall not be considered to be the
25 employer of child and day care home providers for any purposes
26 not specifically provided in Public Act 94-320, including, but

1 not limited to, purposes of vicarious liability in tort and
2 purposes of statutory retirement or health insurance benefits.
3 Child and day care home providers shall not be covered by the
4 State Employees Group Insurance Act of 1971.

5 In according child and day care home providers and their
6 selected representative rights under the Illinois Public Labor
7 Relations Act, the State intends that the State action
8 exemption to application of federal and State antitrust laws
9 be fully available to the extent that their activities are
10 authorized by Public Act 94-320.

11 (d) The Illinois Department shall establish, by rule, a
12 co-payment scale that provides for cost sharing by families
13 that receive child care services, including parents whose only
14 income is from assistance under this Code. The co-payment
15 shall be based on family income and family size and may be
16 based on other factors as appropriate. Co-payments may be
17 waived for families whose incomes are at or below the federal
18 poverty level.

19 (d-5) The Illinois Department, in consultation with its
20 Child Care and Development Advisory Council, shall develop a
21 plan to revise the child care assistance program's co-payment
22 scale. The plan shall be completed no later than February 1,
23 2008, and shall include:

24 (1) findings as to the percentage of income that the
25 average American family spends on child care and the
26 relative amounts that low-income families and the average

1 American family spend on other necessities of life;

2 (2) recommendations for revising the child care
3 co-payment scale to assure that families receiving child
4 care services from the Department are paying no more than
5 they can reasonably afford;

6 (3) recommendations for revising the child care
7 co-payment scale to provide at-risk children with complete
8 access to Preschool for All and Head Start; and

9 (4) recommendations for changes in child care program
10 policies that affect the affordability of child care.

11 (e) (Blank).

12 (f) The Illinois Department shall, by rule, set rates to
13 be paid for the various types of child care. Child care may be
14 provided through one of the following methods:

15 (1) arranging the child care through eligible
16 providers by use of purchase of service contracts or
17 vouchers;

18 (2) arranging with other agencies and community
19 volunteer groups for non-reimbursed child care;

20 (3) (blank); or

21 (4) adopting such other arrangements as the Department
22 determines appropriate.

23 (f-1) Within 30 days after June 4, 2018 (the effective
24 date of Public Act 100-587), the Department of Human Services
25 shall establish rates for child care providers that are no
26 less than the rates in effect on January 1, 2018 increased by

1 4.26%.

2 (f-5) (Blank).

3 (g) Families eligible for assistance under this Section
4 shall be given the following options:

5 (1) receiving a child care certificate issued by the
6 Department or a subcontractor of the Department that may
7 be used by the parents as payment for child care and
8 development services only; or

9 (2) if space is available, enrolling the child with a
10 child care provider that has a purchase of service
11 contract with the Department or a subcontractor of the
12 Department for the provision of child care and development
13 services. The Department may identify particular priority
14 populations for whom they may request special
15 consideration by a provider with purchase of service
16 contracts, provided that the providers shall be permitted
17 to maintain a balance of clients in terms of household
18 incomes and families and children with special needs, as
19 defined by rule.

20 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
21 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

22 (305 ILCS 5/9A-11.5)

23 Sec. 9A-11.5. Investigate child care providers.

24 (a) Through June 30, 2026, any ~~Any~~ child care provider
25 receiving funds from the child care assistance program under

1 this Code who is not required to be licensed under the Child
2 Care Act of 1969 shall, as a condition of eligibility to
3 participate in the child care assistance program under this
4 Code, authorize in writing on a form prescribed by the
5 Department of Children and Family Services, periodic
6 investigations of the Central Register, as defined in the
7 Abused and Neglected Child Reporting Act, to ascertain if the
8 child care provider has been determined to be a perpetrator in
9 an indicated report of child abuse or neglect. The Department
10 of Children and Family Services shall conduct an investigation
11 of the Central Register at the request of the Department of
12 Human Services.

13 (a-5) On and after July 1, 2026, any child care provider
14 receiving funds from the child care assistance program under
15 this Code who is not required to be licensed under the Child
16 Care Act of 1969 shall, as a condition of eligibility to
17 participate in the child care assistance program under this
18 Code, authorize in writing on a form prescribed by the
19 Department of Early Childhood, periodic investigations of the
20 Central Register, as defined in the Abused and Neglected Child
21 Reporting Act, to ascertain if the child care provider has
22 been determined to be a perpetrator in an indicated report of
23 child abuse or neglect.

24 (b) Any child care provider, other than a relative of the
25 child, receiving funds from the child care assistance program
26 under this Code who is not required to be licensed under the

1 Child Care Act of 1969 shall, as a condition of eligibility to
2 participate in the child care assistance program under this
3 Code, authorize in writing a State and Federal Bureau of
4 Investigation fingerprint-based criminal history record check
5 to determine if the child care provider has ever been
6 convicted of a crime with respect to which the conviction has
7 not been overturned and the criminal records have not been
8 sealed or expunged. Upon this authorization, the Department
9 shall request and receive information and assistance from any
10 federal or State governmental agency as part of the authorized
11 criminal history record check. The Illinois State Police shall
12 provide information concerning any conviction that has not
13 been overturned and with respect to which the criminal records
14 have not been sealed or expunged, whether the conviction
15 occurred before or on or after the effective date of this
16 amendatory Act of the 96th General Assembly, of a child care
17 provider upon the request of the Department when the request
18 is made in the form and manner required by the Illinois State
19 Police. The Illinois State Police shall charge a fee not to
20 exceed the cost of processing the criminal history record
21 check. The fee is to be deposited into the State Police
22 Services Fund. Any information concerning convictions that
23 have not been overturned and with respect to which the
24 criminal records have not been sealed or expunged obtained by
25 the Department is confidential and may not be transmitted (i)
26 outside the Department except as required in this Section or

1 (ii) to anyone within the Department except as needed for the
2 purposes of determining participation in the child care
3 assistance program. A copy of the criminal history record
4 check obtained from the Illinois State Police shall be
5 provided to the unlicensed child care provider.

6 (c) The Department shall by rule set standards for
7 determining when to disqualify an unlicensed child care
8 provider for payment because (i) there is an indicated finding
9 against the provider based on the results of the Central
10 Register search or (ii) there is a disqualifying criminal
11 charge pending against the provider or the provider has a
12 disqualifying criminal conviction that has not been overturned
13 and with respect to which the criminal records have not been
14 expunged or sealed based on the results of the
15 fingerprint-based Illinois State Police and Federal Bureau of
16 Investigation criminal history record check. In determining
17 whether to disqualify an unlicensed child care provider for
18 payment under this subsection, the Department shall consider
19 the nature and gravity of any offense or offenses; the time
20 that has passed since the offense or offenses or the
21 completion of the criminal sentence or both; and the
22 relationship of the offense or offenses to the
23 responsibilities of the child care provider.

24 (Source: P.A. 102-538, eff. 8-20-21.)

1 Sec. 9A-17. Smart Start Child Care Program. Subject to
2 appropriation, the Department of Human Services shall
3 establish the Smart Start Child Care Program. The Smart Start
4 Child Care Program shall focus on creating affordable child
5 care, as well as increasing access to child care, for Illinois
6 residents and may include, but is not limited to, providing
7 funding to increase preschool availability, providing funding
8 for childcare workforce compensation or capital investments,
9 and expanding funding for Early Childhood Access Consortium
10 for Equity Scholarships. The Department shall establish
11 program eligibility criteria, participation conditions,
12 payment levels, and other program requirements by rule. The
13 Department of Human Services may consult with the Capital
14 Development Board, the Department of Commerce and Economic
15 Opportunity, and the Illinois Housing Development Authority in
16 the management and disbursement of funds for capital-related
17 projects. The Capital Development Board, the Department of
18 Commerce and Economic Opportunity, and the Illinois Housing
19 Development Authority shall act in a consulting role only for
20 the evaluation of applicants, scoring of applicants, or
21 administration of the grant program.

22 This Section is repealed on July 1, 2026.

23 (Source: P.A. 103-8, eff. 6-7-23.)

24 Section 90-50. The Early Intervention Services System Act
25 is amended by adding Section 20.1 as follows:

1 (325 ILCS 20/20.1 new)

2 Sec. 20.1. Repeal. This Act is repealed on July 1, 2026.

3 Section 90-55. The Infant/Early Childhood Mental Health
4 Consultations Act is amended by changing Section 35-5 as
5 follows:

6 (405 ILCS 47/35-5)

7 Sec. 35-5. Findings; policies.

8 (a) The General Assembly finds the following:

9 (1) Social and emotional development is a core
10 developmental domain in young children and is codified in
11 the Illinois Early Learning Standards.

12 (2) Fostering social and emotional development in
13 early childhood means both providing the supportive
14 settings and interactions to maximize healthy social and
15 emotional development for all children, as well as
16 providing communities, programs, and providers with
17 systems of tiered supports with training to respond to
18 more significant social and emotional challenges or where
19 experiences of trauma may be more prevalent.

20 (3) Early care and education programs and providers,
21 across a range of settings, have an important role to play
22 in supporting young children and families, especially
23 those who face greater challenges, such as trauma

1 exposure, social isolation, pervasive poverty, and toxic
2 stress; if programs, teaching staff, caregivers, and
3 providers are not provided with the support, services, and
4 training needed to accomplish these goals, it can lead to
5 children and families being asked to leave programs,
6 particularly without connection to more appropriate
7 services, thereby creating a disruption in learning and
8 social-emotional development; investments in reflective
9 supervision, professional development specific to
10 diversity, equity and inclusion practice, culturally
11 responsive training, implicit bias training, and how
12 trauma experienced during the early years can manifest in
13 challenging behaviors will create systems for serving
14 children that are informed in developmentally appropriate
15 and responsive supports.

16 (4) Studies have shown that the expulsion of infants,
17 toddlers, and young children in early care and education
18 settings is occurring at alarmingly high rates, more than
19 3 times that of students in K-12; further, expulsion
20 occurs more frequently for Black children and Latinx
21 children and more frequently for boys than for girls, with
22 Black boys being most frequently expelled; there is
23 evidence to show that the expulsion of Black girls is
24 occurring with increasing frequency.

25 (5) Illinois took its first steps toward addressing
26 this disparity through Public Act 100-105 to prohibit

1 expulsion due to child behavior in early care and
2 education settings, but further work is needed to
3 implement this law, including strengthening provider
4 understanding of a successful transition and beginning to
5 identify strategies to reduce "soft expulsions" and to
6 ensure more young children and their teachers, providers,
7 and caregivers, in a range of early care and education
8 settings, can benefit from services, such as Infant/Early
9 Childhood Mental Health Consultations (I/ECMHC) and
10 positive behavior interventions and supports such as the
11 Pyramid Model.

12 (6) I/ECMHC is a critical component needed to align
13 social-emotional well-being with the public health model
14 of promotion, prevention, and intervention across early
15 care and education systems.

16 (b) The General Assembly encourages that all of the
17 following actions be taken by:

18 (1) the State to increase the availability of
19 Infant/Early Childhood Mental Health Consultations
20 (I/ECMHC) through increased funding in early childhood
21 programs and sustainable funding for coordination of
22 I/ECMHC and other social and emotional support at the
23 State level;

24 (2) the Department of Human Services (IDHS), the
25 Illinois State Board of Education (ISBE), the Governor's
26 Office of Early Childhood Development (GOECD), and other

1 relevant agencies to develop and promote
2 provider-accessible and parent-accessible materials,
3 including native language, on the role and value of
4 I/ECMHC, including targeted promotion in underserved
5 communities, and promote the use of existing I/ECMHCs, the
6 I/ECMHC consultant database, or other existing services;

7 (3) the State to increase funding to promote and
8 provide training and implementation support for systems of
9 tiered support, such as the Pyramid Model, across early
10 childhood settings and urge DHS, ISBE, GOECD, and other
11 relevant State agencies to coordinate efforts and develop
12 strategies to provide outreach to and support providers in
13 underserved communities and communities with fewer
14 programmatic resources; and

15 (4) ISBE and DCFS to provide the data required by
16 Public Act 100-105, even if the data is incomplete at the
17 time due to data system challenges.

18 (c) This Section is repealed on July 1, 2026.

19 (Source: P.A. 101-654, eff. 3-8-21.)

20 Section 90-60. The Children's Mental Health Act is amended
21 by changing Section 5 as follows:

22 (405 ILCS 49/5)

23 Sec. 5. Children's Mental Health Partnership; Children's
24 Mental Health Plan.

1 (a) The Children's Mental Health Partnership (hereafter
2 referred to as "the Partnership") created under Public Act
3 93-495 and continued under Public Act 102-899 shall advise
4 State agencies on designing and implementing short-term and
5 long-term strategies to provide comprehensive and coordinated
6 services for children from birth to age 25 and their families
7 with the goal of addressing children's mental health needs
8 across a full continuum of care, including social determinants
9 of health, prevention, early identification, and treatment.
10 The recommended strategies shall build upon the
11 recommendations in the Children's Mental Health Plan of 2022
12 and may include, but are not limited to, recommendations
13 regarding the following:

14 (1) Increasing public awareness on issues connected to
15 children's mental health and wellness to decrease stigma,
16 promote acceptance, and strengthen the ability of
17 children, families, and communities to access supports.

18 (2) Coordination of programs, services, and policies
19 across child-serving State agencies to best monitor and
20 assess spending, as well as foster innovation of adaptive
21 or new practices.

22 (3) Funding and resources for children's mental health
23 prevention, early identification, and treatment across
24 child-serving State agencies.

25 (4) Facilitation of research on best practices and
26 model programs and dissemination of this information to

1 State policymakers, practitioners, and the general public.

2 (5) Monitoring programs, services, and policies
3 addressing children's mental health and wellness.

4 (6) Growing, retaining, diversifying, and supporting
5 the child-serving workforce, with special emphasis on
6 professional development around child and family mental
7 health and wellness services.

8 (7) Supporting the design, implementation, and
9 evaluation of a quality-driven children's mental health
10 system of care across all child services that prevents
11 mental health concerns and mitigates trauma.

12 (8) Improving the system to more effectively meet the
13 emergency and residential placement needs for all children
14 with severe mental and behavioral challenges.

15 (b) The Partnership shall have the responsibility of
16 developing and updating the Children's Mental Health Plan and
17 advising the relevant State agencies on implementation of the
18 Plan. The Children's Mental Health Partnership shall be
19 comprised of the following members:

20 (1) The Governor or his or her designee.

21 (2) The Attorney General or his or her designee.

22 (3) The Secretary of the Department of Human Services
23 or his or her designee.

24 (4) The State Superintendent of Education or his or
25 her designee.

26 (5) The Director of the Department of Children and

1 Family Services or his or her designee.

2 (6) The Director of the Department of Healthcare and
3 Family Services or his or her designee.

4 (7) The Director of the Department of Public Health or
5 his or her designee.

6 (8) The Director of the Department of Juvenile Justice
7 or his or her designee.

8 (9) The Secretary of Early Childhood ~~Executive~~
9 ~~Director of the Governor's Office of Early Childhood~~
10 ~~Development~~ or his or her designee.

11 (10) The Director of the Criminal Justice Information
12 Authority or his or her designee.

13 (11) One member of the General Assembly appointed by
14 the Speaker of the House.

15 (12) One member of the General Assembly appointed by
16 the President of the Senate.

17 (13) One member of the General Assembly appointed by
18 the Minority Leader of the Senate.

19 (14) One member of the General Assembly appointed by
20 the Minority Leader of the House.

21 (15) Up to 25 representatives from the public
22 reflecting a diversity of age, gender identity, race,
23 ethnicity, socioeconomic status, and geographic location,
24 to be appointed by the Governor. Those public members
25 appointed under this paragraph must include, but are not
26 limited to:

1 (A) a family member or individual with lived
2 experience in the children's mental health system;

3 (B) a child advocate;

4 (C) a community mental health expert,
5 practitioner, or provider;

6 (D) a representative of a statewide association
7 representing a majority of hospitals in the State;

8 (E) an early childhood expert or practitioner;

9 (F) a representative from the K-12 school system;

10 (G) a representative from the healthcare sector;

11 (H) a substance use prevention expert or
12 practitioner, or a representative of a statewide
13 association representing community-based mental health
14 substance use disorder treatment providers in the
15 State;

16 (I) a violence prevention expert or practitioner;

17 (J) a representative from the juvenile justice
18 system;

19 (K) a school social worker; and

20 (L) a representative of a statewide organization
21 representing pediatricians.

22 (16) Two co-chairs appointed by the Governor, one
23 being a representative from the public and one being a
24 representative from the State.

25 The members appointed by the Governor shall be appointed
26 for 4 years with one opportunity for reappointment, except as

1 otherwise provided for in this subsection. Members who were
2 appointed by the Governor and are serving on January 1, 2023
3 (the effective date of Public Act 102-899) shall maintain
4 their appointment until the term of their appointment has
5 expired. For new appointments made pursuant to Public Act
6 102-899, members shall be appointed for one-year, 2-year, or
7 4-year terms, as determined by the Governor, with no more than
8 9 of the Governor's new or existing appointees serving the
9 same term. Those new appointments serving a one-year or 2-year
10 term may be appointed to 2 additional 4-year terms. If a
11 vacancy occurs in the Partnership membership, the vacancy
12 shall be filled in the same manner as the original appointment
13 for the remainder of the term.

14 The Partnership shall be convened no later than January
15 31, 2023 to discuss the changes in Public Act 102-899.

16 The members of the Partnership shall serve without
17 compensation but may be entitled to reimbursement for all
18 necessary expenses incurred in the performance of their
19 official duties as members of the Partnership from funds
20 appropriated for that purpose.

21 The Partnership may convene and appoint special committees
22 or study groups to operate under the direction of the
23 Partnership. Persons appointed to such special committees or
24 study groups shall only receive reimbursement for reasonable
25 expenses.

26 (b-5) The Partnership shall include an adjunct council

1 comprised of no more than 6 youth aged 14 to 25 and 4
2 representatives of 4 different community-based organizations
3 that focus on youth mental health. Of the community-based
4 organizations that focus on youth mental health, one of the
5 community-based organizations shall be led by an
6 LGBTQ-identified person, one of the community-based
7 organizations shall be led by a person of color, and one of the
8 community-based organizations shall be led by a woman. Of the
9 representatives appointed to the council from the
10 community-based organizations, at least one representative
11 shall be LGBTQ-identified, at least one representative shall
12 be a person of color, and at least one representative shall be
13 a woman. The council members shall be appointed by the Chair of
14 the Partnership and shall reflect the racial, gender identity,
15 sexual orientation, ability, socioeconomic, ethnic, and
16 geographic diversity of the State, including rural, suburban,
17 and urban appointees. The council shall make recommendations
18 to the Partnership regarding youth mental health, including,
19 but not limited to, identifying barriers to youth feeling
20 supported by and empowered by the system of mental health and
21 treatment providers, barriers perceived by youth in accessing
22 mental health services, gaps in the mental health system,
23 available resources in schools, including youth's perceptions
24 and experiences with outreach personnel, agency websites, and
25 informational materials, methods to destigmatize mental health
26 services, and how to improve State policy concerning student

1 mental health. The mental health system may include services
2 for substance use disorders and addiction. The council shall
3 meet at least 4 times annually.

4 (c) (Blank).

5 (d) The Illinois Children's Mental Health Partnership has
6 the following powers and duties:

7 (1) Conducting research assessments to determine the
8 needs and gaps of programs, services, and policies that
9 touch children's mental health.

10 (2) Developing policy statements for interagency
11 cooperation to cover all aspects of mental health
12 delivery, including social determinants of health,
13 prevention, early identification, and treatment.

14 (3) Recommending policies and providing information on
15 effective programs for delivery of mental health services.

16 (4) Using funding from federal, State, or
17 philanthropic partners, to fund pilot programs or research
18 activities to resource innovative practices by
19 organizational partners that will address children's
20 mental health. However, the Partnership may not provide
21 direct services.

22 (5) Submitting an annual report, on or before December
23 30 of each year, to the Governor and the General Assembly
24 on the progress of the Plan, any recommendations regarding
25 State policies, laws, or rules necessary to fulfill the
26 purposes of the Act, and any additional recommendations

1 regarding mental or behavioral health that the Partnership
2 deems necessary.

3 (6) Employing an Executive Director and setting the
4 compensation of the Executive Director and other such
5 employees and technical assistance as it deems necessary
6 to carry out its duties under this Section.

7 The Partnership may designate a fiscal and administrative
8 agent that can accept funds to carry out its duties as outlined
9 in this Section.

10 The Department of Healthcare and Family Services shall
11 provide technical and administrative support for the
12 Partnership.

13 (e) The Partnership may accept monetary gifts or grants
14 from the federal government or any agency thereof, from any
15 charitable foundation or professional association, or from any
16 reputable source for implementation of any program necessary
17 or desirable to carry out the powers and duties as defined
18 under this Section.

19 (f) On or before January 1, 2027, the Partnership shall
20 submit recommendations to the Governor and General Assembly
21 that includes recommended updates to the Act to reflect the
22 current mental health landscape in this State.

23 (Source: P.A. 102-16, eff. 6-17-21; 102-116, eff. 7-23-21;
24 102-899, eff. 1-1-23; 102-1034, eff. 1-1-23; 103-154, eff.
25 6-30-23.)

1 Section 90-65. The Advisory Board for the Maternal and
2 Child Health Block Grant Programs Act is amended by changing
3 Section 15 as follows:

4 (410 ILCS 221/15)

5 Sec. 15. Advisory Board for the Maternal and Child Health
6 Block Grant Programs.

7 (a) The Advisory Board for the Maternal and Child Health
8 Block Grant Programs is created within the Department to
9 advise the Department on programs and activities related to
10 maternal and child health in the State of Illinois.

11 The Board shall consist of the Director's designee
12 responsible for maternal and child health programs, who shall
13 serve as the Chair of the Board; the Department's Title V
14 administrator, if the Director's designee is not serving in
15 the capacity of Title V Director at the Department; one
16 representative each from the Department of Early Childhood,
17 the Department of Children and Family Services, the Department
18 of Human Services, and the Department of Healthcare and Family
19 Services, appointed by the Director or Secretary of each
20 Department; the Director of the University of Illinois at
21 Chicago's Division of Specialized Care for Children; 4 members
22 of the General Assembly, one each appointed by the President
23 and Minority Leader of the Senate and the Speaker and Minority
24 Leader of the House of Representatives; and 20 additional
25 members appointed by the Director.

1 Of the members appointed by the Director:

2 (1) Two shall be physicians licensed to practice
3 medicine in all of its branches who currently serve
4 patients enrolled in maternal and child health programs
5 funded by the State of Illinois, one of whom shall be an
6 individual with a specialty in obstetrics and gynecology
7 and one of whom shall be an individual with a specialty in
8 pediatric medicine;

9 (2) Sixteen shall be persons with expertise in one or
10 more of the following areas, with no more than 3 persons
11 from each listed area of expertise and with preference
12 given to the areas of need identified by the most recent
13 State needs assessment: the health of women, infants,
14 young children, school-aged children, adolescents, and
15 children with special health care needs; public health;
16 epidemiology; behavioral health; nursing; social work;
17 substance abuse prevention; juvenile justice; oral health;
18 child development; chronic disease prevention; health
19 promotion; and education; 5 of the 16 members shall
20 represent organizations that provide maternal and child
21 health services with funds from the Department; and

22 (3) either 2 consumers who have received services
23 through a Department-funded maternal and child health
24 program, 2 representatives from advocacy groups that
25 advocate on behalf of such consumers, or one such consumer
26 and one such representative of an advocacy group.

1 Members appointed by the Director shall be selected to
2 represent the racial, ethnic, and geographic diversity of the
3 State's population and shall include representatives of local
4 health departments, other direct service providers, and
5 faculty of the University of Illinois at Chicago School of
6 Public Health Center of Excellence in Maternal and Child
7 Health.

8 Legislative members shall serve during their term of
9 office in the General Assembly. Members appointed by the
10 Director shall serve a term of 4 years or until their
11 successors are appointed.

12 Any member appointed to fill a vacancy occurring prior to
13 the expiration of the term for which his or her predecessor was
14 appointed shall be appointed for the remainder of such term.
15 Members of the Board shall serve without compensation but
16 shall be reimbursed for necessary expenses incurred in the
17 performance of their duties.

18 (b) The Board shall advise the Director on improving the
19 well-being of mothers, fathers, infants, children, families,
20 and adults, considering both physical and social determinants
21 of health, and using a life-span approach to health promotion
22 and disease prevention in the State of Illinois. In addition,
23 the Board shall review and make recommendations to the
24 Department and the Governor in regard to the system for
25 maternal and child health programs, collaboration, and
26 interrelation between and delivery of programs, both within

1 the Department and with related programs in other departments.
2 In performing its duties, the Board may hold hearings
3 throughout the State and advise and receive advice from any
4 local advisory bodies created to address maternal and child
5 health.

6 (c) The Board may offer recommendations and feedback
7 regarding the development of the State's annual Maternal and
8 Child Health Services Block Grant application and report as
9 well as the periodic needs assessment.

10 (Source: P.A. 99-901, eff. 8-26-16.)

11 ARTICLE 95.CHILD CARE ACT OF 1969 AMENDMENTS

12 (225 ILCS 10/2.11 rep.)

13 Section 95-5. The Child Care Act of 1969 is amended by
14 repealing Section 2.11.

15 Section 95-10. The Child Care Act of 1969 is amended by
16 changing Sections 2.09, 3, 4, 4.1, 4.3, 4.4, 4.5, 5, 5.1, 5.2,
17 5.8, 5.9, 5.10, 5.11, 6, 7, 7.2, 7.10, 8, 8.1, 8.2, 8.5, 9,
18 9.1, 9.1c, 9.2, 10, 11, 11.1, 11.2, 12, 15, 16, 17, and 18 and
19 by adding Sections 3.01, 4.01, 4.2a, 4.3a, 4.4a, 5.01, 5.1a,
20 5.2a, 6.1, 7.01, 8a, 8.1a, 8.2a, 8.6, 9.01, 11.1a, 11.3, 12.1,
21 15.1, 16.1, and 18.1 as follows:

22 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

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

6 The term does not include:

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

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

19 (c) educational program or programs serving children
20 who shall have attained the age of 3 years and which are
21 operated by a school which is registered with the State
22 Board of Education and which is recognized or accredited
23 by a recognized national or multistate educational
24 organization or association which regularly recognizes or
25 accredits schools;

26 (d) programs which exclusively serve or that portion

1 of the program which serves children with disabilities who
2 shall have attained the age of 3 years but are less than 21
3 years of age and which are registered and approved as
4 meeting standards of the State Board of Education and
5 applicable fire marshal standards;

6 (e) facilities operated in connection with a shopping
7 center or service, religious services, or other similar
8 facility, where transient children are cared for
9 temporarily while parents or custodians of the children
10 are occupied on the premises and readily available;

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

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

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

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

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

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

7 (3) receives no governmental aid;

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

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

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

14 (j) programs or portions of programs that:

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

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

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

23 (4) comply with the standards of the Illinois
24 Department of Public Health (77 Ill. Adm. Code 750) or
25 the local health department, the Illinois State Fire
26 Marshal (41 Ill. Adm. Code 100), and the following

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

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

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

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

25 (8) obtain and maintain records showing the first
26 and last name and date of birth of the child, name,

1 address, and telephone number of each parent,
2 emergency contact information, and written
3 authorization for medical care.

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

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

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

24 For purposes of items (a), (b), (c), (d), and (i) of this
25 Section, "children who shall have attained the age of 3 years"
26 shall mean children who are 3 years of age, but less than 4

1 years of age, at the time of enrollment in the program.

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

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

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

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

24 (c) (Blank) ~~The Director of the Department shall establish~~
25 ~~policies and coordinate activities relating to child care~~

1 ~~licensing, licensing of day care homes and day care centers.~~

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

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

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

19 (225 ILCS 10/3.01 new)

20 Sec. 3.01. License or permit; Department of Early
21 Childhood.

22 (a) No person, group of persons or corporation may operate
23 or conduct any day care center, day care home, or group day
24 care home without a license or permit issued by the Department
25 of Early Childhood or without being approved by the Department

1 of Early Childhood meeting the standards established for such
2 licensing, with the exception of facilities for whom standards
3 are established by the Department of Corrections under Section
4 3-15-2 of the Unified Code of Corrections and with the
5 exception of facilities defined in Section 2.10 of this Act,
6 and with the exception of programs or facilities licensed by
7 the Department of Human Services under the Substance Use
8 Disorder Act.

9 (b) No part day child care facility as described in
10 Section 2.10 may operate without written notification to the
11 Department of Early Childhood or without complying with
12 Section 7.1. Notification shall include a notarized statement
13 by the facility that the facility complies with state or local
14 health standards and state fire safety standards, and shall be
15 filed with the Department every 2 years.

16 (c) The Secretary of Early Childhood shall establish
17 policies and coordinate activities relating to licensing of
18 day care centers, group day care homes, and day care homes.

19 (d) Any facility or agency which is exempt from licensing
20 may apply for licensing if licensing is required for some
21 government benefit.

22 (e) A provider of day care described in items (a) through
23 (j) of Section 2.09 of this Act is exempt from licensure. The
24 Department of Early Childhood shall provide written
25 verification of exemption and description of compliance with
26 standards for the health, safety, and development of the

1 children who receive the services upon submission by the
2 provider of, in addition to any other documentation required
3 by the Department of Early Childhood, a notarized statement
4 that the facility complies with: (1) the standards of the
5 Department of Public Health or local health department, (2)
6 the fire safety standards of the State Fire Marshal, and (3) if
7 operated in a public school building, the health and safety
8 standards of the State Board of Education.

9 (225 ILCS 10/4) (from Ch. 23, par. 2214)

10 Sec. 4. License requirement; application; notice;
11 Department of Children and Family Services.

12 (a) Any person, group of persons or corporation who or
13 which receives children or arranges for care or placement of
14 one or more children unrelated to the operator must apply for a
15 license to operate one of the types of facilities defined in
16 Sections 2.05 through 2.19 (other than a day care center or day
17 care home) and in Section 2.22 of this Act. Any relative, as
18 defined in Section 2.17 of this Act, who receives a child or
19 children for placement by the Department on a full-time basis
20 may apply for a license to operate a foster family home as
21 defined in Section 2.17 of this Act.

22 (a-5) Any agency, person, group of persons, association,
23 organization, corporation, institution, center, or group
24 providing adoption services must be licensed by the Department
25 as a child welfare agency as defined in Section 2.08 of this

1 Act. "Providing adoption services" as used in this Act,
2 includes facilitating or engaging in adoption services.

3 (b) Application for a license to operate a child care
4 facility (other than a day care center, day care home, or group
5 day care home) must be made to the Department in the manner and
6 on forms prescribed by it. An application to operate a foster
7 family home shall include, at a minimum: a completed written
8 form; written authorization by the applicant and all adult
9 members of the applicant's household to conduct a criminal
10 background investigation; medical evidence in the form of a
11 medical report, on forms prescribed by the Department, that
12 the applicant and all members of the household are free from
13 communicable diseases or physical and mental conditions that
14 affect their ability to provide care for the child or
15 children; the names and addresses of at least 3 persons not
16 related to the applicant who can attest to the applicant's
17 moral character; the name and address of at least one relative
18 who can attest to the applicant's capability to care for the
19 child or children; and fingerprints submitted by the applicant
20 and all adult members of the applicant's household.

21 (b-5) Prior to submitting an application for a foster
22 family home license, a quality of care concerns applicant as
23 defined in Section 2.22a of this Act must submit a preliminary
24 application to the Department in the manner and on forms
25 prescribed by it. The Department shall explain to the quality
26 of care concerns applicant the grounds for requiring a

1 preliminary application. The preliminary application shall
2 include a list of (i) all children placed in the home by the
3 Department who were removed by the Department for reasons
4 other than returning to a parent and the circumstances under
5 which they were removed and (ii) all children placed by the
6 Department who were subsequently adopted by or placed in the
7 private guardianship of the quality of care concerns applicant
8 who are currently under 18 and who no longer reside in the home
9 and the reasons why they no longer reside in the home. The
10 preliminary application shall also include, if the quality of
11 care concerns applicant chooses to submit, (1) a response to
12 the quality of care concerns, including any reason the
13 concerns are invalid, have been addressed or ameliorated, or
14 no longer apply and (2) affirmative documentation
15 demonstrating that the quality of care concerns applicant's
16 home does not pose a risk to children and that the family will
17 be able to meet the physical and emotional needs of children.
18 The Department shall verify the information in the preliminary
19 application and review (i) information regarding any prior
20 licensing complaints, (ii) information regarding any prior
21 child abuse or neglect investigations, (iii) information
22 regarding any involuntary foster home holds placed on the home
23 by the Department, and (iv) information regarding all child
24 exit interviews, as provided in Section 5.26 of the Children
25 and Family Services Act, regarding the home. Foster home
26 applicants with quality of care concerns are presumed

1 unsuitable for future licensure.

2 Notwithstanding the provisions of this subsection (b-5),
3 the Department may make an exception and issue a foster family
4 license to a quality of care concerns applicant if the
5 Department is satisfied that the foster family home does not
6 pose a risk to children and that the foster family will be able
7 to meet the physical and emotional needs of children. In
8 making this determination, the Department must obtain and
9 carefully review all relevant documents and shall obtain
10 consultation from its Clinical Division as appropriate and as
11 prescribed by Department rule and procedure. The Department
12 has the authority to deny a preliminary application based on
13 the record of quality of care concerns of the foster family
14 home. In the alternative, the Department may (i) approve the
15 preliminary application, (ii) approve the preliminary
16 application subject to obtaining additional information or
17 assessments, or (iii) approve the preliminary application for
18 purposes of placing a particular child or children only in the
19 foster family home. If the Department approves a preliminary
20 application, the foster family shall submit an application for
21 licensure as described in subsection (b) of this Section. The
22 Department shall notify the quality of care concerns applicant
23 of its decision and the basis for its decision in writing.

24 (c) The Department shall notify the public when a child
25 care institution, maternity center, or group home licensed by
26 the Department undergoes a change in (i) the range of care or

1 services offered at the facility, (ii) the age or type of
2 children served, or (iii) the area within the facility used by
3 children. The Department shall notify the public of the change
4 in a newspaper of general circulation in the county or
5 municipality in which the applicant's facility is or is
6 proposed to be located.

7 (d) If, upon examination of the facility and investigation
8 of persons responsible for care of children and, in the case of
9 a foster home, taking into account information obtained for
10 purposes of evaluating a preliminary application, if
11 applicable, the Department is satisfied that the facility and
12 responsible persons reasonably meet standards prescribed for
13 the type of facility for which application is made, it shall
14 issue a license in proper form, designating on that license
15 the type of child care facility and, except for a child welfare
16 agency, the number of children to be served at any one time.

17 (e) The Department shall not issue or renew the license of
18 any child welfare agency providing adoption services, unless
19 the agency (i) is officially recognized by the United States
20 Internal Revenue Service as a tax-exempt organization
21 described in Section 501(c)(3) of the Internal Revenue Code of
22 1986 (or any successor provision of federal tax law) and (ii)
23 is in compliance with all of the standards necessary to
24 maintain its status as an organization described in Section
25 501(c)(3) of the Internal Revenue Code of 1986 (or any
26 successor provision of federal tax law). The Department shall

1 grant a grace period of 24 months from the effective date of
2 this amendatory Act of the 94th General Assembly for existing
3 child welfare agencies providing adoption services to obtain
4 501(c)(3) status. The Department shall permit an existing
5 child welfare agency that converts from its current structure
6 in order to be recognized as a 501(c)(3) organization as
7 required by this Section to either retain its current license
8 or transfer its current license to a newly formed entity, if
9 the creation of a new entity is required in order to comply
10 with this Section, provided that the child welfare agency
11 demonstrates that it continues to meet all other licensing
12 requirements and that the principal officers and directors and
13 programs of the converted child welfare agency or newly
14 organized child welfare agency are substantially the same as
15 the original. The Department shall have the sole discretion to
16 grant a one year extension to any agency unable to obtain
17 501(c)(3) status within the timeframe specified in this
18 subsection (e), provided that such agency has filed an
19 application for 501(c)(3) status with the Internal Revenue
20 Service within the 2-year timeframe specified in this
21 subsection (e).

22 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)

23 (225 ILCS 10/4.01 new)

24 Sec. 4.01. License requirement; application; notice;
25 Department of Early Childhood.

1 (a) Any person, group of persons or corporation who or
2 which receives children or arranges for care of one or more
3 children unrelated to the operator must apply for a license to
4 operate one of the types of facilities defined in Sections
5 2.09, 2.18, and 2.20.

6 (b) Application for a license to operate a day care
7 center, day care home, or group day care home must be made to
8 the Department of Early Childhood in the manner and on forms
9 prescribed by it.

10 (c) If, upon examination of the facility and investigation
11 of persons responsible for care of children, the Department of
12 Early Childhood is satisfied that the facility and responsible
13 persons reasonably meet standards prescribed for the type of
14 facility for which application is made, it shall issue a
15 license in proper form, designating on that license the type
16 of child care facility and the number of children to be served
17 at any one time.

18 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

19 Sec. 4.1. Criminal background investigations. The
20 Department of Children and Family Services or the Department
21 of Early Childhood shall require that each child care facility
22 license applicant under the agencies' respective authority as
23 part of the application process, and each employee and
24 volunteer of a child care facility or non-licensed service
25 provider, as a condition of employment, authorize an

1 investigation to determine if such applicant, employee, or
2 volunteer has ever been charged with a crime and if so, the
3 disposition of those charges; this authorization shall
4 indicate the scope of the inquiry and the agencies which may be
5 contacted. Upon this authorization, the Director shall request
6 and receive information and assistance from any federal, State
7 or local governmental agency as part of the authorized
8 investigation. Each applicant, employee, or volunteer of a
9 child care facility or non-licensed service provider shall
10 submit the applicant's, employee's, or volunteer's
11 fingerprints to the Illinois State Police in the form and
12 manner prescribed by the Illinois State Police. These
13 fingerprints shall be checked against the fingerprint records
14 now and hereafter filed in the Illinois State Police and
15 Federal Bureau of Investigation criminal history records
16 databases. The Illinois State Police shall charge a fee for
17 conducting the criminal history records check, which shall be
18 deposited in the State Police Services Fund and shall not
19 exceed the actual cost of the records check. The Illinois
20 State Police shall provide information concerning any criminal
21 charges, and their disposition, now or hereafter filed,
22 against an applicant, employee, or volunteer of a child care
23 facility or non-licensed service provider upon request of the
24 Department of Children and Family Services or the Department
25 of Early Childhood when the request is made in the form and
26 manner required by the Illinois State Police.

1 Information concerning convictions of a license applicant,
2 employee, or volunteer of a child care facility or
3 non-licensed service provider investigated under this Section,
4 including the source of the information and any conclusions or
5 recommendations derived from the information, shall be
6 provided, upon request, to such applicant, employee, or
7 volunteer of a child care facility or non-licensed service
8 provider prior to final action by the Department of Children
9 and Family Services or the Department of Early Childhood under
10 the agencies' respective authority on the application. State
11 conviction information provided by the Illinois State Police
12 regarding employees, prospective employees, or volunteers of
13 non-licensed service providers and child care facilities
14 licensed under this Act shall be provided to the operator of
15 such facility, and, upon request, to the employee, prospective
16 employee, or volunteer of a child care facility or
17 non-licensed service provider. Any information concerning
18 criminal charges and the disposition of such charges obtained
19 by the Department of Children and Family Services or the
20 Department of Early Childhood shall be confidential and may
21 not be transmitted outside the Department of Children and
22 Family Services or the Department of Early Childhood, except
23 as required herein, and may not be transmitted to anyone
24 within the Department of Children and Family Services or the
25 Department of Early Childhood except as needed for the purpose
26 of evaluating an application or an employee or volunteer of a

1 child care facility or non-licensed service provider. Only
2 information and standards which bear a reasonable and rational
3 relation to the performance of a child care facility shall be
4 used by the Department of Children and Family Services or the
5 Department of Early Childhood or any licensee. Any employee of
6 the Department of Children and Family Services, Department of
7 Early Childhood, Illinois State Police, or a child care
8 facility receiving confidential information under this Section
9 who gives or causes to be given any confidential information
10 concerning any criminal convictions of an applicant, employee,
11 or volunteer of a child care facility or non-licensed service
12 provider, shall be guilty of a Class A misdemeanor unless
13 release of such information is authorized by this Section.

14 A child care facility may hire, on a probationary basis,
15 any employee or volunteer of a child care facility or
16 non-licensed service provider authorizing a criminal
17 background investigation under this Section, pending the
18 result of such investigation. Employees and volunteers of a
19 child care facility or non-licensed service provider shall be
20 notified prior to hiring that such employment may be
21 terminated on the basis of criminal background information
22 obtained by the facility.

23 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

24 (225 ILCS 10/4.2a new)

25 Sec. 4.2a. License eligibility; Department of Early

1 Childhood.

2 (a) No applicant may receive a license from the Department
3 of Early Childhood and no person may be employed by a licensed
4 child care facility who refuses to authorize an investigation
5 as required by Section 4.1.

6 (b) In addition to the other provisions of this Section,
7 no applicant may receive a license from the Department of
8 Early Childhood and no person may be employed by a child care
9 facility licensed by the Department of Early Childhood who has
10 been declared a sexually dangerous person under the Sexually
11 Dangerous Persons Act, or convicted of committing or
12 attempting to commit any of the following offenses stipulated
13 under the Criminal Code of 1961 or the Criminal Code of 2012:

14 (1) murder;

15 (1.1) solicitation of murder;

16 (1.2) solicitation of murder for hire;

17 (1.3) intentional homicide of an unborn child;

18 (1.4) voluntary manslaughter of an unborn child;

19 (1.5) involuntary manslaughter;

20 (1.6) reckless homicide;

21 (1.7) concealment of a homicidal death;

22 (1.8) involuntary manslaughter of an unborn child;

23 (1.9) reckless homicide of an unborn child;

24 (1.10) drug-induced homicide;

25 (2) a sex offense under Article 11, except offenses
26 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,

1 11-40, and 11-45;

2 (3) kidnapping;

3 (3.1) aggravated unlawful restraint;

4 (3.2) forcible detention;

5 (3.3) harboring a runaway;

6 (3.4) aiding and abetting child abduction;

7 (4) aggravated kidnapping;

8 (5) child abduction;

9 (6) aggravated battery of a child as described in
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

11 (7) criminal sexual assault;

12 (8) aggravated criminal sexual assault;

13 (8.1) predatory criminal sexual assault of a child;

14 (9) criminal sexual abuse;

15 (10) aggravated sexual abuse;

16 (11) heinous battery as described in Section 12-4.1 or
17 subdivision (a) (2) of Section 12-3.05;

18 (12) aggravated battery with a firearm as described in
19 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
20 (e) (4) of Section 12-3.05;

21 (13) tampering with food, drugs, or cosmetics;

22 (14) drug induced infliction of great bodily harm as
23 described in Section 12-4.7 or subdivision (g) (1) of
24 Section 12-3.05;

25 (15) hate crime;

26 (16) stalking;

1 (17) aggravated stalking;

2 (18) threatening public officials;

3 (19) home invasion;

4 (20) vehicular invasion;

5 (21) criminal transmission of HIV;

6 (22) criminal abuse or neglect of an elderly person or
7 person with a disability as described in Section 12-21 or
8 subsection (e) of Section 12-4.4a;

9 (23) child abandonment;

10 (24) endangering the life or health of a child;

11 (25) ritual mutilation;

12 (26) ritualized abuse of a child;

13 (27) an offense in any other jurisdiction the elements
14 of which are similar and bear a substantial relationship
15 to any of the foregoing offenses.

16 (b-1) In addition to the other provisions of this Section,
17 beginning January 1, 2004, no new applicant and, on the date of
18 licensure renewal, no current licensee may operate or receive
19 a license from the Department of Early Childhood to operate,
20 no person may be employed by, and no adult person may reside in
21 a child care facility licensed by the Department of Early
22 Childhood who has been convicted of committing or attempting
23 to commit any of the following offenses or an offense in any
24 other jurisdiction the elements of which are similar and bear
25 a substantial relationship to any of the following offenses:

1 (I) BODILY HARM

2 (1) Felony aggravated assault.

3 (2) Vehicular endangerment.

4 (3) Felony domestic battery.

5 (4) Aggravated battery.

6 (5) Heinous battery.

7 (6) Aggravated battery with a firearm.

8 (7) Aggravated battery of an unborn child.

9 (8) Aggravated battery of a senior citizen.

10 (9) Intimidation.

11 (10) Compelling organization membership of persons.

12 (11) Abuse and criminal neglect of a long term care
13 facility resident.

14 (12) Felony violation of an order of protection.

15 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

16 (1) Felony unlawful use of weapons.

17 (2) Aggravated discharge of a firearm.

18 (3) Reckless discharge of a firearm.

19 (4) Unlawful use of metal piercing bullets.

20 (5) Unlawful sale or delivery of firearms on the
21 premises of any school.

22 (6) Disarming a police officer.

23 (7) Obstructing justice.

24 (8) Concealing or aiding a fugitive.

25 (9) Armed violence.

1 (10) Felony contributing to the criminal delinquency
2 of a juvenile.

3 (III) DRUG OFFENSES

4 (1) Possession of more than 30 grams of cannabis.

5 (2) Manufacture of more than 10 grams of cannabis.

6 (3) Cannabis trafficking.

7 (4) Delivery of cannabis on school grounds.

8 (5) Unauthorized production of more than 5 cannabis
9 sativa plants.

10 (6) Calculated criminal cannabis conspiracy.

11 (7) Unauthorized manufacture or delivery of controlled
12 substances.

13 (8) Controlled substance trafficking.

14 (9) Manufacture, distribution, or advertisement of
15 look-alike substances.

16 (10) Calculated criminal drug conspiracy.

17 (11) Street gang criminal drug conspiracy.

18 (12) Permitting unlawful use of a building.

19 (13) Delivery of controlled, counterfeit, or
20 look-alike substances to persons under age 18, or at truck
21 stops, rest stops, or safety rest areas, or on school
22 property.

23 (14) Using, engaging, or employing persons under 18 to
24 deliver controlled, counterfeit, or look-alike substances.

25 (15) Delivery of controlled substances.

1 (16) Sale or delivery of drug paraphernalia.

2 (17) Felony possession, sale, or exchange of
3 instruments adapted for use of a controlled substance,
4 methamphetamine, or cannabis by subcutaneous injection.

5 (18) Felony possession of a controlled substance.

6 (19) Any violation of the Methamphetamine Control and
7 Community Protection Act.

8 (b-1.5) In addition to any other provision of this
9 Section, for applicants with access to confidential financial
10 information or who submit documentation to support billing,
11 the Department of Early Childhood may, in its discretion, deny
12 or refuse to renew a license to an applicant who has been
13 convicted of committing or attempting to commit any of the
14 following felony offenses:

15 (1) financial institution fraud under Section 17-10.6
16 of the Criminal Code of 1961 or the Criminal Code of 2012;

17 (2) identity theft under Section 16-30 of the Criminal
18 Code of 1961 or the Criminal Code of 2012;

19 (3) financial exploitation of an elderly person or a
20 person with a disability under Section 17-56 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (4) computer tampering under Section 17-51 of the
23 Criminal Code of 1961 or the Criminal Code of 2012;

24 (5) aggravated computer tampering under Section 17-52
25 of the Criminal Code of 1961 or the Criminal Code of 2012;

26 (6) computer fraud under Section 17-50 of the Criminal

1 Code of 1961 or the Criminal Code of 2012;

2 (7) deceptive practices under Section 17-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012;

4 (8) forgery under Section 17-3 of the Criminal Code of
5 1961 or the Criminal Code of 2012;

6 (9) State benefits fraud under Section 17-6 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (10) mail fraud and wire fraud under Section 17-24 of
9 the Criminal Code of 1961 or the Criminal Code of 2012;

10 (11) theft under paragraphs (1.1) through (11) of
11 subsection (b) of Section 16-1 of the Criminal Code of
12 1961 or the Criminal Code of 2012.

13 (b-2) Notwithstanding subsection (b-1), the Department of
14 Early Childhood may make an exception and, for a day care
15 center, day care home, or group day care home, issue a new
16 child care facility license to or renew the existing child
17 care facility license of an applicant, a person employed by a
18 child care facility, or an applicant who has an adult residing
19 in a home child care facility who was convicted of an offense
20 described in subsection (b-1), provided that all of the
21 following requirements are met:

22 (1) The relevant criminal offense occurred more than 5
23 years prior to the date of application or renewal, except
24 for drug offenses. The relevant drug offense must have
25 occurred more than 10 years prior to the date of
26 application or renewal, unless the applicant passed a drug

1 test, arranged and paid for by the child care facility, no
2 less than 5 years after the offense.

3 (2) The Department of Early Childhood must conduct a
4 background check and assess all convictions and
5 recommendations of the child care facility to determine if
6 hiring or licensing the applicant is in accordance with
7 Department of Early Childhood administrative rules and
8 procedures.

9 (3) The applicant meets all other requirements and
10 qualifications to be licensed as the pertinent type of
11 child care facility under this Act and the Department of
12 Early Childhood administrative rules.

13 (c) In evaluating the exception pursuant to subsection
14 (b-2), the Department of Early Childhood must carefully review
15 any relevant documents to determine whether the applicant,
16 despite the disqualifying convictions, poses a substantial
17 risk to State resources or clients. In making such a
18 determination, the following guidelines shall be used:

19 (1) the age of the applicant when the offense was
20 committed;

21 (2) the circumstances surrounding the offense;

22 (3) the length of time since the conviction;

23 (4) the specific duties and responsibilities
24 necessarily related to the license being applied for and
25 the bearing, if any, that the applicant's conviction
26 history may have on the applicant's fitness to perform

1 these duties and responsibilities;

2 (5) the applicant's employment references;

3 (6) the applicant's character references and any
4 certificates of achievement;

5 (7) an academic transcript showing educational
6 attainment since the disqualifying conviction;

7 (8) a Certificate of Relief from Disabilities or
8 Certificate of Good Conduct; and

9 (9) anything else that speaks to the applicant's
10 character.

11 (225 ILCS 10/4.3) (from Ch. 23, par. 2214.3)

12 Sec. 4.3. Child Abuse and Neglect Reports. All child care
13 facility license applicants (other than a day care center, day
14 care home, or group day care home) and all current and
15 prospective employees of a child care facility (other than a
16 day care center, day care home, or group day care home) who
17 have any possible contact with children in the course of their
18 duties, as a condition of such licensure or employment, shall
19 authorize in writing on a form prescribed by the Department an
20 investigation of the Central Register, as defined in the
21 Abused and Neglected Child Reporting Act, to ascertain if such
22 applicant or employee has been determined to be a perpetrator
23 in an indicated report of child abuse or neglect.

24 All child care facilities (other than a day care center,
25 day care home, or group day care home) as a condition of

1 licensure pursuant to this Act shall maintain such information
2 which demonstrates that all current employees and other
3 applicants for employment who have any possible contact with
4 children in the course of their duties have authorized an
5 investigation of the Central Register as hereinabove required.
6 Only those current or prospective employees who will have no
7 possible contact with children as part of their present or
8 prospective employment may be excluded from provisions
9 requiring authorization of an investigation.

10 Such information concerning a license applicant, employee
11 or prospective employee obtained by the Department shall be
12 confidential and exempt from public inspection and copying as
13 provided under Section 7 of The Freedom of Information Act,
14 and such information shall not be transmitted outside the
15 Department, except as provided in the Abused and Neglected
16 Child Reporting Act, and shall not be transmitted to anyone
17 within the Department except as provided in the Abused and
18 Neglected Child Reporting Act, and shall not be transmitted to
19 anyone within the Department except as needed for the purposes
20 of evaluation of an application for licensure or for
21 consideration by a child care facility of an employee. Any
22 employee of the Department of Children and Family Services
23 under this Section who gives or causes to be given any
24 confidential information concerning any child abuse or neglect
25 reports about a child care facility applicant, child care
26 facility employee, shall be guilty of a Class A misdemeanor,

1 unless release of such information is authorized by Section
2 11.1 of the Abused and Neglected Child Reporting Act.

3 Additionally, any licensee who is informed by the
4 Department of Children and Family Services, pursuant to
5 Section 7.4 of the Abused and Neglected Child Reporting Act,
6 approved June 26, 1975, as amended, that a formal
7 investigation has commenced relating to an employee of the
8 child care facility or any other person in frequent contact
9 with children at the facility, shall take reasonable action
10 necessary to insure that the employee or other person is
11 restricted during the pendency of the investigation from
12 contact with children whose care has been entrusted to the
13 facility.

14 When a foster family home is the subject of an indicated
15 report under the Abused and Neglected Child Reporting Act, the
16 Department of Children and Family Services must immediately
17 conduct a re-examination of the foster family home to evaluate
18 whether it continues to meet the minimum standards for
19 licensure. The re-examination is separate and apart from the
20 formal investigation of the report. The Department must
21 establish a schedule for re-examination of the foster family
22 home mentioned in the report at least once a year.

23 (Source: P.A. 91-557, eff. 1-1-00.)

24 (225 ILCS 10/4.3a new)

25 Sec. 4.3a. Child Abuse and Neglect Reports; Department of

1 Early Childhood. All child care facility license applicants
2 and all current and prospective employees of a day care
3 center, day care home, or group day care home who have any
4 possible contact with children in the course of their duties,
5 as a condition of such licensure or employment, shall
6 authorize in writing on a form prescribed by the Department of
7 Early Childhood an investigation of the Central Register, as
8 defined in the Abused and Neglected Child Reporting Act, to
9 ascertain if such applicant or employee has been determined to
10 be a perpetrator in an indicated report of child abuse or
11 neglect. All child care facilities as a condition of licensure
12 pursuant to this Act shall maintain such information which
13 demonstrates that all current employees and other applicants
14 for employment who have any possible contact with children in
15 the course of their duties have authorized an investigation of
16 the Central Register as hereinabove required. Only those
17 current or prospective employees who will have no possible
18 contact with children as part of their present or prospective
19 employment may be excluded from provisions requiring
20 authorization of an investigation. Such information concerning
21 a license applicant, employee or prospective employee obtained
22 by the Department of Early Childhood shall be confidential and
23 exempt from public inspection and copying as provided under
24 Section 7 of The Freedom of Information Act, and such
25 information shall not be transmitted outside the Department of
26 Early Childhood, except as provided in the Abused and

1 Neglected Child Reporting Act, and shall not be transmitted to
2 anyone within the Department of Early Childhood except as
3 provided in the Abused and Neglected Child Reporting Act, and
4 shall not be transmitted to anyone within the Department of
5 Early Childhood except as needed for the purposes of
6 evaluation of an application for licensure or for
7 consideration by a child care facility of an employee. Any
8 employee of the Department of Early Childhood under this
9 Section who gives or causes to be given any confidential
10 information concerning any child abuse or neglect reports
11 about a child care facility applicant or child care facility
12 employee shall be guilty of a Class A misdemeanor, unless
13 release of such information is authorized by Section 11.1 of
14 the Abused and Neglected Child Reporting Act. Additionally,
15 any licensee who is informed by the Department of Children and
16 Family Services, pursuant to Section 7.4 of the Abused and
17 Neglected Child Reporting Act that a formal investigation has
18 commenced relating to an employee of the child care facility
19 or any other person in frequent contact with children at the
20 facility shall take reasonable action necessary to ensure that
21 the employee or other person is restricted during the pendency
22 of the investigation from contact with children whose care has
23 been entrusted to the facility.

24 (225 ILCS 10/4.4) (from Ch. 23, par. 2214.4)

25 Sec. 4.4. This Section does not apply to any day care

1 center, day care home, or group day care home. For the purposes
2 of background investigations authorized in this Act, "license
3 applicant" means the operator or person with direct
4 responsibility for daily operation of the facility to be
5 licensed. In the case of facilities to be operated in a family
6 home, the Department may, by rule, require that other adult
7 residents of that home also authorize such investigations with
8 the exception of day care homes and group day care homes.

9 (Source: P.A. 84-158.)

10 (225 ILCS 10/4.4a new)

11 Sec. 4.4a. Background investigations; Department of Early
12 Childhood. For the purposes of background investigations
13 authorized in this Act, "license applicant" means the operator
14 or person with direct responsibility for daily operation of
15 the day care center, day care home, or group day care home to
16 be licensed. In the case of facilities to be operated in a
17 family home, as related to day care homes and group day care
18 homes, the Department of Early Childhood may, by rule, require
19 that other adult residents of that home also authorize such
20 investigations.

21 (225 ILCS 10/4.5)

22 Sec. 4.5. Children with disabilities; training.

23 (a) An owner or operator of a licensed day care home or
24 group day care home or the onsite executive director of a

1 licensed day care center must successfully complete a basic
2 training course in providing care to children with
3 disabilities. The basic training course will also be made
4 available on a voluntary basis to those providers who are
5 exempt from the licensure requirements of this Act.

6 (b) The Department of Early Childhood ~~Children and Family~~
7 ~~Services~~ shall promulgate rules establishing the requirements
8 for basic training in providing care to children with
9 disabilities.

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

11 (225 ILCS 10/5) (from Ch. 23, par. 2215)

12 Sec. 5. (a) This Section does not apply to any day care
13 center, day care home, or group day care home.

14 In respect to child care institutions, maternity centers,
15 child welfare agencies, ~~day care centers, day care agencies~~
16 and group homes, the Department, upon receiving application
17 filed in proper order, shall examine the facilities and
18 persons responsible for care of children therein.

19 (b) In respect to foster family ~~and day care~~ homes,
20 applications may be filed on behalf of such homes by a licensed
21 child welfare agency, by a State agency authorized to place
22 children in foster care or by out-of-State agencies approved
23 by the Department to place children in this State. ~~In respect~~
24 ~~to day care homes, applications may be filed on behalf of such~~
25 ~~homes by a licensed day care agency or licensed child welfare~~

1 ~~agency.~~ In applying for license in behalf of a home in which
2 children are placed by and remain under supervision of the
3 applicant agency, such agency shall certify that the home and
4 persons responsible for care of unrelated children therein, or
5 the home and relatives, as defined in Section 2.17 of this Act,
6 responsible for the care of related children therein, were
7 found to be in reasonable compliance with standards prescribed
8 by the Department for the type of care indicated.

9 (c) The Department shall not allow any person to examine
10 facilities under a provision of this Act who has not passed an
11 examination demonstrating that such person is familiar with
12 this Act and with the appropriate standards and regulations of
13 the Department.

14 (d) Licenses ~~With the exception of day care centers, day~~
15 ~~care homes, and group day care homes, licenses~~ shall be issued
16 in such form and manner as prescribed by the Department and are
17 valid for 4 years from the date issued, unless revoked by the
18 Department or voluntarily surrendered by the licensee.
19 ~~Licenses issued for day care centers, day care homes, and~~
20 ~~group day care homes shall be valid for 3 years from the date~~
21 ~~issued, unless revoked by the Department or voluntarily~~
22 ~~surrendered by the licensee.~~ When a licensee has made timely
23 and sufficient application for the renewal of a license or a
24 new license with reference to any activity of a continuing
25 nature, the existing license shall continue in full force and
26 effect for up to 30 days until the final agency decision on the

1 application has been made. The Department may further extend
2 the period in which such decision must be made in individual
3 cases for up to 30 days, but such extensions shall be only upon
4 good cause shown.

5 (e) The Department may issue one 6-month permit to a newly
6 established facility for child care to allow that facility
7 reasonable time to become eligible for a full license. If the
8 facility for child care is a foster family home, ~~or day care~~
9 ~~home~~ the Department may issue one 2-month permit only.

10 (f) The Department may issue an emergency permit to a
11 child care facility taking in children as a result of the
12 temporary closure for more than 2 weeks of a licensed child
13 care facility due to a natural disaster. An emergency permit
14 under this subsection shall be issued to a facility only if the
15 persons providing child care services at the facility were
16 employees of the temporarily closed facility ~~day care center~~
17 at the time it was closed. No investigation of an employee of a
18 child care facility receiving an emergency permit under this
19 subsection shall be required if that employee has previously
20 been investigated at another child care facility. No emergency
21 permit issued under this subsection shall be valid for more
22 than 90 days after the date of issuance.

23 (g) During the hours of operation of any licensed child
24 care facility, authorized representatives of the Department
25 may without notice visit the facility for the purpose of
26 determining its continuing compliance with this Act or

1 regulations adopted pursuant thereto.

2 (h) (Blank) ~~Day care centers, day care homes, and group~~
3 ~~day care homes shall be monitored at least annually by a~~
4 ~~licensing representative from the Department or the agency~~
5 ~~that recommended licensure.~~

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

7 (225 ILCS 10/5.01 new)

8 Sec. 5.01. Licenses; permits; Department of Early
9 Childhood. In respect to day care centers, the Department of
10 Early Childhood, upon receiving application filed in proper
11 order, shall examine the facilities and persons responsible
12 for care of children therein.

13 (b) In respect to day care homes, applications may be
14 filed on behalf of such homes by the Department of Early
15 Childhood.

16 (c) The Department of Early Childhood shall not allow any
17 person to examine facilities under a provision of this Act who
18 has not passed an examination demonstrating that such person
19 is familiar with this Act and with the appropriate standards
20 and regulations of the Department of Early Childhood.

21 (d) Licenses issued for day care centers, day care homes,
22 and group day care homes shall be valid for 3 years from the
23 date issued, unless revoked by the Department of Early
24 Childhood or voluntarily surrendered by the licensee. When a
25 licensee has made timely and sufficient application for the

1 renewal of a license or a new license with reference to any
2 activity of a continuing nature, the existing license shall
3 continue in full force and effect for up to 30 days until the
4 final agency decision on the application has been made. The
5 Department of Early Childhood may further extend the period in
6 which such decision must be made in individual cases for up to
7 30 days, but such extensions shall be only upon good cause
8 shown.

9 (e) The Department of Early Childhood may issue one
10 6-month permit to a newly established facility for child care
11 to allow that facility reasonable time to become eligible for
12 a full license. If the facility for child care is a day care
13 home the Department of Early Childhood may issue one 2-month
14 permit only.

15 (f) The Department of Early Childhood may issue an
16 emergency permit to a day care center taking in children as a
17 result of the temporary closure for more than 2 weeks of a
18 licensed child care facility due to a natural disaster. An
19 emergency permit under this subsection shall be issued to a
20 facility only if the persons providing child care services at
21 the facility were employees of the temporarily closed day care
22 center at the time it was closed. No investigation of an
23 employee of a child care facility receiving an emergency
24 permit under this subsection shall be required if that
25 employee has previously been investigated at another child
26 care facility. No emergency permit issued under this

1 subsection shall be valid for more than 90 days after the date
2 of issuance.

3 (g) During the hours of operation of any licensed day care
4 center, day care home, or group day care home, authorized
5 representatives of the Department of Early Childhood may
6 without notice visit the facility for the purpose of
7 determining its continuing compliance with this Act or rules
8 adopted pursuant thereto.

9 (h) Day care centers, day care homes, and group day care
10 homes shall be monitored at least annually by a licensing
11 representative from the Department of Early Childhood that
12 recommended licensure.

13 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

14 Sec. 5.1. (a) The Department shall ensure that no ~~day care~~
15 ~~center,~~ group home or child care institution as defined in
16 this Act shall on a regular basis transport a child or children
17 with any motor vehicle unless such vehicle is operated by a
18 person who complies with the following requirements:

19 1. is 21 years of age or older;

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

24 3. demonstrates physical fitness to operate vehicles
25 by submitting the results of a medical examination

1 conducted by a licensed physician;

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

5 5. has not been convicted of reckless driving or
6 driving under the influence or manslaughter or reckless
7 homicide resulting from the operation of a motor vehicle
8 within the past 3 years;

9 6. has signed and submitted a written statement
10 certifying that the person has not, through the unlawful
11 operation of a motor vehicle, caused a crash which
12 resulted in the death of any person within the 5 years
13 immediately prior to the date of application.

14 However, such ~~day care centers,~~ group homes and child care
15 institutions may provide for transportation of a child or
16 children for special outings, functions, or purposes that are
17 not scheduled on a regular basis without verification that
18 drivers for such purposes meet the requirements of this
19 Section.

20 (a-5) As a means of ensuring compliance with the
21 requirements set forth in subsection (a), the Department shall
22 implement appropriate measures to verify that every individual
23 who is employed at a group home or child care institution meets
24 those requirements.

25 For every person employed at a group home or child care
26 institution who regularly transports children in the course of

1 performing the person's duties, the Department must make the
2 verification every 2 years. Upon the Department's request, the
3 Secretary of State shall provide the Department with the
4 information necessary to enable the Department to make the
5 verifications required under subsection (a).

6 In the case of an individual employed at a group home or
7 child care institution who becomes subject to subsection (a)
8 for the first time after January 1, 2007 (the effective date of
9 Public Act 94-943) ~~this amendatory Act of the 94th General~~
10 ~~Assembly~~, the Department must make that verification with the
11 Secretary of State before the individual operates a motor
12 vehicle to transport a child or children under the
13 circumstances described in subsection (a).

14 In the case of an individual employed at a group home or
15 child care institution who is subject to subsection (a) on
16 January 1, 2007 (the effective date of Public Act 94-943) ~~this~~
17 ~~amendatory Act of the 94th General Assembly~~, the Department
18 must make that verification with the Secretary of State within
19 30 days after January 1, 2007 ~~that effective date~~.

20 If the Department discovers that an individual fails to
21 meet the requirements set forth in subsection (a), the
22 Department shall promptly notify the appropriate group home or
23 child care institution.

24 (b) Any individual who holds a valid Illinois school bus
25 driver permit issued by the Secretary of State pursuant to the
26 ~~The~~ Illinois Vehicle Code, and who is currently employed by a

1 school district or parochial school, or by a contractor with a
2 school district or parochial school, to drive a school bus
3 transporting children to and from school, shall be deemed in
4 compliance with the requirements of subsection (a).

5 (c) The Department may, pursuant to Section 8 of this Act,
6 revoke the license of any ~~day care center~~, group home or child
7 care institution that fails to meet the requirements of this
8 Section.

9 (d) A group home or child care institution that fails to
10 meet the requirements of this Section is guilty of a petty
11 offense and is subject to a fine of not more than \$1,000. Each
12 day that a group home or child care institution fails to meet
13 the requirements of this Section is a separate offense.

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

16 (225 ILCS 10/5.1a new)

17 Sec. 5.1a. Transportation of children; day care centers.

18 The Department of Early Childhood shall ensure that no day
19 care center shall on a regular basis transport a child or
20 children with any motor vehicle unless such vehicle is
21 operated by a person who complies with the following
22 requirements:

23 (1) is 21 years of age or older;

24 (2) currently holds a valid driver's license, which
25 has not been revoked or suspended for one or more traffic

1 violations during the 3 years immediately prior to the
2 date of application;

3 (3) demonstrates physical fitness to operate vehicles
4 by submitting the results of a medical examination
5 conducted by a licensed physician;

6 (4) has not been convicted of more than 2 offenses
7 against traffic regulations governing the movement of
8 vehicles within a 12-month period;

9 (5) has not been convicted of reckless driving or
10 driving under the influence or manslaughter or reckless
11 homicide resulting from the operation of a motor vehicle
12 within the past 3 years;

13 (6) has signed and submitted a written statement
14 certifying that the person has not, through the unlawful
15 operation of a motor vehicle, caused a crash which
16 resulted in the death of any person within the 5 years
17 immediately prior to the date of application.

18 However, such day care centers may provide for
19 transportation of a child or children for special outings,
20 functions or purposes that are not scheduled on a regular
21 basis without verification that drivers for such purposes meet
22 the requirements of this Section.

23 (b) Any individual who holds a valid Illinois school bus
24 driver permit issued by the Secretary of State pursuant to the
25 Illinois Vehicle Code, and who is currently employed by a
26 school district or parochial school, or by a contractor with a

1 school district or parochial school, to drive a school bus
2 transporting children to and from school, shall be deemed in
3 compliance with the requirements of subsection (a).

4 (c) The Department of Early Childhood may, pursuant to
5 Section 8a of this Act, revoke the license of any day care
6 center that fails to meet the requirements of this Section.

7 (225 ILCS 10/5.2)

8 Sec. 5.2. Unsafe children's products; Department of
9 Children and Family Services.

10 (a) A child care facility may not use or have on the
11 premises, on or after July 1, 2000, an unsafe children's
12 product as described in Section 15 of the Children's Product
13 Safety Act. This subsection (a) does not apply to an antique or
14 collectible children's product if it is not used by, or
15 accessible to, any child in the child care facility.

16 (b) The Department of Children and Family Services shall
17 notify child care facilities (other than a day care center,
18 day care home, or group day care home), on an ongoing basis,
19 including during the license application facility examination
20 and during annual license monitoring visits, of the provisions
21 of this Section and the Children's Product Safety Act and of
22 the comprehensive list of unsafe children's products as
23 provided and maintained by the Department of Public Health
24 available on the Internet, as determined in accordance with
25 that Act, in plain, non-technical language that will enable

1 each child care facility to effectively inspect children's
2 products and identify unsafe children's products. Subject to
3 availability of appropriations, the Department of Children and
4 Family Services, in accordance with the requirements of this
5 Section, shall establish and maintain a database on the safety
6 of consumer products and other products or substances
7 regulated by the Department that is: (i) publicly available;
8 (ii) searchable; and (iii) accessible through the Internet
9 website of the Department. Child care facilities must maintain
10 all written information provided pursuant to this subsection
11 in a file accessible to both facility staff and parents of
12 children attending the facility. Child care facilities must
13 post in prominent locations regularly visited by parents
14 written notification of the existence of the comprehensive
15 list of unsafe children's products available on the Internet.
16 The Department of Children and Family Services shall adopt
17 rules to carry out this Section.

18 (Source: P.A. 103-44, eff. 1-1-24.)

19 (225 ILCS 10/5.2a new)

20 Sec. 5.2a. Unsafe children's products; Department of Early
21 Childhood.

22 (a) A day care center, day care home, or group day care
23 home may not use or have on the premises an unsafe children's
24 product as described in Section 15 of the Children's Product
25 Safety Act. This subsection (a) does not apply to an antique or

1 collectible children's product if it is not used by, or
2 accessible to, any child in the day care center, day care home,
3 or group day care home.

4 (b) The Department of Early Childhood shall notify day
5 care centers, day care homes, and group day care homes, on an
6 ongoing basis, including during the license application
7 facility examination and during annual license monitoring
8 visits, of the provisions of this Section and the Children's
9 Product Safety Act and of the comprehensive list of unsafe
10 children's products as provided and maintained by the
11 Department of Public Health available on the Internet, as
12 determined in accordance with that Act, in plain,
13 non-technical language that will enable each child care
14 facility to effectively inspect children's products and
15 identify unsafe children's products. Subject to availability
16 of appropriations, the Department of Early Childhood, in
17 accordance with the requirements of this Section, shall
18 establish and maintain a database on the safety of consumer
19 products and other products or substances regulated by the
20 Department of Early Childhood that is: (i) publicly available;
21 (ii) searchable; and (iii) accessible through the Internet
22 website of the Department of Early Childhood. Child care
23 facilities must maintain all written information provided
24 pursuant to this subsection in a file accessible to both
25 facility staff and parents of children attending the facility.
26 Day care centers, day care homes, and group day care homes must

1 post in prominent locations regularly visited by parents
2 written notification of the existence of the comprehensive
3 list of unsafe children's products available on the Internet.
4 The Department of Early Childhood shall adopt rules to carry
5 out this Section.

6 (225 ILCS 10/5.8)

7 Sec. 5.8. Radon testing of licensed day care centers,
8 licensed day care homes, and licensed group day care homes.

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

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

20 (c) The report of the most current radon measurement shall
21 be posted in the facility next to the license issued by the
22 Department of Early Childhood. Copies of the report shall be
23 provided to parents or guardians upon request.

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

1 "Every parent or guardian is notified that this
2 facility has performed radon measurements to ensure the
3 health and safety of the occupants. The Illinois Emergency
4 Management Agency (IEMA) recommends that all residential
5 homes be tested and that corrective actions be taken at
6 levels equal to or greater than 4.0 pCi/L. Radon is a Class
7 A human carcinogen, the leading cause of lung cancer in
8 non-smokers, and the second leading cause of lung cancer
9 overall. For additional information about this facility
10 contact the licensee and for additional information
11 regarding radon contact the IEMA Radon Program at
12 800-325-1245 or on the Internet at
13 www.radon.illinois.gov".

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

15 (225 ILCS 10/5.9)

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

18 (a) ~~The On or before January 1, 2018, the~~ Department of
19 Early Childhood, in consultation with the Department of Public
20 Health, shall adopt rules that prescribe the procedures and
21 standards to be used by the Department of Early Childhood in
22 assessing levels of lead in water in licensed day care
23 centers, day care homes, and group day care homes constructed
24 on or before January 1, 2000 that serve children under the age
25 of 6. Such rules shall, at a minimum, include provisions

1 regarding testing parameters, the notification of sampling
2 results, training requirements for lead exposure and
3 mitigation.

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

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

10 (225 ILCS 10/5.10)

11 Sec. 5.10. Child care limitation on expulsions. Consistent
12 with the purposes of Public Act 100-105 ~~this amendatory Act of~~
13 ~~the 100th General Assembly~~ and the requirements therein under
14 paragraph (7) of subsection (a) of Section 2-3.71 of the
15 School Code, the Department of Early Childhood, in
16 consultation with the ~~Governor's Office of Early Childhood~~
17 ~~Development and the~~ State Board of Education, shall adopt
18 rules prohibiting the use of expulsion due to a child's
19 persistent and serious challenging behaviors in licensed day
20 care centers, day care homes, and group day care homes. The
21 rulemaking shall address, at a minimum, requirements for
22 licensees to establish intervention and transition policies,
23 notify parents of policies, document intervention steps, and
24 collect and report data on children transitioning out of the
25 program.

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

2 (225 ILCS 10/5.11)

3 Sec. 5.11. Plan for anaphylactic shock. The Department of
4 Early Childhood shall require each licensed day care center,
5 day care home, and group day care home to have a plan for
6 anaphylactic shock to be followed for the prevention of
7 anaphylaxis and during a medical emergency resulting from
8 anaphylaxis. The plan should be based on the guidance and
9 recommendations provided by the American Academy of Pediatrics
10 relating to the management of food allergies or other
11 allergies. The plan should be shared with parents or guardians
12 upon enrollment at each licensed day care center, day care
13 home, and group day care home. If a child requires specific
14 specialized treatment during an episode of anaphylaxis, that
15 child's treatment plan should be kept by the staff of the day
16 care center, day care home, or group day care home and followed
17 in the event of an emergency. Each licensed day care center,
18 day care home, and group day care home shall have at least one
19 staff member present at all times who has taken a training
20 course in recognizing and responding to anaphylaxis.

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

22 (225 ILCS 10/6) (from Ch. 23, par. 2216)

23 Sec. 6. (a) A licensed facility operating as a "child care
24 institution", "maternity center", or "child welfare agency",

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

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

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

1 the foster family home will be able to meet the physical and
2 emotional needs of children. In making this determination, the
3 Department must obtain and carefully review all relevant
4 documents and shall obtain consultation from its Clinical
5 Division as appropriate and as prescribed by Department rule
6 and procedure. The Department has the authority to deny an
7 application for renewal based on a record of quality of care
8 concerns. In the alternative, the Department may (i) approve
9 the application for renewal subject to obtaining additional
10 information or assessments, (ii) approve the application for
11 renewal for purposes of placing or maintaining only a
12 particular child or children only in the foster home, or (iii)
13 approve the application for renewal. The Department shall
14 notify the quality of care concerns applicant of its decision
15 and the basis for its decision in writing.

16 (c) If a child care facility's (other than a day care
17 center, day care home, or group day care home) license, other
18 than a license for a foster family home, is revoked, or if the
19 Department refuses to renew a facility's license, the facility
20 may not reapply for a license before the expiration of 12
21 months following the Department's action; provided, however,
22 that the denial of a reapplication for a license pursuant to
23 this subsection must be supported by evidence that the prior
24 revocation renders the applicant unqualified or incapable of
25 satisfying the standards and rules promulgated by the
26 Department pursuant to this Act or maintaining a facility

1 which adheres to such standards and rules.

2 (d) If a foster family home license (i) is revoked, (ii) is
3 surrendered for cause, or (iii) expires or is surrendered with
4 either certain types of involuntary placement holds in place
5 or while a licensing or child abuse or neglect investigation
6 is pending, or if the Department refuses to renew a foster home
7 license, the foster home may not reapply for a license before
8 the expiration of 5 years following the Department's action or
9 following the expiration or surrender of the license.

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

11 (225 ILCS 10/6.1 new)

12 Sec. 6.1. License renewal; Department of Early Childhood.

13 (a) A licensed facility operating as a day care center
14 must apply for renewal of its license held, the application to
15 be made to the Department of Early Childhood on forms
16 prescribed by it.

17 (b) The Department of Early Childhood must re-examine
18 every day care center, day care home, and group day care home
19 for renewal of license, including in that process the
20 examination of the premises and records of the facility as the
21 Department of Early Childhood considers necessary to determine
22 that minimum standards for licensing continue to be met, and
23 random surveys of parents or legal guardians who are consumers
24 of such facilities' services to assess the quality of care at
25 such facilities. In the case of day care homes under the

1 supervision of or otherwise required to be licensed by the
2 Department of Early Childhood, the examination shall be made
3 by the Department of Early Childhood. If the Department of
4 Early Childhood is satisfied that the facility continues to
5 maintain minimum standards which it prescribes and publishes,
6 it shall renew the license to operate the facility.

7 (c) If a day care center's, day care home's, or group day
8 care home's license is revoked, or if the Department of Early
9 Childhood refuses to renew a day care center's, day care
10 home's, or group day care home's license, the facility may not
11 reapply for a license before the expiration of 12 months
12 following the Department of Early Childhood's action;
13 provided, however, that the denial of a reapplication for a
14 license pursuant to this subsection must be supported by
15 evidence that the prior revocation renders the applicant
16 unqualified or incapable of satisfying the standards and rules
17 promulgated by the Department of Early Childhood pursuant to
18 this Act or maintaining a facility which adheres to such
19 standards and rules.

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

21 Sec. 7. (a) The Department must prescribe and publish
22 minimum standards for licensing that apply to the various
23 types of facilities for child care defined in this Act (other
24 than a day care center, day care home, or group day care home)
25 and that are equally applicable to like institutions under the

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

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

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

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

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

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

10 (9) Filing of reports with the Department;

11 (10) Discipline of children;

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

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

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

22 (14) (Blank) ~~Provisions requiring that any firearm~~
23 ~~permitted on day care home premises, except handguns in~~
24 ~~the 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) (Blank) ~~Provisions requiring notification of~~
5 ~~parents or guardians enrolling children at a day care home~~
6 ~~of the 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 (other than employees of a
15 day care center, day care home, or group day care home);
16 and

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

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

1 ~~health, early childhood trauma, or adverse childhood~~
2 ~~experiences. Current licensed providers, directors, and~~
3 ~~classroom staff shall complete training by July 1, 2022 and~~
4 ~~shall participate in training that includes the above topics~~
5 ~~at least once every 3 years.~~

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

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

1 Department determines that the foster family home can provide
2 a safe, appropriate environment and meet the physical and
3 emotional needs of children.

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

18 (e) The Department shall distribute copies of licensing
19 standards to all licensees and applicants for a license (other
20 than licensees and applicants of a day care center, day care
21 home, or group day care home). Each licensee or holder of a
22 permit shall distribute copies of the appropriate licensing
23 standards and any other information required by the Department
24 to child care facilities under its supervision. Each licensee
25 or holder of a permit shall maintain appropriate documentation
26 of the distribution of the standards. Such documentation shall

1 be part of the records of the facility and subject to
2 inspection by authorized representatives of the Department.

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

15 (g) The Department shall distribute to each licensee and
16 holder of a permit copies of the licensing or permit standards
17 applicable to such person's facility (other than a day care
18 center, day care home, or group day care home). Each licensee
19 or holder of a permit shall make available by posting at all
20 times in a common or otherwise accessible area a complete and
21 current set of licensing standards in order that all employees
22 of the facility may have unrestricted access to such
23 standards. All employees of the facility shall have reviewed
24 the standards and any subsequent changes. Each licensee or
25 holder of a permit shall maintain appropriate documentation of
26 the current review of licensing standards by all employees.

1 Such records shall be part of the records of the facility and
2 subject to inspection by authorized representatives of the
3 Department.

4 (h) Any standards (other than standards of a day care
5 center, day care home, or group day care home) involving
6 physical examinations, immunization, or medical treatment
7 shall include appropriate exemptions for children whose
8 parents object thereto on the grounds that they conflict with
9 the tenets and practices of a recognized church or religious
10 organization, of which the parent is an adherent or member,
11 and for children who should not be subjected to immunization
12 for clinical reasons.

13 (i) (Blank) ~~The Department, in cooperation with the~~
14 ~~Department of Public Health, shall work to increase~~
15 ~~immunization awareness and participation among parents of~~
16 ~~children enrolled in day care centers and day care homes by~~
17 ~~publishing on the Department's website information about the~~
18 ~~benefits of immunization against vaccine preventable diseases,~~
19 ~~including influenza and pertussis. The information for vaccine~~
20 ~~preventable diseases shall include the incidence and severity~~
21 ~~of the diseases, the availability of vaccines, and the~~
22 ~~importance of immunizing children and persons who frequently~~
23 ~~have close contact with children. The website content shall be~~
24 ~~reviewed annually in collaboration with the Department of~~
25 ~~Public Health to reflect the most current recommendations of~~
26 ~~the Advisory Committee on Immunization Practices (ACIP). The~~

1 ~~Department shall work with day care centers and day care homes~~
2 ~~licensed under this Act to ensure that the information is~~
3 ~~annually distributed to parents in August or September.~~

4 (j) (Blank) ~~Any standard adopted by the Department that~~
5 ~~requires an applicant for a license to operate a day care home~~
6 ~~to include a copy of a high school diploma or equivalent~~
7 ~~certificate with the person's application shall be deemed to~~
8 ~~be satisfied if the applicant includes a copy of a high school~~
9 ~~diploma or equivalent certificate or a copy of a degree from an~~
10 ~~accredited institution of higher education or vocational~~
11 ~~institution or equivalent certificate.~~

12 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)

13 (225 ILCS 10/7.01 new)

14 Sec. 7.01. Minimum standards for licensing; Department of
15 Early Childhood.

16 (a) The Department of Early Childhood must prescribe and
17 publish minimum standards for licensing that apply to day care
18 centers, day care homes, and group day care homes. The
19 Department of Early Childhood shall seek the advice and
20 assistance of persons representative of day care centers, day
21 care homes, and group day care homes in establishing such
22 standards. The standards prescribed and published under this
23 Act take effect as provided in the Illinois Administrative
24 Procedure Act, and are restricted to rules pertaining to the
25 following matters and to any rules required or permitted by

1 any other Section of this Act:

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

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

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

15 (4) The number of individuals or staff required to
16 ensure adequate supervision and care of the children
17 received. The standards shall provide that each day care
18 center, day care home, and group day care home shall have
19 on its premises during its hours of operation at least one
20 staff member certified in first aid, in the Heimlich
21 maneuver and in cardiopulmonary resuscitation by the
22 American Red Cross or other organization approved by rule
23 of the Department of Early Childhood. The Department of
24 Early Childhood may offer, or arrange for the offering, on
25 a periodic basis in each community in this State in
26 cooperation with the American Red Cross, the American

1 Heart Association or other appropriate organization,
2 voluntary programs to train operators of day care homes in
3 first aid and cardiopulmonary resuscitation;

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

10 (6) Provisions for food, clothing, educational
11 opportunities, program, equipment and individual supplies
12 to ensure the healthy physical, mental, and spiritual
13 development of children served;

14 (7) Provisions to safeguard the legal rights of
15 children served;

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

24 (9) Filing of reports with the Department of Early
25 Childhood;

26 (10) Discipline of children;

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

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

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

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

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

24 (16) Provisions requiring all licensed child care
25 facility employees who care for newborns and infants to
26 complete training every 3 years on the nature of sudden

1 unexpected infant death (SUID), sudden infant death
2 syndrome (SIDS), and the safe sleep recommendations of the
3 American Academy of Pediatrics.

4 All licensed day care home providers, licensed group day
5 care home providers, and licensed day care center directors
6 and classroom staff shall participate in at least one training
7 that includes the topics of early childhood social emotional
8 learning, infant and early childhood mental health, early
9 childhood trauma, or adverse childhood experiences. Current
10 licensed providers, directors, and classroom staff shall
11 complete training and shall participate in training that
12 includes the above topics at least once every 3 years.

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

25 (c) The Department of Early Childhood shall distribute
26 copies of licensing standards to all licensees and applicants

1 for a license. Each licensee or holder of a permit shall
2 distribute copies of the appropriate licensing standards and
3 any other information required by the Department of Early
4 Childhood to child care facilities under its supervision. Each
5 licensee or holder of a permit shall maintain appropriate
6 documentation of the distribution of the standards. Such
7 documentation shall be part of the records of the facility and
8 subject to inspection by authorized representatives of the
9 Department of Early Childhood.

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

23 (e) The Department of Early Childhood shall distribute to
24 each licensee and holder of a permit copies of the licensing or
25 permit standards applicable to such person's facility. Each
26 licensee or holder of a permit shall make available by posting

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

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

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

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

18 (225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

19 Sec. 7.2. Employer discrimination.

20 (a) For purposes of this Section:7

21 "Employer" ~~"employer"~~ means a licensee or holder of a
22 permit subject to this Act.

23 "Employee" means an employee of such an employer.

24 (b) No employer shall discharge, demote, or suspend, or
25 threaten to discharge, demote, or suspend, or in any manner

1 discriminate against any employee who:

2 (1) Makes any good faith oral or written complaint of
3 any employer's violation of any licensing or other laws
4 (including, but not limited to, laws concerning child
5 abuse or the transportation of children) which may result
6 in closure of the facility pursuant to Section 11.2 or
7 11.3 of this Act to the Department of Children and Family
8 Services or the Department of Early Childhood or other
9 agency having statutory responsibility for the enforcement
10 of such laws or to the employer or representative of the
11 employer;

12 (2) Institutes or causes to be instituted against any
13 employer any proceeding concerning the violation of any
14 licensing or other laws, including a proceeding to revoke
15 or to refuse to renew a license under Section 9 or 9.01 of
16 this Act;

17 (3) Is or will be a witness or testify in any
18 proceeding concerning the violation of any licensing or
19 other laws, including a proceeding to revoke or to refuse
20 to renew a license under Section 9 or 9.01 of this Act; or

21 (4) Refuses to perform work in violation of a
22 licensing or other law or regulation after notifying the
23 employer of the violation.

24 (c)(1) A claim by an employee alleging an employer's
25 violation of subsection (b) of this Section shall be presented
26 to the employer within 30 days after the date of the action

1 complained of and shall be filed with the Department of Labor
2 within 60 days after the date of the action complained of.

3 (2) Upon receipt of the complaint, the Department of Labor
4 shall conduct whatever investigation it deems appropriate, and
5 may hold a hearing. After investigation or hearing, the
6 Department of Labor shall determine whether the employer has
7 violated subsection (b) of this Section and it shall notify
8 the employer and the employee of its determination.

9 (3) If the Department of Labor determines that the
10 employer has violated subsection (b) of this Section, and the
11 employer refuses to take remedial action to comply with the
12 determination, the Department of Labor shall so notify the
13 Attorney General, who shall bring an action against the
14 employer in the circuit court seeking enforcement of its
15 determination. The court may order any appropriate relief,
16 including rehiring and reinstatement of the employee to the
17 person's former position with backpay and other benefits.

18 (d) Except for any grievance procedure, arbitration, or
19 hearing which is available to the employee pursuant to a
20 collective bargaining agreement, this Section shall be the
21 exclusive remedy for an employee complaining of any action
22 described in subsection (b).

23 (e) Any employer who willfully refuses to rehire, promote, or
24 or otherwise restore an employee or former employee who has
25 been determined eligible for rehiring or promotion as a result
26 of any grievance procedure, arbitration, or hearing authorized

1 by law shall be guilty of a Class A misdemeanor.

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

3 (225 ILCS 10/7.10)

4 Sec. 7.10. Progress report.

5 (a) For the purposes of this Section, "child day care
6 licensing" or "day care licensing" means licensing of day care
7 centers, day care homes, and group day care homes.

8 (b) No later than September 30th of each year, the
9 Department of Early Childhood shall provide the General
10 Assembly with a comprehensive report on its progress in
11 meeting performance measures and goals related to child day
12 care licensing.

13 (c) The report shall include:

14 (1) details on the funding for child day care
15 licensing, including:

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

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

20 (C) the amount of expenditures that is claimed
21 against federal funding sources;

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

23 (E) how funds are appropriated, including
24 appropriations for line staff, support staff,
25 supervisory staff, and training and other expenses and

1 the funding history of such licensing since fiscal
2 year 2010;

3 (2) current staffing qualifications of day care
4 licensing representatives and day care licensing
5 supervisors in comparison with staffing qualifications
6 specified in the job description;

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

10 (4) per the DCFS Child Day Care Licensing Advisory
11 Council's work plan, quarterly data on the following
12 measures:

13 (A) the percentage of new applications disposed of
14 within 90 days;

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

16 (C) the percentage of day care centers receiving
17 timely annual monitoring visits;

18 (D) the percentage of day care homes receiving
19 timely annual monitoring visits;

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

22 (F) the percentage of provider requests for
23 supervisory review;

24 (G) the progress on adopting a key indicator
25 system;

26 (H) the percentage of complaints disposed of

1 within 30 days;

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

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

6 (K) the number of Department of Early Childhood
7 trainings related to licensing and child development
8 available to providers in the past year; and

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

14 (d) The Department of Early Childhood shall work with the
15 Governor's appointed Early Learning Council on issues related
16 to and concerning child day care.

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

18 (225 ILCS 10/8) (from Ch. 23, par. 2218)

19 Sec. 8. The Department may revoke or refuse to renew the
20 license of any child care facility (other than a day care
21 center, day care home, or group day care home) or child welfare
22 agency or refuse to issue full license to the holder of a
23 permit should the licensee or holder of a permit:

24 (1) fail to maintain standards prescribed and
25 published by the Department;

1 (2) violate any of the provisions of the license
2 issued;

3 (3) furnish or make any misleading or any false
4 statement or report to the Department;

5 (4) refuse to submit to the Department any reports or
6 refuse to make available to the Department any records
7 required by the Department in making investigation of the
8 facility for licensing purposes;

9 (5) fail or refuse to submit to an investigation by
10 the Department;

11 (6) fail or refuse to admit authorized representatives
12 of the Department at any reasonable time for the purpose
13 of investigation;

14 (7) fail to provide, maintain, equip and keep in safe
15 and sanitary condition premises established or used for
16 child care as required under standards prescribed by the
17 Department, or as otherwise required by any law,
18 regulation or ordinance applicable to the location of such
19 facility;

20 (8) refuse to display its license or permit;

21 (9) be the subject of an indicated report under
22 Section 3 of the Abused and Neglected Child Reporting Act
23 or fail to discharge or sever affiliation with the child
24 care facility of an employee or volunteer at the facility
25 with direct contact with children who is the subject of an
26 indicated report under Section 3 of that Act;

1 (10) fail to comply with the provisions of Section
2 7.1;

3 (11) fail to exercise reasonable care in the hiring,
4 training and supervision of facility personnel;

5 (12) fail to report suspected abuse or neglect of
6 children within the facility, as required by the Abused
7 and Neglected Child Reporting Act;

8 (12.5) fail to comply with subsection (c-5) of Section
9 7.4;

10 (13) fail to comply with Section 5.1 or 5.2 of this
11 Act; or

12 (14) be identified in an investigation by the
13 Department as a person with a substance use disorder, as
14 defined in the Substance Use Disorder Act, or be a person
15 whom the Department knows has abused alcohol or drugs, and
16 has not successfully participated in treatment, self-help
17 groups or other suitable activities, and the Department
18 determines that because of such abuse the licensee, holder
19 of the permit, or any other person directly responsible
20 for the care and welfare of the children served, does not
21 comply with standards relating to character, suitability
22 or other qualifications established under Section 7 of
23 this Act.

24 (Source: P.A. 100-759, eff. 1-1-19.)

25 (225 ILCS 10/8a new)

1 Sec. 8a. Grounds for revocation or refusal to renew
2 license; Department of Early Childhood. The Department of
3 Early Childhood may revoke or refuse to renew the license of
4 any day care center, day care home, or group day care home or
5 refuse to issue full license to the holder of a permit should
6 the licensee or holder of a permit:

7 (1) fail to maintain standards prescribed and
8 published by the Department of Early Childhood;

9 (2) violate any of the provisions of the license
10 issued;

11 (3) furnish or make any misleading or any false
12 statement or report to the Department of Early Childhood;

13 (4) refuse to submit Department of Early Childhood any
14 reports or refuse to make available Department of Early
15 Childhood any records required by the Department of Early
16 Childhood in making investigation of the facility for
17 licensing purposes;

18 (5) fail or refuse to submit to an investigation by
19 the Department of Early Childhood;

20 (6) fail or refuse to admit authorized representatives
21 of the Department of Early Childhood at any reasonable
22 time for the purpose of investigation;

23 (7) fail to provide, maintain, equip and keep in safe
24 and sanitary condition premises established or used for
25 child care as required under standards prescribed by the
26 Department of Early Childhood or as otherwise required by

1 any law, regulation or ordinance applicable to the
2 location of such facility;

3 (8) refuse to display its license or permit;

4 (9) be the subject of an indicated report under
5 Section 3 of the Abused and Neglected Child Reporting Act
6 or fail to discharge or sever affiliation with the day
7 care center, day care home, or group day care home of an
8 employee or volunteer at the day care center, day care
9 home, or group day care home with direct contact with
10 children who is the subject of an indicated report under
11 Section 3 of that Act;

12 (10) fail to comply with the provisions of Section
13 7.1;

14 (11) fail to exercise reasonable care in the hiring,
15 training and supervision of facility personnel;

16 (12) fail to report suspected abuse or neglect of
17 children within the facility, as required by the Abused
18 and Neglected Child Reporting Act;

19 (12.5) fail to comply with subsection (c-5) of Section
20 7.4;

21 (13) fail to comply with Section 5.1 or 5.2 of this
22 Act; or

23 (14) be identified in an investigation by the
24 Department of Early Childhood as a person with a substance
25 use disorder, as defined in the Substance Use Disorder
26 Act, or be a person whom the Department of Early Childhood

1 knows has abused alcohol or drugs, and has not
2 successfully participated in treatment, self-help groups
3 or other suitable activities, and the Department of Early
4 Childhood determines that because of such abuse the
5 licensee, holder of the permit, or any other person
6 directly responsible for the care and welfare of the
7 children served, does not comply with standards relating
8 to character, suitability or other qualifications
9 established under Section 7.01 of this Act.

10 (225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

11 Sec. 8.1. The Department shall revoke or refuse to renew
12 the license of any child care facility (other than a day care
13 center, day care home, or group day care home) or refuse to
14 issue a full license to the holder of a permit should the
15 licensee or holder of a permit:

16 (1) fail to correct any condition which jeopardizes the
17 health, safety, morals, or welfare of children served by the
18 facility;

19 (2) fail to correct any condition or occurrence relating
20 to the operation or maintenance of the facility comprising a
21 violation under Section 8 of this Act; or

22 (3) fail to maintain financial resources adequate for the
23 satisfactory care of children served in regard to upkeep of
24 premises, and provisions for personal care, medical services,
25 clothing, education and other essentials in the proper care,

1 rearing and training of children.

2 (Source: P.A. 83-1362.)

3 (225 ILCS 10/8.1a new)

4 Sec. 8.1a. Other grounds for revocation or refusal to
5 renew license; Department of Early Childhood. The Department
6 of Early Childhood shall revoke or refuse to renew the license
7 of any day care center, day care home, or group day care home
8 or refuse to issue a full license to the holder of a permit
9 should the licensee or holder of a permit:

10 (1) fail to correct any condition which jeopardizes
11 the health, safety, morals, or welfare of children served
12 by the facility;

13 (2) fail to correct any condition or occurrence
14 relating to the operation or maintenance of the facility
15 comprising a violation under Section 8a of this Act; or

16 (3) fail to maintain financial resources adequate for
17 the satisfactory care of children served in regard to
18 upkeep of premises, and provisions for personal care,
19 medical services, clothing, education and other essentials
20 in the proper care, rearing and training of children.

21 (225 ILCS 10/8.2) (from Ch. 23, par. 2218.2)

22 Sec. 8.2. The Department may issue a conditional license
23 to any child care facility (other than a day care center, day
24 care home, or group day care home) which currently is licensed

1 under this Act. The conditional license shall be a
2 nonrenewable license for a period of 6 months and the
3 Department shall revoke any other license held by the
4 conditionally licensed facility. Conditional licenses shall
5 only be granted to facilities where no threat to the health,
6 safety, morals or welfare of the children served exists. A
7 complete listing of deficiencies and a corrective plan
8 approved by the Department shall be in existence at the time a
9 conditional license is issued. Failure by the facility to
10 correct the deficiencies or meet all licensing standards at
11 the end of the conditional license period shall result in
12 immediate revocation of or refusal to renew the facility's
13 license as provided in Section 8.1 of this Act.

14 (Source: P.A. 85-216.)

15 (225 ILCS 10/8.2a new)

16 Sec. 8.2a. Conditional license; Department of Early
17 Childhood. The Department of Early Childhood may issue a
18 conditional license to any day care center, day care home, or
19 group day care home which currently is licensed under this
20 Act. The conditional license shall be a nonrenewable license
21 for a period of 6 months and the Department of Early Childhood
22 shall revoke any other license held by the conditionally
23 licensed facility. Conditional licenses shall only be granted
24 to facilities where no threat to the health, safety, morals or
25 welfare of the children served exists. A complete listing of

1 deficiencies and a corrective plan approved by the Department
2 of Early Childhood shall be in existence at the time a
3 conditional license is issued. Failure by the facility to
4 correct the deficiencies or meet all licensing standards at
5 the end of the conditional license period shall result in
6 immediate revocation of or refusal to renew the facility's
7 license as provided in Section 8.1a of this Act.

8 (225 ILCS 10/8.5)

9 Sec. 8.5. Reporting suspected abuse or neglect; Department
10 of Children and Family Services. The Department shall address
11 through rules and procedures the failure of individual staff
12 at child care facilities (other than a day care center, day
13 care home, or group day care home) or child welfare agencies to
14 report suspected abuse or neglect of children within the child
15 care facility as required by the Abused and Neglected Child
16 Reporting Act.

17 The rules and procedures shall include provisions for when
18 the Department learns of the child care facility's staff's
19 failure to report suspected abuse or neglect of children and
20 the actions the Department will take to (i) ensure that the
21 child care facility takes immediate action with the individual
22 staff involved and (ii) investigate whether the failure to
23 report suspected abuse and neglect was a single incident or
24 part of a larger incident involving additional staff members
25 who failed to report, or whether the failure to report

1 suspected abuse and neglect is a system-wide problem within
2 the child care facility or child welfare agency. The rules and
3 procedures shall also include the use of corrective action
4 plans and the use of supervisory teams to review staff and
5 facility understanding of their reporting requirements.

6 The Department shall adopt rules by July 1, 2016.

7 (Source: P.A. 99-350, eff. 1-1-16.)

8 (225 ILCS 10/8.6 new)

9 Sec. 8.6. Reporting suspected abuse or neglect; Department
10 of Early Childhood. The Department of Early Childhood shall
11 address through rules and procedures the failure of individual
12 staff at day care centers, day care homes, and group day care
13 homes to report suspected abuse or neglect of children within
14 the child care facility as required by the Abused and
15 Neglected Child Reporting Act.

16 The rules and procedures shall include provisions for when
17 the Department of Early Childhood learns of the child care
18 facility's staff's failure to report suspected abuse or
19 neglect of children and the actions the Department of Early
20 Childhood will take to (i) ensure that the child care facility
21 takes immediate action with the individual staff involved and
22 (ii) investigate whether the failure to report suspected abuse
23 and neglect was a single incident or part of a larger incident
24 involving additional staff members who failed to report, or
25 whether the failure to report suspected abuse and neglect is a

1 system-wide problem within the child care facility. The rules
2 and procedures shall also include the use of corrective action
3 plans and the use of supervisory teams to review staff and
4 facility understanding of their reporting requirements.

5 The Department of Early Childhood shall adopt rules to
6 administer this Section.

7 (225 ILCS 10/9) (from Ch. 23, par. 2219)

8 Sec. 9. Prior to revocation or refusal to renew a license
9 (other than a license of a day care center, day care home, or
10 group day care home), the Department shall notify the licensee
11 by registered mail with postage prepaid, at the address
12 specified on the license, or at the address of the ranking or
13 presiding officer of a board of directors, or any equivalent
14 body conducting a child care facility, of the contemplated
15 action and that the licensee may, within 10 days of such
16 notification, dating from the postmark of the registered mail,
17 request in writing a public hearing before the Department,
18 and, at the same time, may request a written statement of
19 charges from the Department.

20 (a) Upon written request by the licensee, the Department
21 shall furnish such written statement of charges, and, at the
22 same time, shall set the date and place for the hearing. The
23 charges and notice of the hearing shall be delivered by
24 registered mail with postage prepaid, and the hearing must be
25 held within 30 days, dating from the date of the postmark of

1 the registered mail, except that notification must be made at
2 least 15 days in advance of the date set for the hearing.

3 (b) If no request for a hearing is made within 10 days
4 after notification, or if the Department determines, upon
5 holding a hearing, that the license should be revoked or
6 renewal denied, then the license shall be revoked or renewal
7 denied.

8 (c) Upon the hearing of proceedings in which the license
9 is revoked, renewal of license is refused or full license is
10 denied, the Director of the Department, or any officer or
11 employee duly authorized by the Director in writing, may
12 administer oaths and the Department may procure, by its
13 subpoena, the attendance of witnesses and the production of
14 relevant books and papers.

15 (d) At the time and place designated, the Director of the
16 Department or the officer or employee authorized by the
17 Director in writing, shall hear the charges, and both the
18 Department and the licensee shall be allowed to present in
19 person or by counsel such statements, testimony and evidence
20 as may be pertinent to the charges or to the defense thereto.
21 The hearing officer may continue such hearing from time to
22 time, but not to exceed a single period of 30 days, unless
23 special extenuating circumstances make further continuance
24 feasible.

25 (Source: P.A. 103-22, eff. 8-8-23.)

1 (225 ILCS 10/9.01 new)

2 Sec. 9.01. Revocation or refusal to renew a license;
3 Department of Early Childhood. Prior to revocation or refusal
4 to renew a license of a day care center, day care home, or
5 group day care home, the Department of Early Childhood shall
6 notify the licensee by registered mail with postage prepaid,
7 at the address specified on the license, or at the address of
8 the ranking or presiding officer of a board of directors, or
9 any equivalent body conducting a day care center, day care
10 home, or group day care home, of the contemplated action and
11 that the licensee may, within 10 days of such notification,
12 dating from the postmark of the registered mail, request in
13 writing a public hearing before the Department of Early
14 Childhood, and, at the same time, may request a written
15 statement of charges from the Department of Early Childhood.

16 (a) Upon written request by the licensee, the Department
17 of Early Childhood shall furnish such written statement of
18 charges, and, at the same time, shall set the date and place
19 for the hearing. The charges and notice of the hearing shall be
20 delivered by registered mail with postage prepaid, and the
21 hearing must be held within 30 days, dating from the date of
22 the postmark of the registered mail, except that notification
23 must be made at least 15 days in advance of the date set for
24 the hearing.

25 (b) If no request for a hearing is made within 10 days
26 after notification, or if the Department of Early Childhood

1 determines, upon holding a hearing, that the license should be
2 revoked or renewal denied, then the license shall be revoked
3 or renewal denied.

4 (c) Upon the hearing of proceedings in which the license
5 is revoked, renewal of license is refused, or full license is
6 denied, the Secretary of Early Childhood, or any officer or
7 employee duly authorized by the Secretary in writing, may
8 administer oaths and the Department of Early Childhood may
9 procure, by its subpoena, the attendance of witnesses and the
10 production of relevant books and papers.

11 (d) At the time and place designated, the Secretary of
12 Early Childhood or the officer or employee authorized by the
13 Secretary in writing shall hear the charges, and both the
14 Department of Early Childhood and the licensee shall be
15 allowed to present in person or by counsel such statements,
16 testimony, and evidence as may be pertinent to the charges or
17 to the defense thereto. The hearing officer may continue such
18 hearing from time to time, but not to exceed a single period of
19 30 days, unless special extenuating circumstances make further
20 continuance feasible.

21 (225 ILCS 10/9.1) (from Ch. 23, par. 2219.1)

22 Sec. 9.1. Before the Department of Children and Family
23 Services or the Department of Early Childhood initiates a
24 full-scale investigation of any complaint received regarding a
25 child care facility the Department may, when appropriate,

1 provide procedures for the substantiation of the complaint.

2 (Source: P.A. 87-265.)

3 (225 ILCS 10/9.1c)

4 Sec. 9.1c. Public database of day care homes, group day
5 care homes, and day care centers; license status. ~~The No later~~
6 ~~than July 1, 2018, the~~ Department of Early Childhood shall
7 establish and maintain on its official website a searchable
8 database, freely accessible to the public, that provides the
9 following information on each day care home, group day care
10 home, and day care center licensed by the Department of Early
11 Childhood: whether, within the past 5 years, the day care
12 home, group day care home, or day care center has had its
13 license revoked by or surrendered to the Department of
14 Children and Family Services or the Department of Early
15 Childhood during a child abuse or neglect investigation or its
16 application for a renewal of its license was denied by the
17 Department of Children and Family Services or the Department
18 of Early Childhood, and, if so, the dates upon which the
19 license was revoked by or surrendered to the Department of
20 Children and Family Services or the Department of Early
21 Childhood or the application for a renewal of the license was
22 denied by the Department of Children and Family Services or
23 the Department of Early Childhood. The Department of Early
24 Childhood may adopt any rules necessary to implement this
25 Section. Nothing in this Section shall be construed to allow

1 or authorize the Department of Early Childhood to release or
2 disclose any information that is prohibited from public
3 disclosure under this Act or under any other State or federal
4 law.

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

6 (225 ILCS 10/9.2)

7 Sec. 9.2. Toll free number; day care information. The
8 Department of Children and Family Services and the Department
9 of Early Childhood shall establish and maintain ~~a~~ statewide
10 toll-free telephone numbers ~~number~~ that all persons may use to
11 inquire about the past history and record of a day care
12 facility operating in this State under the jurisdiction of
13 each of the Departments. The past history and record shall
14 include, but shall not be limited to, Department substantiated
15 complaints by each Department against a day care facility and
16 ~~Department~~ staff findings by each Department of license
17 violations by a day care facility. Information disclosed in
18 accordance with this Section shall be subject to the
19 confidentiality requirements provided in this Act.

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

21 (225 ILCS 10/10) (from Ch. 23, par. 2220)

22 Sec. 10. Any circuit court, upon application either of the
23 person requesting a hearing or of the Department of Children
24 and Family Services or the Department of Early Childhood, may

1 require the attendance of witnesses and the production of
2 relevant books and papers before the Department of Children
3 and Family Services or the Department of Early Childhood in
4 any hearing relating to the refusal or revocation of licenses.
5 The refusal or neglect to obey the order of the court
6 compelling the attendance or production, is punishable as in
7 other cases of contempt.

8 (Source: P.A. 83-334.)

9 (225 ILCS 10/11) (from Ch. 23, par. 2221)

10 Sec. 11. Whenever the Department of Children and Family
11 Services or the Department of Early Childhood is advised, or
12 has reason to believe, that any person, group of persons or
13 corporation is operating a child welfare agency or a child
14 care facility without a license or permit, it shall make an
15 investigation to ascertain the facts. If the Department is
16 denied access, it shall request intervention of local, county
17 or State law enforcement agencies to seek an appropriate court
18 order or warrant to examine the premises. A person or entity
19 preventing the Department of Children and Family Services or
20 the Department of Early Childhood from carrying out its duties
21 under this Section shall be guilty of a violation of this Act
22 and shall be subject to such penalties related thereto. If the
23 Department of Children and Family Services or the Department
24 of Early Childhood ~~it~~ finds that the child welfare agency or
25 child care facility is being, or has been operated without a

1 license or permit, it shall report the results of its
2 investigation to the Attorney General, and to the appropriate
3 State's Attorney for investigation and, if appropriate,
4 prosecution.

5 Operating a child welfare agency or child care facility
6 without a license constitutes a Class A misdemeanor, followed
7 by a business offense, if the operator continues to operate
8 the facility and no effort is made to obtain a license. The
9 business offense fine shall not exceed \$10,000 and each day of
10 a violation is a separate offense.

11 (Source: P.A. 94-586, eff. 8-15-05.)

12 (225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

13 Sec. 11.1. Referrals to law enforcement.

14 (a) If the Department of Children and Family Services or
15 the Department of Early Childhood has reasonable cause to
16 believe that any person, group of persons, corporation,
17 agency, association, organization, institution, center, or
18 group is engaged or about to engage in any acts or practices
19 that constitute or will constitute a violation of this Act,
20 the Department shall inform the Attorney General or the
21 State's Attorney of the appropriate county, who may initiate
22 the appropriate civil or criminal proceedings. Upon a proper
23 showing, any circuit court may enter a permanent or
24 preliminary injunction or temporary restraining order without
25 bond to enforce this Act or any rule or regulation prescribed

1 thereunder in addition to the penalties and other remedies
2 provided in this Act.

3 (b) If the Department has reasonable cause to believe that
4 any person, group of persons, corporation, agency,
5 association, organization, institution, center, or group is
6 engaged or is about to engage in any act or practice that
7 constitutes or may constitute a violation of any rule adopted
8 under the authority of this Act, the Department may inform the
9 Attorney General or the State's Attorney of the appropriate
10 county, who may initiate the appropriate civil or criminal
11 proceedings. Upon a proper showing, any circuit court may
12 enter a permanent or preliminary injunction or temporary
13 restraining order without bond to enforce this Act or any rule
14 prescribed under this Act, in addition to the penalties and
15 other remedies provided in this Act.

16 (Source: P.A. 94-586, eff. 8-15-05.)

17 (225 ILCS 10/11.1a new)

18 Sec. 11.1a. Referrals to law enforcement; Department of
19 Early Childhood.

20 (a) If the Department of Early Childhood has reasonable
21 cause to believe that any person, group of persons,
22 corporation, agency, association, organization, institution,
23 center, or group is engaged or about to engage in any acts or
24 practices that constitute or will constitute a violation of
25 this Act, the Department of Early Childhood shall inform the

1 Attorney General or the State's Attorney of the appropriate
2 county, who may initiate the appropriate civil or criminal
3 proceedings. Upon a proper showing, any circuit court may
4 enter a permanent or preliminary injunction or temporary
5 restraining order without bond to enforce this Act or any rule
6 or regulation prescribed thereunder in addition to the
7 penalties and other remedies provided in this Act.

8 (b) If the Department of Early Childhood has reasonable
9 cause to believe that any person, group of persons,
10 corporation, agency, association, organization, institution,
11 center, or group is engaged or is about to engage in any act or
12 practice that constitutes or may constitute a violation of any
13 rule adopted under the authority of this Act, the Department
14 of Early Childhood may inform the Attorney General or the
15 State's Attorney of the appropriate county, who may initiate
16 the appropriate civil or criminal proceedings. Upon a proper
17 showing, any circuit court may enter a permanent or
18 preliminary injunction or temporary restraining order without
19 bond to enforce this Act or any rule prescribed under this Act,
20 in addition to the penalties and other remedies provided in
21 this Act.

22 (225 ILCS 10/11.2) (from Ch. 23, par. 2221.2)

23 Sec. 11.2. Whenever the Department expressly finds that
24 the continued operation of a child care facility, including
25 such facilities defined in Section 2.10 and unlicensed

1 facilities, jeopardizes the health, safety, morals, or welfare
2 of children served by the facility, the Department shall issue
3 an order of closure directing that the operation of the
4 facility terminate immediately, and, if applicable, shall
5 initiate revocation proceedings under Section 9 within ten
6 working days. A facility closed under this Section may not
7 operate during the pendency of any proceeding for the judicial
8 review of the decision of the Department to issue an order of
9 closure or to revoke or refuse to renew the license, except
10 under court order.

11 This Section does not apply to unlicensed facilities that
12 qualify for an exemption under Section 2.10, day care centers,
13 day care homes, and group day care homes.

14 (Source: P.A. 85-216.)

15 (225 ILCS 10/11.3 new)

16 Sec. 11.3. Order of closure; Department of Early
17 Childhood. Whenever the Department of Early Childhood
18 expressly finds that the continued operation of a day care
19 center, day care home, or group day care home, including a
20 facility defined in Section 2.10 and an unlicensed facility,
21 jeopardizes the health, safety, morals, or welfare of children
22 served by the facility, the Department of Early Childhood
23 shall issue an order of closure directing that the operation
24 of the facility terminate immediately, and, if applicable,
25 shall initiate revocation proceedings under Section 9.01

1 within 10 working days. A facility closed under this Section
2 may not operate during the pendency of any proceeding for the
3 judicial review of the decision of the Department of Early
4 Childhood to issue an order of closure or to revoke or refuse
5 to renew the license, except under court order.

6 (225 ILCS 10/12) (from Ch. 23, par. 2222)

7 Sec. 12. Advertisements; Department of Children and Family
8 Services.

9 (a) In this Section, "advertise" means communication by
10 any public medium originating or distributed in this State,
11 including, but not limited to, newspapers, periodicals,
12 telephone book listings, outdoor advertising signs, radio, or
13 television.

14 (b) With the exception of day care centers, day care
15 homes, and group day care homes, a ~~A~~ child care facility or
16 child welfare agency licensed or operating under a permit
17 issued by the Department may publish advertisements for the
18 services that the facility is specifically licensed or issued
19 a permit under this Act to provide. A person, group of persons,
20 agency, association, organization, corporation, institution,
21 center, or group who advertises or causes to be published any
22 advertisement offering, soliciting, or promising to perform
23 adoption services as defined in Section 2.24 of this Act is
24 guilty of a Class A misdemeanor and shall be subject to a fine
25 not to exceed \$10,000 or 9 months imprisonment for each

1 advertisement, unless that person, group of persons, agency,
2 association, organization, corporation, institution, center,
3 or group is (i) licensed or operating under a permit issued by
4 the Department as a child care facility or child welfare
5 agency, (ii) a birth parent or a prospective adoptive parent
6 acting on the birth parent's or prospective adoptive parent's
7 own behalf, or (iii) a licensed attorney advertising the
8 licensed attorney's availability to provide legal services
9 relating to adoption, as permitted by law.

10 (c) Every advertisement published after the effective date
11 of this amendatory Act of the 94th General Assembly shall
12 include the Department-issued license number of the facility
13 or agency.

14 (d) Any licensed child welfare agency providing adoption
15 services that, after the effective date of this amendatory Act
16 of the 94th General Assembly, causes to be published an
17 advertisement containing reckless or intentional
18 misrepresentations concerning adoption services or
19 circumstances material to the placement of a child for
20 adoption is guilty of a Class A misdemeanor and is subject to a
21 fine not to exceed \$10,000 or 9 months imprisonment for each
22 advertisement.

23 (e) An out-of-state agency that is not licensed in
24 Illinois and that has a written interagency agreement with one
25 or more Illinois licensed child welfare agencies may advertise
26 under this Section, provided that (i) the out-of-state agency

1 must be officially recognized by the United States Internal
2 Revenue Service as a tax-exempt organization under 501(c)(3)
3 of the Internal Revenue Code of 1986 (or any successor
4 provision of federal tax law), (ii) the out-of-state agency
5 provides only international adoption services and is covered
6 by the Intercountry Adoption Act of 2000, (iii) the
7 out-of-state agency displays, in the advertisement, the
8 license number of at least one of the Illinois licensed child
9 welfare agencies with which it has a written agreement, and
10 (iv) the advertisements pertain only to international adoption
11 services. Subsection (d) of this Section shall apply to any
12 out-of-state agencies described in this subsection (e).

13 (f) An advertiser, publisher, or broadcaster, including,
14 but not limited to, newspapers, periodicals, telephone book
15 publishers, outdoor advertising signs, radio stations, or
16 television stations, who knowingly or recklessly advertises or
17 publishes any advertisement offering, soliciting, or promising
18 to perform adoption services, as defined in Section 2.24 of
19 this Act, on behalf of a person, group of persons, agency,
20 association, organization, corporation, institution, center,
21 or group, not authorized to advertise under subsection (b) or
22 subsection (e) of this Section, is guilty of a Class A
23 misdemeanor and is subject to a fine not to exceed \$10,000 or 9
24 months imprisonment for each advertisement.

25 (g) The Department shall maintain a website listing child
26 welfare agencies licensed by the Department that provide

1 adoption services and other general information for birth
2 parents and adoptive parents. The website shall include, but
3 not be limited to, agency addresses, phone numbers, e-mail
4 addresses, website addresses, annual reports as referenced in
5 Section 7.6 of this Act, agency license numbers, the Birth
6 Parent Bill of Rights, the Adoptive Parents Bill of Rights,
7 and the Department's complaint registry established under
8 Section 9.1a of this Act. The Department shall adopt any rules
9 necessary to implement this Section.

10 (h) ~~(Blank) Nothing in this Act shall prohibit a day care~~
11 ~~agency, day care center, day care home, or group day care home~~
12 ~~that does not provide or perform adoption services, as defined~~
13 ~~in Section 2.24 of this Act, from advertising or marketing the~~
14 ~~day care agency, day care center, day care home, or group day~~
15 ~~care home.~~

16 (Source: P.A. 103-22, eff. 8-8-23.)

17 (225 ILCS 10/12.1 new)

18 Sec. 12.1. Advertisements; Department of Early Childhood.

19 (a) In this Section, "advertise" means communication by
20 any public medium originating or distributed in this State,
21 including, but not limited to, newspapers, periodicals,
22 telephone book listings, outdoor advertising signs, radio, or
23 television.

24 (b) A day care center, day care home, or group day care
25 home licensed or operating under a permit issued by the

1 Department of Early Childhood may publish advertisements for
2 the services that the day care center, day care home, or group
3 day care home is specifically licensed or issued a permit
4 under this Act to provide. A person, group of persons, agency,
5 association, organization, corporation, institution, center,
6 or group that advertises or causes to be published any
7 advertisement offering, soliciting, or promising to perform
8 adoption services as defined in Section 2.24 of this Act is
9 guilty of a Class A misdemeanor and shall be subject to a fine
10 not to exceed \$10,000 or 9 months' imprisonment for each
11 advertisement, unless that person, group of persons, agency,
12 association, organization, corporation, institution, center,
13 or group is licensed or operating under a permit issued by
14 Department of Early Childhood as a day care center, day care
15 home, or group day care home, as permitted by law.

16 (c) Every advertisement published after the effective date
17 of this amendatory Act of the 103rd General Assembly shall
18 include the Department of Early Childhood license number of
19 the facility or agency.

20 (225 ILCS 10/15) (from Ch. 23, par. 2225)

21 Sec. 15. With the exception of day care centers, day care
22 homes, and group day care homes, every ~~Every~~ child care
23 facility must keep and maintain such records as the Department
24 may prescribe pertaining to the admission, progress, health
25 and discharge of children under the care of the facility and

1 shall report relative thereto to the Department whenever
2 called for, upon forms prescribed by the Department. All
3 records regarding children and all facts learned about
4 children and their relatives must be kept confidential both by
5 the child care facility and by the Department.

6 Nothing contained in this Act prevents the sharing or
7 disclosure of information or records relating or pertaining to
8 juveniles subject to the provisions of the Serious Habitual
9 Offender Comprehensive Action Program when that information is
10 used to assist in the early identification and treatment of
11 habitual juvenile offenders.

12 Nothing contained in this Act prevents the disclosure of
13 information or records by a licensed child welfare agency as
14 required under subsection (c-5) of Section 7.4.

15 (Source: P.A. 94-1010, eff. 10-1-06.)

16 (225 ILCS 10/15.1 new)

17 Sec. 15.1. Records; confidentiality; Department of Early
18 Childhood. Every day care center, day care home, and group day
19 care home must keep and maintain such records as the
20 Department of Early Childhood may prescribe pertaining to the
21 admission, progress, health and discharge of children under
22 the care of the day care center, day care home, or group day
23 care home, and shall report relative thereto to the Department
24 of Early Childhood whenever called for, upon forms prescribed
25 by the Department of Early Childhood. All records regarding

1 children and all facts learned about children and their
2 relatives must be kept confidential both by the day care
3 center, day care home, or group day care home and by the
4 Department of Early Childhood.

5 (225 ILCS 10/16) (from Ch. 23, par. 2226)

6 Sec. 16. (a) Subsections (a-1) through (d) do not apply to
7 any circumstances to which Section 16.1 applies.

8 (a-1) ~~(a)~~ Any child care facility receiving a child for
9 care or supervision from a foreign state or country shall
10 report that child to the Department in the same manner as is
11 required for reporting other children.

12 (b) A person, agency or organization, other than a
13 licensed child care institution or child welfare agency, may
14 not receive a foreign child without prior notice to and
15 approval of the Department.

16 (c) In all instances the Department may require a guaranty
17 that a child accepted for care or supervision from a foreign
18 state or country will not become a public charge upon the State
19 of Illinois.

20 (d) Reports to the Department must be made, as required.

21 (e) The Department may enter into agreements with public
22 or voluntary social agencies headquartered in states adjacent
23 to the State of Illinois, regarding the placement of children
24 in licensed foster family homes within the boundaries of
25 Illinois, if the agencies meet the standards and criteria

1 required for license as a child welfare agency in Illinois.
2 The agreements may allow foreign agencies to place and
3 supervise children for whom they have responsibility within
4 the State of Illinois, without regard to subsection (a-1)
5 ~~paragraph (a)~~ of this Section. These agreements must, however,
6 include a requirement that the agencies cooperate fully with
7 the Department in its inquiry or investigation into the
8 activities and standards of those agencies, and provide that
9 the Department may, at any time upon 15 days written notice to
10 an agency by registered mail, void the agreement and require
11 the observance of subsection (a-1) ~~paragraph (a)~~ of this
12 Section.

13 (Source: P.A. 76-63.)

14 (225 ILCS 10/16.1 new)

15 Sec. 16.1. Child from a foreign state or country;
16 Department of Early Childhood.

17 (a) Any day care center, day care home, or group day care
18 home receiving a child for care or supervision from a foreign
19 state or country shall report that child to the Department of
20 Early Childhood in the same manner as is required for
21 reporting other children.

22 (b) A person, agency or organization, other than a
23 licensed child care institution, may not receive a foreign
24 child without prior notice to and approval of the Department
25 of Early Childhood.

1 (c) In all instances the Department of Early Childhood may
2 require a guaranty that a child accepted for care or
3 supervision from a foreign state or country will not become a
4 public charge upon the State of Illinois.

5 (d) Reports to the Department of Early Childhood must be
6 made, as required.

7 (225 ILCS 10/17) (from Ch. 23, par. 2227)

8 Sec. 17. The Administrative Review Law and the rules
9 adopted pursuant thereto apply to and govern, ~~applies to and~~
10 ~~governs~~ all proceedings for the judicial review of final
11 administrative decisions of the Department of Children and
12 Family Services and the Department of Early Childhood. The
13 term "administrative decision" is defined as in Section 3-101
14 of the Code of Civil Procedure.

15 (Source: P.A. 82-783.)

16 (225 ILCS 10/18) (from Ch. 23, par. 2228)

17 Sec. 18. Any person, group of persons, association, or
18 corporation who, with respect to a child care facility other
19 than a day care center, day care home, or group day care home:

20 (1) conducts, operates, or acts as a child care facility
21 without a license or permit to do so in violation of Section 3
22 of this Act;

23 (2) makes materially false statements in order to obtain a
24 license or permit;

1 (3) fails to keep the records and make the reports
2 provided under this Act;

3 (4) advertises any service not authorized by license or
4 permit held;

5 (5) publishes any advertisement in violation of this Act;

6 (6) receives within this State any child in violation of
7 Section 16 of this Act; or

8 (7) violates any other provision of this Act or any
9 reasonable rule or regulation adopted and published by the
10 Department for the enforcement of the provisions of this Act,
11 is guilty of a Class A misdemeanor and in case of an
12 association or corporation, imprisonment may be imposed upon
13 its officers who knowingly participated in the violation.

14 Any child care facility (other than a day care center, day
15 care home, or group day care home) that continues to operate
16 after its license is revoked under Section 8 of this Act or
17 after its license expires and the Department refused to renew
18 the license as provided in Section 8 of this Act is guilty of a
19 business offense and shall be fined an amount in excess of \$500
20 but not exceeding \$10,000, and each day of violation is a
21 separate offense.

22 In a prosecution under this Act, a defendant who relies
23 upon the relationship of any child to the defendant has the
24 burden of proof as to that relationship.

25 (Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

1 (225 ILCS 10/18.1 new)

2 Sec. 18.1. Violations; day care center, day care home, or
3 group day care home. Any person, group of persons,
4 association, or corporation that:

5 (1) conducts, operates or acts as a day care center,
6 day care home, or group day care home without a license or
7 permit to do so in violation of Section 3.01 of this Act;

8 (2) makes materially false statements in order to
9 obtain a license or permit;

10 (3) fails to keep the records and make the reports
11 provided under this Act;

12 (4) advertises any service not authorized by license
13 or permit held;

14 (5) publishes any advertisement in violation of this
15 Act;

16 (6) receives within this State any child in violation
17 of Section 16.1 of this Act; or

18 (7) violates any other provision of this Act or any
19 reasonable rule or regulation adopted and published by the
20 Department of Early Childhood for the enforcement of the
21 provisions of this Act,

22 is guilty of a Class A misdemeanor and, in the case of an
23 association or corporation, imprisonment may be imposed upon
24 its officers who knowingly participated in the violation.

25 Any day care center, day care home, or group day care home
26 that continues to operate after its license is revoked under

1 Section 8 or 8a of this Act or after its license expires and
2 the Department of Early Childhood refused to renew the license
3 as provided in Section 8 or 8a of this Act is guilty of a
4 business offense and shall be fined an amount in excess of \$500
5 but not exceeding \$10,000. Each day of violation is a separate
6 offense.

7 In a prosecution under this Act, a defendant who relies
8 upon the relationship of any child to the defendant has the
9 burden of proof as to that relationship.

10 ARTICLE 99. NONACCELERATION, SEVERABILITY,

11 AND

12 EFFECTIVE DATE

13 Section 99-1. No acceleration or delay. Where this Act
14 makes changes in a statute that is represented in this Act by
15 text that is not yet or no longer in effect (for example, a
16 Section represented by multiple versions), the use of that
17 text does not accelerate or delay the taking effect of (i) the
18 changes made by this Act or (ii) provisions derived from any
19 other Public Act.

20 Section 99-5. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99-99. Effective date. This Act takes effect upon

1 becoming law, except Article 95 takes effect on July 1,
2 2026.".