

1 AN ACT concerning regulation.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 2.09 and by adding Section 5.12 as follows:

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

7 Sec. 2.09. "Day care center" means any child care facility
8 which regularly provides day care for less than 24 hours per
9 day, except as provided for in Section 5.12, for (1) more than
10 8 children in a family home, or (2) more than 3 children in a
11 facility other than a family home, including senior citizen
12 buildings.

13 The term does not include:

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

23 (b) programs or that portion of the program which

1 serves children who shall have attained the age of 3 years
2 and which are recognized by the State Board of Education;

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

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

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

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

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

1 not limited to, programs offered by park districts
2 organized under the Park District Code to children who
3 shall have attained the age of 3 years old if the program
4 meets no more than 3.5 continuous hours at a time or less
5 and no more than 25 hours during any week, and the park
6 district conducts background investigations on employees
7 of the program pursuant to Section 8-23 of the Park
8 District Code;

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

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

12 (1) serves children who shall have attained the
13 age of 3 years;

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

17 (3) receives no governmental aid;

18 (4) is operated as a component of a religious,
19 nonprofit elementary school;

20 (5) operates primarily to provide religious
21 education; and

22 (6) meets appropriate State or local health and
23 fire safety standards; or

24 (j) programs or portions of programs that:

25 (1) serve only school-age children and youth
26 (defined as full-time kindergarten children, as

1 defined in 89 Ill. Adm. Code 407.45, or older);

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

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

7 (4) comply with the standards of the Illinois
8 Department of Public Health (77 Ill. Adm. Code 750) or
9 the local health department, the Illinois State Fire
10 Marshal (41 Ill. Adm. Code 100), and the following
11 additional health and safety requirements: procedures
12 for employee and volunteer emergency preparedness and
13 practice drills; procedures to ensure that first aid
14 kits are maintained and ready to use; the placement of
15 a minimum level of liability insurance as determined
16 by the Department; procedures for the availability of
17 a working telephone that is onsite and accessible at
18 all times; procedures to ensure that emergency phone
19 numbers are posted onsite; and a restriction on
20 handgun or weapon possession onsite, except if
21 possessed by a peace officer;

22 (5) perform and maintain authorization and results
23 of criminal history checks through the Illinois State
24 Police and FBI and checks of the Illinois Sex Offender
25 Registry, the National Sex Offender Registry, and
26 Child Abuse and Neglect Tracking System for employees

1 and volunteers who work directly with children;

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

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

9 (8) obtain and maintain records showing the first
10 and last name and date of birth of the child, name,
11 address, and telephone number of each parent,
12 emergency contact information, and written
13 authorization for medical care.

14 Programs or portions of programs requesting Child Care
15 Assistance Program (CCAP) funding and otherwise meeting the
16 requirements under item (j) shall request exemption from the
17 Department and be determined exempt prior to receiving funding
18 and must annually meet the eligibility requirements and be
19 appropriate for payment under the CCAP.

20 Programs or portions of programs under item (j) that do
21 not receive State or federal funds must comply with staff
22 qualification and training standards established by rule by
23 the Department of Human Services. The Department of Human
24 Services shall set such standards after review of Afterschool
25 for Children and Teens Now (ACT Now) evidence-based quality
26 standards developed for school-age out-of-school time

1 programs, feedback from the school-age out-of-school time
2 program professionals, and review of out-of-school time
3 professional development frameworks and quality tools.

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

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

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

13 (225 ILCS 10/5.12 new)

14 Sec. 5.12. Day care centers operating hours. A day care
15 center may operate for 24 hours or longer and may provide care
16 for a child for a period of up to 12 hours if the parent or
17 guardian of the child is employed in a position that requires
18 regularly scheduled shifts and a 10-hour period elapses
19 between day care visits. The Department shall adopt rules
20 necessary to implement and administer this Section.