

SB3387



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3387

Introduced 2/8/2024, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

305 ILCS 5/9A-11

from Ch. 23, par. 9A-11

Amends the Illinois Public Aid Code. Expands the categories of families and individuals eligible for child care assistance to include: early childhood assistants or aides, qualified assistants, early childhood teachers, and school-age workers who work at least 20 hours per week and meet income eligibility and other requirements. Provides that notwithstanding any other provision of law or administrative rule to the contrary, beginning in State fiscal year 2025, the specified income threshold for families with a household member who is an early childhood assistant or aide, qualified assistant, early childhood teacher, or school-age worker shall be no less than 300% of the then-current federal poverty level for each family size. Effective July 1, 2024.

LRB103 38396 KTG 68531 b

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 9A-11 as follows:

6 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

7 Sec. 9A-11. Child care.

8 (a) The General Assembly recognizes that all families with
9 children need child care in order to work. Child care is
10 expensive and families with limited access to economic
11 resources, including those who are transitioning from welfare
12 to work, often struggle to pay the costs of day care. Further,
13 for many child care professionals paying for child care can be
14 the difference between staying in the field or leaving the
15 field to take care of their own children. The General Assembly
16 recognizes that recruiting and retaining a high-quality child
17 care workforce is a significant factor in sustaining a
18 racially and ethnically diverse early childhood system and
19 reducing racial disparities in health and education outcomes.
20 The General Assembly understands the importance of helping
21 working families with limited access to economic resources
22 become and remain self-sufficient. The General Assembly also
23 believes that it is the responsibility of families to share in

1 the costs of child care. It is also the preference of the
2 General Assembly that all working families with limited access
3 to economic resources should be treated equally, regardless of
4 their welfare status.

5 (b) To the extent resources permit, the Illinois
6 Department shall provide child care services to parents or
7 other relatives as defined by rule who are working or
8 participating in employment or Department approved education
9 or training programs or are otherwise employed as provided in
10 this subsection. At a minimum, the Illinois Department shall
11 cover the following categories of families and individuals:

12 (1) recipients of TANF under Article IV participating
13 in work and training activities as specified in the
14 personal plan for employment and self-sufficiency;

15 (2) families transitioning from TANF to work;

16 (3) families at risk of becoming recipients of TANF;

17 (4) families with special needs as defined by rule;

18 (5) working families with very low incomes as defined
19 by rule;

20 (6) families that are not recipients of TANF and that
21 need child care assistance to participate in education and
22 training activities;

23 (7) youth in care, as defined in Section 4d of the
24 Children and Family Services Act, who are parents,
25 regardless of income or whether they are working or
26 participating in Department-approved employment or

1 education or training programs. Any family that receives
2 child care assistance in accordance with this paragraph
3 shall receive one additional 12-month child care
4 eligibility period after the parenting youth in care's
5 case with the Department of Children and Family Services
6 is closed, regardless of income or whether the parenting
7 youth in care is working or participating in
8 Department-approved employment or education or training
9 programs;

10 (8) families receiving Extended Family Support Program
11 services from the Department of Children and Family
12 Services, regardless of income or whether they are working
13 or participating in Department-approved employment or
14 education or training programs; ~~and~~

15 (9) families with children under the age of 5 who have
16 an open intact family services case with the Department of
17 Children and Family Services. Any family that receives
18 child care assistance in accordance with this paragraph
19 shall remain eligible for child care assistance 6 months
20 after the child's intact family services case is closed,
21 regardless of whether the child's parents or other
22 relatives as defined by rule are working or participating
23 in Department approved employment or education or training
24 programs. The Department of Human Services, in
25 consultation with the Department of Children and Family
26 Services, shall adopt rules to protect the privacy of

1 families who are the subject of an open intact family
2 services case when such families enroll in child care
3 services. Additional rules shall be adopted to offer
4 children who have an open intact family services case the
5 opportunity to receive an Early Intervention screening and
6 other services that their families may be eligible for as
7 provided by the Department of Human Services; ;

8 (10) early childhood assistants or aides or qualified
9 assistants, as described in 89 Ill. Adm. Code 406.10,
10 407.150, and 408.50, who: (i) have verified employment at
11 a day care center, day care home, or group day care home,
12 as defined in Sections 2.09, 2.18, and 2.20 of the Child
13 Care Act of 1969, including a license-exempt center with a
14 current exemption verification from the Department of
15 Children and Family Services; (ii) are the parents or
16 guardians of the children in need of care; and (iii) meet
17 the income eligibility requirements for child care
18 benefits. Child care employees applying for benefits under
19 this paragraph must work at least 20 hours per week; and

20 (11) early childhood teachers and school-age workers,
21 as described in 89 Ill. Adm. Code 407.140, who: (i) have
22 verified employment at a day care center, day care home,
23 or group day care home, as defined in Sections 2.09, 2.18,
24 and 2.20 of the Child Care Act of 1969, including a
25 license-exempt center with a current exemption
26 verification from the Department of Children and Family

1 Services; (ii) are the parents or guardians of the
2 children in need of care; and (iii) meet the income
3 eligibility requirements for child care benefits. Child
4 care employees applying for benefits under this paragraph
5 must work at least 20 hours per week.

6 Beginning October 1, 2023, and every October 1 thereafter,
7 the Department of Children and Family Services shall report to
8 the General Assembly on the number of children who received
9 child care via vouchers paid for by the Department of Children
10 and Family Services during the preceding fiscal year. The
11 report shall include the ages of children who received child
12 care, the type of child care they received, and the number of
13 months they received child care.

14 The Department shall specify by rule the conditions of
15 eligibility, the application process, and the types, amounts,
16 and duration of services. Eligibility for child care benefits
17 and the amount of child care provided may vary based on family
18 size, income, and other factors as specified by rule.

19 The Department shall update the Child Care Assistance
20 Program Eligibility Calculator posted on its website to
21 include a question on whether a family is applying for child
22 care assistance for the first time or is applying for a
23 redetermination of eligibility.

24 A family's eligibility for child care services shall be
25 redetermined no sooner than 12 months following the initial
26 determination or most recent redetermination. During the

1 12-month periods, the family shall remain eligible for child
2 care services regardless of (i) a change in family income,
3 unless family income exceeds 85% of State median income, or
4 (ii) a temporary change in the ongoing status of the parents or
5 other relatives, as defined by rule, as working or attending a
6 job training or educational program.

7 In determining income eligibility for child care benefits,
8 the Department annually, at the beginning of each fiscal year,
9 shall establish, by rule, one income threshold for each family
10 size, in relation to percentage of State median income for a
11 family of that size, that makes families with incomes below
12 the specified threshold eligible for assistance and families
13 with incomes above the specified threshold ineligible for
14 assistance. Through and including fiscal year 2007, the
15 specified threshold must be no less than 50% of the
16 then-current State median income for each family size.
17 Beginning in fiscal year 2008, the specified threshold must be
18 no less than 185% of the then-current federal poverty level
19 for each family size. Notwithstanding any other provision of
20 law or administrative rule to the contrary, beginning in
21 fiscal year 2019, the specified threshold for working families
22 with very low incomes as defined by rule must be no less than
23 185% of the then-current federal poverty level for each family
24 size. Notwithstanding any other provision of law or
25 administrative rule to the contrary, beginning in State fiscal
26 year 2022 through State fiscal year 2023, the specified income

1 threshold shall be no less than 200% of the then-current
2 federal poverty level for each family size. Beginning in State
3 fiscal year 2024, the specified income threshold shall be no
4 less than 225% of the then-current federal poverty level for
5 each family size. Notwithstanding any other provision of law
6 or administrative rule to the contrary, beginning in State
7 fiscal year 2025, the specified income threshold for families
8 with a household member who is an early childhood assistant or
9 aide, qualified assistant, early childhood teacher, or
10 school-age worker as described in paragraphs (10) and (11),
11 shall be no less than 300% of the then-current federal poverty
12 level for each family size.

13 In determining eligibility for assistance, the Department
14 shall not give preference to any category of recipients or
15 give preference to individuals based on their receipt of
16 benefits under this Code.

17 Nothing in this Section shall be construed as conferring
18 entitlement status to eligible families.

19 The Illinois Department is authorized to lower income
20 eligibility ceilings, raise parent co-payments, create waiting
21 lists, or take such other actions during a fiscal year as are
22 necessary to ensure that child care benefits paid under this
23 Article do not exceed the amounts appropriated for those child
24 care benefits. These changes may be accomplished by emergency
25 rule under Section 5-45 of the Illinois Administrative
26 Procedure Act, except that the limitation on the number of

1 emergency rules that may be adopted in a 24-month period shall
2 not apply.

3 The Illinois Department may contract with other State
4 agencies or child care organizations for the administration of
5 child care services.

6 (c) Payment shall be made for child care that otherwise
7 meets the requirements of this Section and applicable
8 standards of State and local law and regulation, including any
9 requirements the Illinois Department promulgates by rule in
10 addition to the licensure requirements promulgated by the
11 Department of Children and Family Services and Fire Prevention
12 and Safety requirements promulgated by the Office of the State
13 Fire Marshal, and is provided in any of the following:

14 (1) a child care center which is licensed or exempt
15 from licensure pursuant to Section 2.09 of the Child Care
16 Act of 1969;

17 (2) a licensed child care home or home exempt from
18 licensing;

19 (3) a licensed group child care home;

20 (4) other types of child care, including child care
21 provided by relatives or persons living in the same home
22 as the child, as determined by the Illinois Department by
23 rule.

24 (c-5) Solely for the purposes of coverage under the
25 Illinois Public Labor Relations Act, child and day care home
26 providers, including licensed and license exempt,

1 participating in the Department's child care assistance
2 program shall be considered to be public employees and the
3 State of Illinois shall be considered to be their employer as
4 of January 1, 2006 (the effective date of Public Act 94-320),
5 but not before. The State shall engage in collective
6 bargaining with an exclusive representative of child and day
7 care home providers participating in the child care assistance
8 program concerning their terms and conditions of employment
9 that are within the State's control. Nothing in this
10 subsection shall be understood to limit the right of families
11 receiving services defined in this Section to select child and
12 day care home providers or supervise them within the limits of
13 this Section. The State shall not be considered to be the
14 employer of child and day care home providers for any purposes
15 not specifically provided in Public Act 94-320, including, but
16 not limited to, purposes of vicarious liability in tort and
17 purposes of statutory retirement or health insurance benefits.
18 Child and day care home providers shall not be covered by the
19 State Employees Group Insurance Act of 1971.

20 In according child and day care home providers and their
21 selected representative rights under the Illinois Public Labor
22 Relations Act, the State intends that the State action
23 exemption to application of federal and State antitrust laws
24 be fully available to the extent that their activities are
25 authorized by Public Act 94-320.

26 (d) The Illinois Department shall establish, by rule, a

1 co-payment scale that provides for cost sharing by families
2 that receive child care services, including parents whose only
3 income is from assistance under this Code. The co-payment
4 shall be based on family income and family size and may be
5 based on other factors as appropriate. Co-payments may be
6 waived for families whose incomes are at or below the federal
7 poverty level.

8 (d-5) The Illinois Department, in consultation with its
9 Child Care and Development Advisory Council, shall develop a
10 plan to revise the child care assistance program's co-payment
11 scale. The plan shall be completed no later than February 1,
12 2008, and shall include:

13 (1) findings as to the percentage of income that the
14 average American family spends on child care and the
15 relative amounts that low-income families and the average
16 American family spend on other necessities of life;

17 (2) recommendations for revising the child care
18 co-payment scale to assure that families receiving child
19 care services from the Department are paying no more than
20 they can reasonably afford;

21 (3) recommendations for revising the child care
22 co-payment scale to provide at-risk children with complete
23 access to Preschool for All and Head Start; and

24 (4) recommendations for changes in child care program
25 policies that affect the affordability of child care.

26 (e) (Blank).

1 (f) The Illinois Department shall, by rule, set rates to
2 be paid for the various types of child care. Child care may be
3 provided through one of the following methods:

4 (1) arranging the child care through eligible
5 providers by use of purchase of service contracts or
6 vouchers;

7 (2) arranging with other agencies and community
8 volunteer groups for non-reimbursed child care;

9 (3) (blank); or

10 (4) adopting such other arrangements as the Department
11 determines appropriate.

12 (f-1) Within 30 days after June 4, 2018 (the effective
13 date of Public Act 100-587), the Department of Human Services
14 shall establish rates for child care providers that are no
15 less than the rates in effect on January 1, 2018 increased by
16 4.26%.

17 (f-5) (Blank).

18 (g) Families eligible for assistance under this Section
19 shall be given the following options:

20 (1) receiving a child care certificate issued by the
21 Department or a subcontractor of the Department that may
22 be used by the parents as payment for child care and
23 development services only; or

24 (2) if space is available, enrolling the child with a
25 child care provider that has a purchase of service
26 contract with the Department or a subcontractor of the

1 Department for the provision of child care and development
2 services. The Department may identify particular priority
3 populations for whom they may request special
4 consideration by a provider with purchase of service
5 contracts, provided that the providers shall be permitted
6 to maintain a balance of clients in terms of household
7 incomes and families and children with special needs, as
8 defined by rule.

9 (Source: P.A. 102-491, eff. 8-20-21; 102-813, eff. 5-13-22;
10 102-926, eff. 5-27-22; 103-8, eff. 6-7-23.)

11 Section 99. Effective date. This Act takes effect July 1,
12 2024.