

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 as follows:

6 (225 ILCS 10/2.09)

7 (Text of Section before amendment by P.A. 103-594)

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

14 The term does not include:

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

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

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

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

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

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

24 (g) special activities programs, including athletics,
25 recreation, crafts instruction, and similar activities
26 conducted on a ~~an organized and~~ periodic basis by civic,

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

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

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

15 (1) serves children who shall have attained the
16 age of 3 years;

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

20 (3) receives no governmental aid;

21 (4) is operated as a component of a religious,
22 nonprofit elementary school;

23 (5) operates primarily to provide religious
24 education; and

25 (6) meets appropriate State or local health and
26 fire safety standards; or

1 (j) programs or portions of programs that:

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

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

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

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

25 (5) perform and maintain authorization and results
26 of criminal history checks through the Illinois State

1 Police and FBI and checks of the Illinois Sex Offender
2 Registry, the National Sex Offender Registry, and
3 Child Abuse and Neglect Tracking System for employees
4 and volunteers who work directly with children;

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

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

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

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

23 Programs or portions of programs under item (j) that do
24 not receive State or federal funds must comply with staff
25 qualification and training standards established by rule by
26 the Department of Human Services. The Department of Human

1 Services shall set such standards after review of Afterschool
2 for Children and Teens Now (ACT Now) evidence-based quality
3 standards developed for school-age out-of-school time
4 programs, feedback from the school-age out-of-school time
5 program professionals, and review of out-of-school time
6 professional development frameworks and quality tools.

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

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

15 (Source: P.A. 103-153, eff. 6-30-23; 103-952, eff. 1-1-25.)

16 (Text of Section after amendment by P.A. 103-594)

17 Sec. 2.09. "Day care center" means any child care facility
18 which regularly provides day care for less than 24 hours per
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6 (Source: P.A. 103-153, eff. 6-30-23; 103-594, eff. 7-1-26;
7 103-952, eff. 1-1-25; revised 11-26-24.)

8 Section 95. No acceleration or delay. Where this Act makes
9 changes in a statute that is represented in this Act by text
10 that is not yet or no longer in effect (for example, a Section
11 represented by multiple versions), the use of that text does
12 not accelerate or delay the taking effect of (i) the changes
13 made by this Act or (ii) provisions derived from any other
14 Public Act.